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Source of document: Freedom of Information Act Request
Office of the Secretary (OS)
William Holzerland
MS-7328, MIB
1849 C Street, NW
Washington, DC 20240
Fax: (202) 219-2374
Email: osfoia@ios.doi.gov

FOIA submission during COVID-19 pandemic:
[FOIAonline](#)

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-DOI-OS-2021-001488

June 14, 2021

Via email

The Office of the Secretary FOIA office received your Freedom of Information Act (FOIA) request, dated December 27, 2020, on December 28, 2020 and assigned it control number **DOI-OS-2021-001488**. Please cite this number in any future communications with our office regarding your request.

A copy of each letter or email in the Office of Congressional and Legislative Affairs of the Department of the Interior TO or FROM Representative Deb Haaland. Please limit your search to the timeframe January 1, 2019 to the present.

Response

We are writing today to respond to your request on behalf of the Office of the Secretary.

We have enclosed two (2) files consisting of 507 pages, which are being released to you in their entirety.

Appeals

You may appeal this decision to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern Time, Monday through Friday, will be deemed received on the next workday. **Your appeal must be made in writing** and addressed to:

Attn: FOIA/Privacy Act Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in her sole discretion) that good cause exists to accept the defective appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA administrative appeals, including how the Department will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

Fees

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. (see 43 C.F.R. § 2.37(g)). Therefore, there is no billable fee for the processing of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770

Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Leah Fairman by phone at 202-513-0765, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. Additionally, contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

LEAH
FAIRMAN

Digitally signed by
LEAH FAIRMAN
Date: 2021.06.14
11:59:44 -04'00'

Leah Fairman
Deputy FOIA Officer
Office of the Secretary
FOIA Office

Electronic Enclosure

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 1, 2019

The Honorable David Bernhardt
Acting Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Acting Secretary Bernhardt:

On April 26, 2017, President Trump ordered then-Interior Secretary Zinke to conduct a sweeping review of national monuments established by Presidents Obama and Clinton pursuant to the Antiquities Act. Ultimately, this review led to the unprecedented and illegal reduction of two Presidentially-designated monuments, Bears Ears and Grand Staircase-Escalante, announced by President Trump on December 4, 2017.

Following the President's announcement, Committee Democrats voiced numerous concerns about both the Department of Interior's (DOI) review and the subsequent monument reduction process, sending letters on January 31, February 16, and October 1 of 2018 requesting further information, only one of which received a response.

These concerns are not confined to the Committee. Numerous parties have published well-investigated and thoroughly substantiated reports pointing to concerns with the process from multiple viewpoints. There are concerns that the monuments review was influenced by oil and gas

interests,¹ mining interests,² uranium interests,³ grazing interests,⁴ water rights interests,⁵ and political operatives.⁶ The review also ignored required input from sovereign tribal nations.⁷ These concerns require further consideration from the Committee. The decision to alter our national monuments has had a profound influence on local communities and tribal nations, and the American people have a right to know whether these impacts were perpetrated for the benefit of parties with financial or political interests in our publicly owned lands.

The DOI Office of the Inspector General (OIG) recently undertook an investigation to review one of these apparent conflicts of interest.⁸ The full report raises more questions than it answers. Transcripts of recorded conversations with current and former DOI officials demonstrate a concerning pattern of decision making on the part of officials managing the review and alteration process. While the OIG found no wrongdoing on the limited counts they considered, the full breadth of these interviews has only heightened the Committee's concerns about this process.

To assist the Committee's oversight on DOI's review and subsequent reduction of established national monuments, please provide the following documents and information as soon as possible, but no later than Friday, March 22, 2019:

1. Any communications sent or received by David Bernhardt, Downey Magallanes, Edwin Roberson, Ryan Zinke, and Aaron Moody from August 15th, 2018 to August 18th, 2018 regarding Utah public lands or lease sales in the State of Utah.

¹ New York Times. *Oil Was Central in Decision to Shrink Bears Ears Monument, Emails Show*. <https://www.nytimes.com/2018/03/02/climate/bears-ears-national-monument.html>

² Washington Post. *A Diminished Monument*. https://www.washingtonpost.com/graphics/2019/national/environment/will-anyone-mine-after-grand-staircase-escalante-reduction-by-trump/?utm_term=.002a4fb5ea77

³ New York Times. *Uranium Miners Pushed Hard for a Comeback. They Got Their Wish*. <https://www.nytimes.com/2018/01/13/climate/trump-uranium-bears-ears.html>

⁴ Washington Post. *Trump orders review of national monuments, vows to 'end those abuses and return control to the people.'* https://www.washingtonpost.com/news/energy-environment/wp/2017/04/25/zinke-to-review-large-national-monuments-created-since-1996-to-make-sure-the-people-have-a-voice/?utm_term=.f29bccc31501

⁵ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 3.

⁶ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 1 and 2.;

Desert News. *Behind the scenes: How Hatch's loyalty pushed Trump to undo Bears Ears*.

<https://www.deseretnews.com/article/865679308/Behind-the-scenes-How-Hatches-loyalty-pushed-Trump-to-undo-Bears-Ears.html>

⁷ Outside. *DOI Emails on Bears Ears Prove Trump Ignored Natives*. <https://www.outsideonline.com/2289136/utah-politicians-dont-care-about-natives>

Bears Ears Coalition. *Tribal Leaders Extremely Disappointed over Action by President Trump to Revoke and Replace Bears Ears National Monument*. <https://bearscoalition.org/tribal-leaders-extremely-disappointed-over-action-by-president-trump-to-revoke-and-replace-bears-ears-national-monument/>

⁸ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*.

2. Any documents and communications regarding the proposed lease sale of 16 parcels (approximately 1,600 acres) of federal land contained within the monument boundaries that were announced on August 15th, 2018.
3. Any communications exchanged between two or more of the following individuals: Brian Mueller, Tyler Ashcroft, Downey Magallanes, Matthew Betenson, Edwin Roberson, and Joshua Hanson regarding national monuments related issues between January 30, 2017 and the present.
4. Any communications between Downey Magallanes and Aaron Moody regarding national monuments related issues between March 1, 2017 and August 31, 2018.
5. Any communications between Downey Magallanes and members of the Kane County Water Conservancy District. Members should include any members of the staff or board of trustees of the District who were employed at any point from January 1, 2017 to present.
6. Any communications between Downey Magallanes and members of the Washington County Water Conservancy District. Members should include any members of the staff or board of trustees of the District who were employed at any point from January 1, 2017 to present.
7. Any drafts and final versions of the documents memorializing the process undertaken during the period of monument alteration referred to in Joshua Hanson's testimony to the DOI OIG: "Uh, I mean, so some of this we—you know, some of this is memorialized in, um, the—one of these sort of sensitive documents."⁹
8. Any communications sent or received by Downey Magallanes containing the terms: "Big Water," "Lake Powell Pipeline," "LPP," "Highway 89", or any other indication that the Lake Powell Pipeline was mentioned.
9. The document referenced by Downey Magallanes when she said in her interview with the DOI OIG: "It was assigned to me by the Secretary to undertake the monument, sort of, priorities that, um, were laid out in transition documents. Um, I never saw those transition documents, but it was the Transition team who --um, I guess, technically they're the --no, they were the Landing team. It goes Transition, Landing, Beach Head. So ... --um, the folks on the Beach Head Team who were a part of the Landing Team and Transition Team, you know, had informed me this was a transition priority."¹⁰
10. Any communications between Downey Magallanes and White House staff or Office of Management and Budget (OMB) staff regarding national monuments between January 30, 2017 and August 31, 2018.
11. Any communications between Ryan Zinke and White House staff or Office of Management and Budget (OMB) staff regarding national monuments between March 1, 2017 and December 15, 2018.
12. Any communications between Ryan Zinke and Downey Magallanes regarding national monuments between March 1, 2017 and August 31, 2018.

⁹ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 8. 28.

¹⁰ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 10. 4.

13. Participants, date and location, approximate length, meeting minutes, and agendas for any meetings taken between monument review staff, including but not limited to Ryan Zinke, Downey Magallanes, David Bernhardt, Joshua Hansen, Aaron Moody, Cally Younger, and Randall Bowman, and representatives of Energy Fuels Resources, Inc., Glacier Lake Resources, Inc., Ayers Energy LLC, Alpine Gems LLC, or other registered lobbyists regarding their interests in or around the national monuments being reviewed as per President Trump's April 26, 2017 executive order taken between November 8, 2016 and the present.
14. Participants, date and location, approximate length, meeting minutes, and agendas for any meetings taken between monument review staff, including but not limited to Ryan Zinke, Downey Magallanes, David Bernhardt, Joshua Hansen, Aaron Moody, Cally Younger, and Randall Bowman, and any members of the staff or board of trustees of the Kane County Water Conservancy District or the Washington County Water Conservancy District taken between January 1, 2017 and the present.
15. A copy of all the public comments that Randal Bowman considered "new information" regarding the public comment review process for the review of national monuments, as well as "the response to that" he referenced in his interview with the DOI OIG.¹¹
16. Any communications regarding the review or decision not to review cultural, archaeological, paleontological, and spiritual resources within the boundaries of the original Bears Ears National Monument or the Grand Staircase-Escalante National Monument exchanged between two or more of the following parties: Downey Magallanes, Ryan Zinke, David Bernhardt, Edwin Roberson, Joshua Hanson, Aaron Moody, Tyler Ashcroft, Brian Mueller, Matthew Betenson, or DOI staff specializing in resource protection.
17. Any communications regarding the decision announced on August 30, 2018 to alter the composition of the Bears Ear's Commission or that Commission's duties and responsibilities.¹²
18. Any communications representing outreach to sovereign tribal nations during the monument review process including but not limited to outreach to tribal representatives, or state, county or nonprofit officials purporting to represent tribal positions, outreach to the Bears Ears Commission per the requirements of Presidential Proclamation 9558, outreach addressing concerns regarding a lack of sufficient consultation with tribal nations, and any attempts to respond to or address concerns raised by the elected representatives of the Navajo, Hopi, Zuni, Ute and Ute Mountain Ute nations.
19. Unredacted and complete versions of some of the documents already provided to the DOI OIG, including¹³:
 - a. Objects Summary – GSENM, dated November 17, 2017

¹¹ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 14. 16.

¹² Bureau of Land Management. *BLM Seeks Nomination to Bears Ears National Monument Advisory Committee*. <https://www.blm.gov/press-release/blm-seeks-nominations-bears-ears-national-monument-advisory-committee>

¹³ U.S. Department of the Interior, Office of the Inspector General. *Alleged Preferential Treatment in Grand Staircase-Escalante National Monument Boundary Decision*. Attachment 7. 4; Attachment 11. 3; Attachment 12. 10.

- b. Nine (9) maps related to GSENM Historic and Geological Objects of Value and Physiographic Provinces.
- c. The list of prior Presidential modifications of national monuments compiled by Joshua Hanson and Aaron Moody.
- d. Spreadsheet – GSENM List of Historic and Scientific Objects
- e. Endemic Plants of GSENM.
- f. Map titled Paramount Production Areas.
- g. Paleontological Site Query.
- h. Paleontological Site Queries 2 and 3.
- i. Economic reports for each national monument created by the DOI Office of Policy Analysis (OPA), including the executive summaries of each report.
- j. Contents of the Google Drive at the time in which Randall Bowman and other DOI staff compiled documentation during the monuments review process.
- k. Randall Bowman's Monuments review contacts by Bureau.

We would be happy to work with you and your staff to develop a prioritized production schedule to ensure that we receive the information we seek without unduly burdening agency capacities.

If you have any questions regarding this request, please contact the National Parks, Forests, and Public Lands Subcommittee staff at 202-225-6065. Thank you for your attention to this matter.

Sincerely,



Raúl M. Grijalva
Chairman
House Committee on Natural Resources



Debra Haaland
Chair
Subcommittee on National Parks,
Forests, and Public Lands

Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., memory stick or thumb drive) in lieu of paper productions. Documents produced in electronic format should also be organized, identified, and indexed electronically. Consult with the Committee to determine the appropriate format in which to produce the information.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.
9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be Bates-stamped sequentially and produced sequentially.
15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building.

Definitions

1. The term "**document**" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape,

recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "**documents in your possession, custody, or control**" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term "**communication**" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, facsimile, mail, e-mail (desktop or mobile device), email attachment, text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.
4. The terms "**and**" and "**or**" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms "**person**" or "**persons**" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The term "**identify**," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The terms "**referring or relating**," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term "**employee**" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 19, 2019

The Honorable David Bernhardt
Acting Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Acting Secretary Bernhardt:

I am pleased to invite you to testify before the Subcommittee on National Parks, Forests, and Public Lands at a legislative hearing on H.R. 306, H.R. 434, H.R. 823, and H.R. 1708 to be held on April 2, 2019 at 2:00 p.m. in 1324 Longworth House Office Building, Washington, D.C.

At the hearing, you will be given five minutes to present your oral testimony. You are welcome to submit a longer statement in writing that will be included in the hearing record. After all witnesses have finished their oral testimony, each member of the Committee will have five minutes to comment and ask questions of witnesses.

Please review the enclosed documents and submit any requested information at least 48 hours prior to the scheduled hearing date. If you have any questions, please feel free to contact the Subcommittee clerk, Ms. Lily Wang, at (202) 225-1828. Thank you for your important contribution to the Subcommittee's work. I look forward to hearing your testimony.

Sincerely,



Debra Haaland
Chair
Subcommittee on National Parks, Forests, and
Public Lands

Enclosures: Committee Witness Requirements
"Truth in Testimony" Witness Disclosure Form
Rules of the Committee on Natural Resources (in email)
Rule XI of the Rules of the House of Representatives (in email)

RECEIVED

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Natural Resources

Subcommittee: National Parks, Forests, and Public Lands

Hearing Date: April 2, 2019

Hearing Subject:

Legislative Hearing on: H.R. 306, H.R. 434, H.R. 823, and H.R. 1708

Witness Name: David Bernhardt

Position/Title: Acting Secretary of the Interior

Witness Type: ☒ Governmental ☐ Non-governmental

Are you representing yourself or an organization? ☐ Self ☐ Organization

If you are representing an organization, please list what entity or entities you are representing:

If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

Date

If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.

- ☐ Written statement of proposed testimony
- ☐ Curriculum vitae

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Requirements for Witnesses Appearing before the House Committee on Natural Resources

Committee Rules require you to provide the following items to the Committee **at least 48 hours prior to** the hearing date:

1. **Brief Oral Statement.** Witnesses must provide their testimony to be orally presented to the Committee within their five-minute allotment.
2. **Written Testimony.** In addition, please provide an electronic copy (both in PDF and WORD for publishing purposes) for posting on the Committee website
3. **Audio Visuals.** For provide any audio visuals or PowerPoint presentations (in electronic format) to the clerk within 48 hours prior to hearing date.
4. **Submissions for the Record.** If you wish to submit additional materials for the record, **please email an electronic copy as a Microsoft Word document or as a non-scanned pdf, by the deadline indicated by the Chairman at the hearing (usually 10 calendars days).** Also, please limit submissions to 15 pages. We ask that you provide a link for submissions over 15 pages in length. This link will be used in place of the document in the printed hearing.
5. **Truth-in-Testimony Disclosure.** A “Truth-in-Testimony” disclosure form is enclosed and will be made publicly available following your testimony before the Committee.
6. **Résumé.** Witnesses should submit a current résumé summarizing their education, experience, and affiliations pertinent to the subject matter of the hearing.
7. **Seating in the Hearing Room.** Please be advised that the hearing room is small, and seating is very limited. We have reserved **2 additional seats per witness.** This is strictly enforced to ensure that our witnesses, staff, and the public have access to these public hearings in an effort to maintain transparency



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 25 2019

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva:

This responds to your March 1, 2019, letter to Acting Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. The President issued that EO in response to strong local concerns about past abuses of the Act.

Pursuant to the direction in that EO, former Secretary Zinke conducted a review of all Presidential designations or expansions of designations under the Act made since January 1, 1996, that exceeded 100,000 acres, or others deemed to have been made without adequate coordination and public outreach. This review and the subsequent report were informed by the Secretary's travel to eight monument sites in six states, more than 60 meetings held by the Secretary and his staff with hundreds of advocates for and opponents of monument designations, a review of more than 2.4 million public comments, and multiple tribal consultations. In a review of these actions, the Department's Inspector General, in OIG Report Number 18-0608, found that the Department established and consistently followed an appropriate process when conducting its review, in accordance with EO 13792, of the national monuments under consideration for boundary modifications.

While the Department is committed to expanding access to America's public lands, restoring traditional land use opportunities, and recreational opportunities nationwide in a manner that focuses on restoring full collaboration and coordination with local communities, it is important to note that any final decisions on the designation of monuments under the Act rests solely with the President in accordance with the Antiquities Act. Secretary Zinke delivered his final report outlining the Department's recommendations to the President in December, 2017.

In response to your request, we are enclosing with this letter 3 disks, labeled 00011691_001, 00011691_002, and 00011691_003. This submission totals 2,734 documents consisting of 19,982 pages.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact me by email at cole_rojewski@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,



Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Debra Haaland
Chair, Subcommittee on National Parks,
Forest, and Public Lands
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

May 10, 2019

The Honorable David Bernhardt
Acting Secretary
Department of Interior
1849 C Street, NW
Washington DC 20240

Margaret Everson
Principal Deputy Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington DC 20240

Dear Acting Secretary Bernhardt and Deputy Director Everson,

We write to request improvements in the conservation and management actions taken by the U.S. Fish and Wildlife Service (FWS) to put the endangered Mexican gray wolf on a path towards recovery. Just last month, the National Academies of Sciences determined that the Mexican gray wolf is, in fact, a valid taxonomic subspecies of the gray wolf, and the best available science has concluded that restoring genetic diversity to the wild population in the Southwest is critical to enabling the Mexican gray wolf subspecies to recover. Therefore, FWS must change its current management of the Mexican gray wolf to recover the species and improve the genetic health of the wild population.

Though FWS began reintroducing Mexican wolves in the wild in 1998, the wolf is far from its recovery goals and its genetic health is in serious decline, putting the species at extreme risk of extinction. With only 131 individuals in the Southwest today, it is past time that FWS follow the recommendations of independent, expert conservationists and biologists. Our request for a significant change in management is bolstered by the rebuke of FWS in an April 2018 federal district court ruling in a lawsuit filed by conservationists who challenged the FWS's 2015 management rule:

[T]his case is unique in that the same scientists that are cited by the agency publicly communicated their concern that the agency misapplied and misinterpreted findings in such a manner that the recovery of the species is compromised. To ignore this dire warning was an egregious oversight by the agency.¹

It is incumbent on FWS to adapt its management of the Mexican gray wolf to fit unbiased scientific assessments – especially considering past shortfalls in the growth of individual wolf numbers and of breeding pairs, along with current warnings of the worsening effects of inbreeding.

Accordingly, we request that you undertake the following changes in management to ensure the recovery of this species is not permanently precluded:

¹ Summary Judgment in Center for Biological Diversity et al v. Sally Jewell et al, 4:15-cv-00019-JGZ, April 2, 2018, p. 31.

1. Release at least eight wolf packs into appropriate habitats over the next two years, including the Gila National Forest;
2. Cease all lethal removals (including issuance of permits for individuals to kill wolves) and live-removals (except those for veterinary or genetic reasons) at least until publication of a final management rule to replace the rule struck down by the federal district court last April;
3. Work with applicable federal and state agencies, sovereign Native American tribes, and private land owners to implement more effective practices for animal husbandry, and thereby minimize opportunities for wolves to feed on livestock; and
4. Increase law enforcement protections for wolves in the wild to prevent illegal killings.

The presence of the Mexican gray wolf in the Southwestern landscape provides hope that we can learn from our mistakes and that the natural world can regenerate some of its dwindling wonder and beauty. Before the Mexican gray wolf is lost forever, we ask that you immediately take action to protect this unique part of the Southwest's heritage.

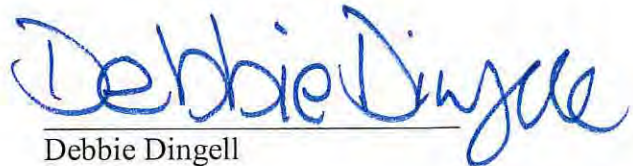
Thank you for your attention to this matter.

Sincerely,


Raúl M. Grijalva


Deb Haaland


Peter DeFazio


Debbie Dingell

Congress of the United States
Washington, DC 20515

May 14, 2019

Secretary David Bernhardt
Department of the Interior
1849 C Street NW
Washington DC 20240

Dear Secretary Bernhardt:

We write to express our concern with the National Park Service's proposed rule NPS-2019-0001, which would change regulations governing the listing of properties in the National Register of Historic Places (NRHP). Despite the adverse impact this proposed rule would have on Tribes and Tribal Historic Preservation Offices' (THPO's) ability to protect sacred places under the National Historic Preservation Act (NHPA), Tribes were not formally consulted as part of this rulemaking process. As a result, we urge you to suspend further action on this proposed rule and extend the public comment period until meaningful government-to-government consultation occurs and the harmful impact of this rule on Tribes can be adequately assessed in compliance with the federal government's well-established trust responsibility, the Department's Policy on Consultation with Indian Tribes, and Executive Order (EO) 13175.

Despite your Department's stated intention, the proposed rule goes far beyond merely implementing amendments to the National Historic Preservation Act (NHPA). It undermines and delays the NHPA Section 106 process, which works to mitigate the adverse effects that federally funded projects have on historic properties. The rule would also undermine the intent of the NHPA by inappropriately weakening the role of the Keeper of the Register, State Historic Preservation Officers (SHPOs), Tribes, and THPOs. By corrupting both the determination of eligibility and the nomination process of the NRHP, the rule would threaten the protection of historic properties and public interest in preserving our nation's cultural heritage.

The proposed rule would give federal agencies "pocket veto" power over determinations of eligibility to the NRHP. This would jeopardize whether a property's tribal significance is considered when being assessed for the NRHP by limiting Tribes' ability to meaningfully consult on the nomination and designation of tribally significant properties. Agencies unreceptive to tribal perspectives would be able to circumvent established policies and processes for consultation to identify tribally significant sites by merely refusing to refer a nomination to the Keeper. Additionally, this effective federal "pocket veto" could create significant delays and uncertainty in the Section 106 review process — the antithesis of the stated goal of streamlining.

This proposed rule would also grant effective veto power to large land owners in and around potentially eligible properties, who in many cases are ranch-owners, mine-owners, or energy developers whose interests often directly conflict with Tribes or with historic preservation generally. Unlike in the case of other stakeholders, current tribal ownership and management of nominated properties has little relationship to whether a property is of tribal significance — this is due to past and current federal policy and practices. This veto power would inhibit Tribes' ability to ensure that their sacred and historical resources are protected.

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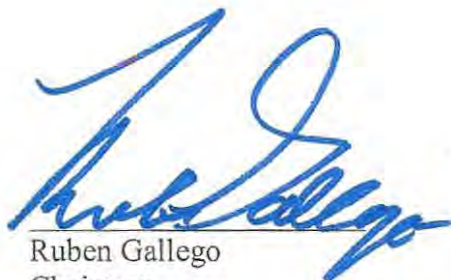
RECEIVED

This rule would not only undermine Tribes' ability to have meaningful input on the protection of important tribal places, especially off tribal land, but would effectively eliminate the Department's responsibility to execute the tribal consultation policy mandated under EO 13175. Despite this, the Department of the Interior (DOI) has determined that this proposed rule will have no direct effects on Tribes, and therefore no consultation is required.

The current DOI Policy on Consultation with Indian Tribes, consistent with EO 13175, requires government-to-government consultation between tribal officials and departmental officials on departmental "policies that have tribal implications." Additionally, the NHPA requires the government to consult with Tribes on areas significant to them, regardless of location. For DOI to claim that the proposed rule has no "substantial direct effect on Tribes" is contrary its own policies and constitutes a failure to uphold the Department's trust responsibilities to Tribes.

Due to your Department's failure to engage in government-to-government consultation with Tribes about the potential impact of this proposed rule, which clearly affects Tribes' and THPOs' prerogative to protect significant and historic sites, we ask that you extend the public comment period and acknowledge that tribal consultation is required under federal and DOI policy and will be initiated by DOI before this rulemaking proceeds further. We look forward to receiving your response.

Sincerely,



Ruben Gallego
Chairman
Subcommittee for Indigenous
Peoples of the U.S.



Raúl M. Grijalva
Chairman
House Committee on Natural
Resources



Deb Haaland
Chairwoman
Subcommittee on National
Parks, Forests, and Public Lands

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

May 20, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

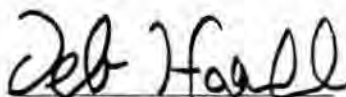
Dear Mr. Secretary:

I am pleased to invite you, or your designee, to testify before the Subcommittee on National Parks, Forests, and Public Lands at a legislative hearing on H.R. 1373, the Grand Canyon Centennial Protection Act, and H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019. The hearing will be held on June 5, 2019 at 10:00 a.m. in 1324 Longworth House Office Building, Washington, D.C.

At the hearing, you will be given five minutes to present your oral testimony. You are welcome to submit a longer statement in writing that will be included in the hearing record. After all witnesses have finished their oral testimony, each member of the Committee will have five minutes to comment and ask questions of witnesses.

Please review the enclosed documents and submit any requested information at least 48 hours prior to the scheduled hearing date. If you have any questions, please feel free to contact the Subcommittee clerk, Ms. Lily Wang, at (202) 225-1828. Thank you for your important contribution to the Subcommittee's work. I look forward to hearing your testimony.

Sincerely,



Debra Haaland

Chair

Subcommittee on National Parks, Forests, and
Public Lands

Enclosures: Committee Witness Requirements
"Truth in Testimony" Witness Disclosure Form
Rules of the Committee on Natural Resources (in email)
Rule XI of the Rules of the House of Representatives (in email)

Requirements for Witnesses Appearing before the House Committee on Natural Resources

Committee Rules require you to provide the following items to the Committee **at least 48 hours prior to** the hearing date:

1. **Brief Oral Statement.** Witnesses must provide their testimony to be orally presented to the Committee within their five-minute allotment.
2. **Written Testimony.** In addition, please provide an electronic copy (both in PDF and WORD for publishing purposes) for posting on the Committee website
3. **Audio Visuals.** For provide any audio visuals or PowerPoint presentations (in electronic format) to the clerk within 48 hours prior to hearing date.
4. **Submissions for the Record.** If you wish to submit additional materials for the record, **please email an electronic copy as a Microsoft Word document or as a non-scanned pdf, by the deadline indicated by the Chairman at the hearing (usually 10 calendars days).** Also, please limit submissions to 15 pages. We ask that you provide a link for submissions over 15 pages in length. This link will be used in place of the document in the printed hearing.
5. **Truth-in-Testimony Disclosure.** A “Truth-in-Testimony” disclosure form is enclosed and will be made publicly available following your testimony before the Committee.
6. **Résumé.** Witnesses should submit a current résumé summarizing their education, experience, and affiliations pertinent to the subject matter of the hearing.
7. **Seating in the Hearing Room.** Please be advised that the hearing room is small, and seating is very limited. We have reserved **2 additional seats per witness.** This is strictly enforced to ensure that our witnesses, staff, and the public have access to these public hearings in an effort to maintain transparency

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Natural Resources

Subcommittee: National Parks, Forests, and Public Lands

Hearing Date: June 5, 2019

Hearing Subject:

Legislative Hearing on H.R. 1373 and H.R. 2181

Witness Name: David Bernhardt

Position/Title: Secretary of the Interior

Witness Type: ☒ Governmental ☐ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

The Department of the Interior

If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

Date

Please attach, when applicable, the following documents to this disclosure. Check the box(es) to acknowledge that you have done so.

- ☐ Written statement of proposed testimony
- ☐ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240
JUN 21 2019

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

Dear Rep. Haaland:

This letter provides an additional response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on May 31, 2019.

Enclosed is a disc, labeled 00011691_006, that contains 115 documents consisting of 1,932 pages.

A similar letter has been transmitted to House Natural Resources Committee Chairman Raul Grijalva, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUN 21 2019

The Honorable Raul Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides an additional response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on May 31, 2019.

Enclosed is a disc, labeled 00011691_006, that contains 115 documents consisting of 1,932 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAY 31 2019

The Honorable Raul Grijalva
Chair, House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides an additional response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on May 3, 2019.

Enclosed is a disc, labeled 00011691_005, that contains 178 documents consisting of 1,200 pages.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact me by email at cole_rojewski@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Debra Haaland
Chair, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources

The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 03 2019

The Honorable Debra Haaland
Chair, Subcommittee on National Parks,
Forests, and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chair:

This letter provides an additional response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our previous response was transmitted to the Committee on March 25, 2019.

Enclosed is a disc, labeled 00011691_004, that contains 182 documents consisting of 2,291 pages.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact me by email at cole_rojewski@ios.doi.gov or by phone at (202) 208-7693.

A similar letter has been sent to Representative Raul Grijalva, Chairman of the Natural Resources Committee.

Sincerely,

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

Enclosure

cc: Representative Rob Bishop
Ranking Member
Committee on Natural Resources

Representative Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 03 2019

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva:

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A similar letter has been sent to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee.

Sincerely,

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

Enclosure

cc: Representative Rob Bishop
Ranking Member
Committee on Natural Resources

Representative Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/R2/ES-MXWF/070218

JUN 24 2019

The Honorable Raul Grijalva
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

Thank you for your letter of May 10, 2019, co-signed by several of your colleagues, regarding the conservation and management activities the U.S. Fish and Wildlife Service (Service) is undertaking to recover the Mexican wolf (*Canis lupus baileyi*). The Mexican wolf has been protected as an endangered gray wolf subspecies since 1976 under the Endangered Species Act (ESA).

Following near extinction, the Service, Mexico, and partner agencies initiated a binational captive breeding program descended from seven founder wolves and began efforts to re-establish Mexican wolves in the wild in the U.S. in 1998 and Mexico in 2011. In 2018, the U.S. wild Mexican wolf population increased by 12 percent over the previous year to 131 animals. Approximately 25 wolves are living in the wild in Mexico, with an additional 300 captive wolves living throughout the U.S. and Mexico. These population numbers indicate the program is effectively contributing to species recovery.

In January 2015, the Service separately listed the Mexican gray wolf subspecies as endangered and revised the nonessential experimental population regulations under the ESA, section 10(j), also referred to as the 2015 10(j) Rule. Shortly after, in December 2015, the Service began working with partners from New Mexico, Arizona, Utah, Colorado, Mexico, and independent scientists to develop a revised recovery plan. In November 2017, the Service completed a final, revised recovery plan, and the affected states endorsed it. The recovery plan included specific criteria for improving genetic diversity by releasing captive wolves into the wild.

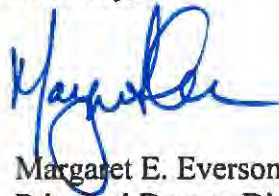
On March 15, 2018, the Service, Arizona Game and Fish Department, and New Mexico Department of Game and Fish, signed a Memorandum of Agreement stating the agencies would work cooperatively to determine the timing, location and circumstances of Mexican wolf releases into the wild in Arizona and New Mexico with the intent to facilitate species recovery. From this, the Interagency Field Team cross-fostered eight pups from captivity into the Arizona and New Mexico wild population in 2018, and 12 pups in 2019, to improve the wild population's gene diversity.

The Service is diligently working with our Office of Law Enforcement and the state game and fish agencies to address illegal wolf killings. We are also working to minimize removing wolves from the wild. However, high livestock depredations occasionally require us to remove Mexican wolves to reduce conflicts and increase social tolerance. We do so in accordance with the 2015 10(j) Rule.

In addition, the Service is working to revise the 2015 10(j) rule, per court order, by May 2021. During this process, the Service will work with federal and state agencies, Native American tribes, and other partners to analyze releases, removals and animal husbandry practices that minimize livestock depredations.

Thank you for your interest in Mexican wolf recovery. We will continue working with our partners to recover this iconic Southwest species. Please let us know if we can provide any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Margaret E. Everson', is positioned above the printed name.

Margaret E. Everson
Principal Deputy Director
Exercising the Authority of U.S. Fish and
Wildlife Service Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/R2/ES-MXWF/070218

JUN 24 2019

The Honorable Debbie Dingall
U.S. House of Representatives
Washington, DC 20515

Dear Representative Dingell:

Thank you for your letter of May 10, 2019, co-signed by several of your colleagues, regarding the conservation and management activities the U.S. Fish and Wildlife Service (Service) is undertaking to recover the Mexican wolf (*Canis lupus baileyi*). The Mexican wolf has been protected as an endangered gray wolf subspecies since 1976 under the Endangered Species Act (ESA).

Following near extinction, the Service, Mexico, and partner agencies initiated a binational captive breeding program descended from seven founder wolves and began efforts to re-establish Mexican wolves in the wild in the U.S. in 1998 and Mexico in 2011. In 2018, the U.S. wild Mexican wolf population increased by 12 percent over the previous year to 131 animals. Approximately 25 wolves are living in the wild in Mexico, with an additional 300 captive wolves living throughout the U.S. and Mexico. These population numbers indicate the program is effectively contributing to species recovery.

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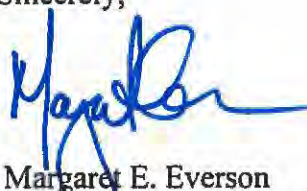
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The Service is diligently working with our Office of Law Enforcement and the state game and fish agencies to address illegal wolf killings. We are also working to minimize removing wolves from the wild. However, high livestock depredations occasionally require us to remove Mexican wolves to reduce conflicts and increase social tolerance. We do so in accordance with the 2015 10(j) Rule.

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Thank you for your interest in Mexican wolf recovery. We will continue working with our partners to recover this iconic Southwest species. Please let us know if we can provide any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Margaret E. Everson', with a stylized, flowing script.

Margaret E. Everson
Principal Deputy Director
Exercising the Authority of U.S. Fish and
Wildlife Service Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/R2/ES-MXWF/070218

JUN 24 2019

The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

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Following near extinction, the Service, Mexico, and partner agencies initiated a binational captive breeding program descended from seven founder wolves and began efforts to re-establish Mexican wolves in the wild in the U.S. in 1998 and Mexico in 2011. In 2018, the U.S. wild Mexican wolf population increased by 12 percent over the previous year to 131 animals. Approximately 25 wolves are living in the wild in Mexico, with an additional 300 captive wolves living throughout the U.S. and Mexico. These population numbers indicate the program is effectively contributing to species recovery.

In January 2015, the Service separately listed the Mexican gray wolf subspecies as endangered and revised the nonessential experimental population regulations under the ESA, section 10(j), also referred to as the 2015 10(j) Rule. Shortly after, in December 2015, the Service began working with partners from New Mexico, Arizona, Utah, Colorado, Mexico, and independent scientists to develop a revised recovery plan. In November 2017, the Service completed a final, revised recovery plan, and the affected states endorsed it. The recovery plan included specific criteria for improving genetic diversity by releasing captive wolves into the wild.

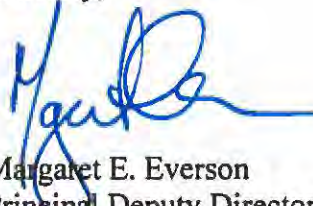
On March 15, 2018, the Service, Arizona Game and Fish Department, and New Mexico Department of Game and Fish, signed a Memorandum of Agreement stating the agencies would work cooperatively to determine the timing, location and circumstances of Mexican wolf releases into the wild in Arizona and New Mexico with the intent to facilitate species recovery. From this, the Interagency Field Team cross-fostered eight pups from captivity into the Arizona and New Mexico wild population in 2018, and 12 pups in 2019, to improve the wild population's gene diversity.

The Service is diligently working with our Office of Law Enforcement and the state game and fish agencies to address illegal wolf killings. We are also working to minimize removing wolves from the wild. However, high livestock depredations occasionally require us to remove Mexican wolves to reduce conflicts and increase social tolerance. We do so in accordance with the 2015 10(j) Rule.

In addition, the Service is working to revise the 2015 10(j) rule, per court order, by May 2021. During this process, the Service will work with federal and state agencies, Native American tribes, and other partners to analyze releases, removals and animal husbandry practices that minimize livestock depredations.

Thank you for your interest in Mexican wolf recovery. We will continue working with our partners to recover this iconic Southwest species. Please let us know if we can provide any further assistance.

Sincerely,



Margaret E. Everson
Principal Deputy Director
Exercising the Authority of U.S. Fish and
Wildlife Service Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/R2/ES-MXWF/070218

JUN 24 2019

The Honorable Peter DeFazio
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeFazio:

Thank you for your letter of May 10, 2019, co-signed by several of your colleagues, regarding the conservation and management activities the U.S. Fish and Wildlife Service (Service) is undertaking to recover the Mexican wolf (*Canis lupus baileyi*). The Mexican wolf has been protected as an endangered gray wolf subspecies since 1976 under the Endangered Species Act (ESA).

Following near extinction, the Service, Mexico, and partner agencies initiated a binational captive breeding program descended from seven founder wolves and began efforts to re-establish Mexican wolves in the wild in the U.S. in 1998 and Mexico in 2011. In 2018, the U.S. wild Mexican wolf population increased by 12 percent over the previous year to 131 animals. Approximately 25 wolves are living in the wild in Mexico, with an additional 300 captive wolves living throughout the U.S. and Mexico. These population numbers indicate the program is effectively contributing to species recovery.

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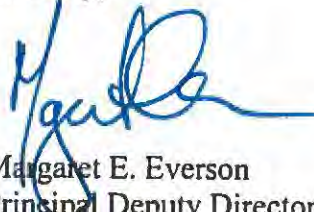
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Thank you for your interest in Mexican wolf recovery. We will continue working with our partners to recover this iconic Southwest species. Please let us know if we can provide any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Margaret E. Everson', is written over the printed name and title.

Margaret E. Everson
Principal Deputy Director
Exercising the Authority of U.S. Fish and
Wildlife Service Director



Congress of the United States

House of Representatives

Washington, DC 20515

EXECUT

THE
CLERK

June 21, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write today to express our concern with the Bureau of Land Management's (BLM) proposed surgical sterilization experiment to be conducted on wild horses in the Warm Springs Herd Management Area in Oregon (DOI-BLM-ORWA-B 050-2019-0013-EA (Spay Feasibility and On-Range Outcomes Environmental Assessment)).

While we understand the BLM's need to manage populations of wild horses, we are concerned about the rationale behind the decision to employ the "ovariectomy via colpotomy" method as a means of mass sterilization and are seeking clarification as to whether the agency has taken into account some of the unusual circumstances and disconcerting factors surrounding this project. In light of the November 2018 federal court ruling against the BLM, effectively blocking the agency from conducting the prior iteration of these experiments due to concerns over potential First Amendment public observation rights violations and because certain changes to the experimental protocol appeared arbitrary and capricious[1], we would urge the BLM to abandon plans to pursue these experiments.

In its comprehensive 2013 report outlining strategies for improving wild horse management in the United States, the National Academy of Sciences (NAS) explicitly warned against employing ovariectomy via colpotomy on wild horses, noting that the "possibility that ovariectomy may be followed by prolonged bleeding or peritoneal infection makes it inadvisable for field application." [2] In 2015, a NAS panel charged with considering various research proposals recommended against funding an ovariectomy via colpotomy project, noting that the procedure did not warrant further research, while also indicating that complication rates may be higher than expected.

It is our understanding the current proposal is substantially similar to, and indeed attempts to revive portions of, the discarded 2016 (DOI-BLM-OR-B000-2015-0055-EA) and 2018 (DOI-

BLM-ORWA-B050-2018-0016-EA) proposals on which the BLM sought to partner first with Oregon State University (OSU) and then with Colorado State University (CSU) in conducting and overseeing surgical sterilization experiments on wild horses.

In 2016, OSU withdrew from this project, leading the BLM to find a new academic institution – Colorado State University – to partner with for the 2018 proposal. CSU's experts were slated to monitor the procedure and provide follow-up welfare assessments of the horses that underwent the surgery. However, on August 8, 2018, CSU terminated its partnership with the BLM in conducting the ovariectomy research study such that the university would no longer be involved in any capacity. On August 22, 2018, the BLM announced it would move forward with the project regardless, dropping plans to partner with an academic institution to help oversee and carry out the experiment and issuing a revised Environmental Assessment without the CSU components. On November 13, 2018, a U.S. District Court granted a preliminary injunction halting the project for the aforementioned reasons, and later that month the Interior Board of Land Appeals formally vacated the Decision Record authorizing the experiments. Indeed, in a positive turn of events, the BLM announced in February of 2019 that it planned to return some of the rounded-up horses to the range and administer scientifically-proven immunocontraceptive vaccines to stabilize population growth.

We ask that you shed light on the BLM's reversal and new decision to push forward with the ovariectomy project – after three failed attempts to undertake the surgical sterilization experiments – as well as the decision to forgo working closely with an academic institution for the purposes of conducting this type of research study. At what stage did the BLM decide that identifying an academic partner that would provide expertise in equine veterinary medicine and welfare was no longer necessary to the project?

It is especially perplexing that in the new 2019 EA, as well as in the 2018 revised EA, the BLM continues to rely on CSU's Institutional Animal Care and Use Committee (IACUC) approval as a justification for continuing the project, despite CSU's withdrawal. The IACUC's approval was premised on CSU's participation and ability to provide oversight; the proposed experiment fundamentally changed at the point where CSU removed itself (and its team of veterinary and behavioral experts) from the project – most notably, through the absence of the welfare observations, which formed a crux of the proposal published on June 29, 2018, but are no longer a component of the project the BLM is attempting to yet again undertake.

The BLM received thousands of comments in opposition to the experiment. However, the current and previous proposals do not appear to incorporate any substantive revisions based on public input. Again, we would ask that the agency refrain from implementing this controversial mass surgical sterilization project given the agency's statutory mandate to uphold the welfare of these animals and the serious constitutional concerns that have been raised.

The BLM is charged with protecting wild horses under the landmark 1971 Wild and Free-Roaming Horses and Burros Act.^[3] From a welfare perspective, the “spay” experiment raises serious concerns. Ovariectomy via colpotomy (where a rod and chain is inserted blindly in order to sever the ovaries) carries risks of infection, trauma, hemorrhage, evisceration, and even death. Indeed, part of the stated experimental goal is to quantify morbidity and mortality (the 2018 EA

also considered factors such as the incidence of aborted foals resulting from ovariectomizing pregnant mares). It seems that the agency understands the risky nature of the procedure but is nevertheless aiming to quantify precisely how dangerous it is using federally-protected animals. This is especially disconcerting given the BLM's pronouncement that no post-operative antibiotics will be administered and that no veterinary interventions will be undertaken for any recovering horses returned to the range. The risk of infection or other complications is exacerbated by the fact that, by the agency's own admission, the surgeries will be conducted in an operating space that "may not be entirely sterile".[4]

At an absolute minimum, independent veterinary and welfare oversight (not unlike what we presume the BLM was hoping to achieve through partnerships with CSU and, before that, OSU) is necessary if a project of this type is to move forward in any respect. From a broader perspective, we would urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically-supported fertility control projects (e.g., the Porcine Zona Pullucida vaccine) that enjoy broad support among key stakeholders and the public at large and that pose fewer harms to the welfare of federally protected wild horses.

Thank you for your consideration.

Sincerely,



Earl Blumenauer
Member of Congress



Ro Khanna
Member of Congress



Andy Levin
Member of Congress




Ann McLane Kuster
Member of Congress

[1] *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.


[2] National Research Council. 2013. *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward*. Washington, DC: The National Academies Press.<https://doi.org/10.17226/13511>.

[3] The Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195). See "Section 1333. Powers and duties of the Secretary": "The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands ..."

[4] DOI-BLM-ORWA-B050-2019-0013-EA. "Spay Feasibility and On-Range Outcomes", Page 30.



Brian K. Fitzpatrick
Member of Congress

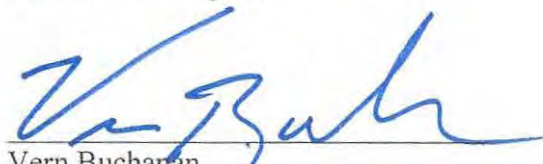

Lucille Roybal-Allard
Member of Congress

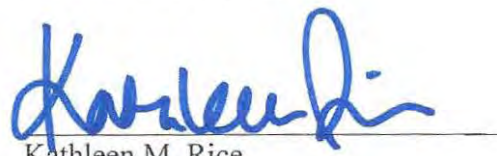

Steve Cohen
Member of Congress



Nydia Velázquez
Member of Congress

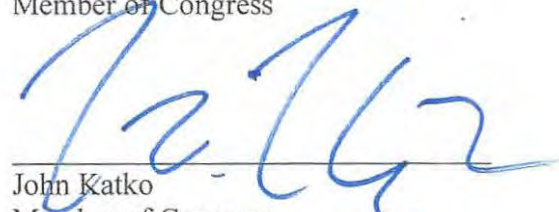

Jan Schakowsky
Member of Congress


Paul Tonko
Member of Congress


Vern Buchanan
Member of Congress


Kathleen M. Rice
Member of Congress


Bonnie Watson Coleman
Member of Congress

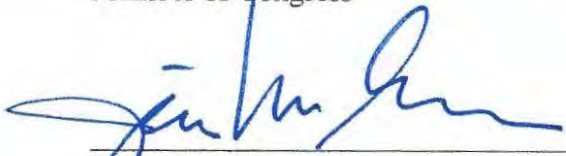

John Katko
Member of Congress


Dina Titus
Member of Congress


Barbara Lee
Member of Congress



John Yarmuth
Member of Congress



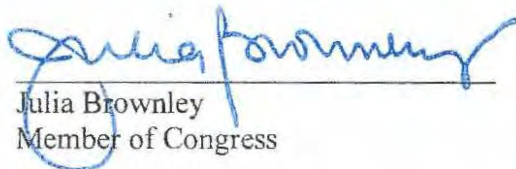
James P. McGovern
Member of Congress



J. Luis Correa
Member of Congress



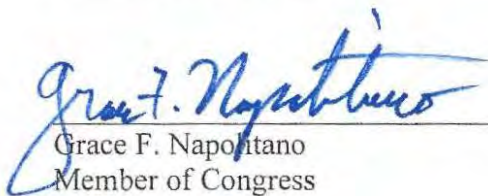
Donald S. Beyer
Member of Congress



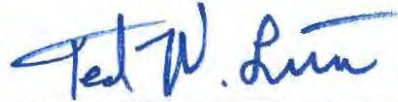
Julia Brownley
Member of Congress



Joe Neguse
Member of Congress



Grace F. Napolitano
Member of Congress



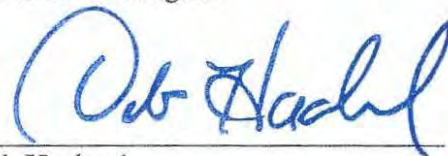
Ted Lieu
Member of Congress



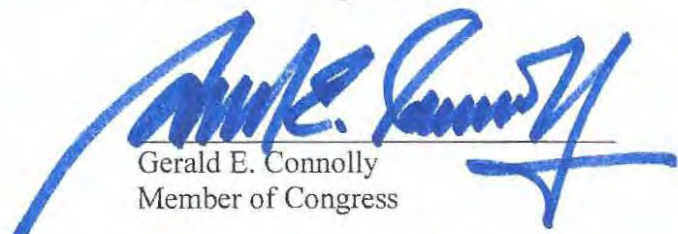
Mark DeSaulnier
Member of Congress



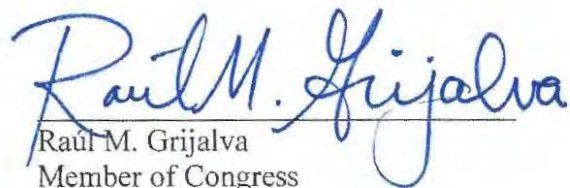
Katie Porter
Member of Congress



Deb Haaland
Member of Congress



Gerald E. Connolly
Member of Congress



Raul M. Grijalva
Member of Congress



Matt Gaetz
Member of Congress

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 26, 2019

029096

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

I am pleased to invite you, or your designee, to testify before the Subcommittee on National Parks, Forests, and Public Lands at a legislative hearing to be held on July 10, 2019, at 10:00 a.m. in 1324 Longworth House Office Building, Washington, D.C.

At the hearing, you will be given five minutes to present your oral testimony. You are welcome to submit a longer statement in writing that will be included in the hearing record. After all witnesses have finished their oral testimony, each member of the Committee will have five minutes to comment and ask questions of witnesses.

Please review the enclosed documents and submit any requested information at least 48 hours prior to the scheduled hearing date. If you have any questions, please feel free to contact the Subcommittee clerk, Ms. Lily Wang, at (202) 225-1828. Thank you for your important contribution to the Subcommittee's work. I look forward to hearing your testimony.

Sincerely,



Debra Haaland
Chair
Subcommittee on National Parks, Forests, and
Public Lands

Enclosures: Committee Witness Requirements
"Truth in Testimony" Witness Disclosure Form
Rules of the Committee on Natural Resources (in email)
Rule XI of the Rules of the House of Representatives (in email)

RECEIVED
2019 JUL -3 PM 10:10
OFFICE OF THE
EXECUTIVE SECRETARY

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Natural Resources

Subcommittee: National Parks, Forests, and Public Lands

Hearing Date: July 10, 2019

Hearing Subject:

Legislative hearing on H.R. 2199, H.R. 2215, H.R. 2250, H.R. 2546, H.R. 2642, and other bills to be determined.

Witness Name: David Bernhardt

Position/Title: Secretary, U.S. Department of the Interior

Witness Type: ☒ Governmental ☐ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

U.S. Department of the Interior

If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

Requirements for Witnesses Appearing before the House Committee on Natural Resources

Committee Rules require you to provide the following items to the Committee **at least 48 hours prior to** the hearing date:

1. **Brief Oral Statement.** Witnesses must provide their testimony to be orally presented to the Committee within their five-minute allotment.
2. **Written Testimony.** In addition, please provide an electronic copy (both in PDF and WORD for publishing purposes) for posting on the Committee website
3. **Audio Visuals.** For provide any audio visuals or PowerPoint presentations (in electronic format) to the clerk within 48 hours prior to hearing date.
4. **Submissions for the Record.** If you wish to submit additional materials for the record, **please email an electronic copy as a Microsoft Word document or as a non-scanned pdf, by the deadline indicated by the Chairman at the hearing (usually 10 calendars days)**. Also, please limit submissions to 15 pages. We ask that you provide a link for submissions over 15 pages in length. This link will be used in place of the document in the printed hearing.
5. **Truth-in-Testimony Disclosure.** A “Truth-in-Testimony” disclosure form is enclosed and will be made publicly available following your testimony before the Committee.
6. **Résumé.** Witnesses should submit a current résumé summarizing their education, experience, and affiliations pertinent to the subject matter of the hearing.
7. **Seating in the Hearing Room.** Please be advised that the hearing room is small, and seating is very limited. We have reserved **2 additional seats per witness**. This is strictly enforced to ensure that our witnesses, staff, and the public have access to these public hearings in an effort to maintain transparency

Congress of the United States

Washington, DC 20515

029404

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2019 JUL 23 AM 8:56

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 19, 2019

Secretary David Bernhardt
Department of the Interior
1849 C St., NW
Washington, DC 20240

Re: Proposed Changes to the Regulations Governing Federal Agency Nomination of Properties to the National Register of Historic Places

Dear Secretary Bernhardt:

On May 14, 2019, we wrote to express our concerns with the National Park Service's proposed rule, Fed. Reg. 41, 6996-7005, issued on March 1, 2019. To date, we have not received a response to our letter. We write to reiterate our deep concerns about inadequate tribal consultation and the consequences of finalizing the proposed rule without changes. We also request a response to our concerns in the form of a congressional briefing with relevant National Park Service staff prior to final rulemaking.

In light of the clear impacts this proposed rule would have on tribes, we were encouraged to see that the National Park Service revised its initial stance that "tribal consultation is not required because the rule will not have a substantial direct effect on federally recognized tribes" when, on May 24, 2019, it published a "Notice of Tribal consultation" and acknowledged the substantial direct effects the proposed rule would have on tribes. However, the tribal "consultation" described in the notice, consisting of one meeting and one teleconference in the space of a week, falls far short of the substantive consultation required by your Department's own policy and by our federal trust responsibilities as outlined in Executive Order 13175.

Tribes maintain deep cultural, historical, and archeological connections to what are now federal lands. In fact, the NHPA explicitly states that tribes have special expertise in identifying and assessing the NRHP eligibility of properties significant to them, and that agencies are obligated to consult with them on federal undertakings regardless of location. For this reason, it is critical that the Department not merely "check a box" when it comes to consultation with our tribal partners, but rather engage in a meaningful government-to-government consultation process. In this context, meaningful consultation includes, but is not limited to, engagement with tribal nations by Departmental officials possessing decision-making authority in all the geographical regions in which tribes are located to ensure that tribal concerns are comprehensively gathered and fully addressed before a final rule is promulgated.

Even in the context of the inadequate "consultation" process offered by your Department in this case, multiple substantive concerns regarding the proposed rule were raised by tribal leaders, reflecting the issues touched on in our previous letter. During the "consultation," Department officials indicated their desire for more detail with regard to certain substantive concerns, which could be better fleshed out and addressed in a full and meaningful consultation process.

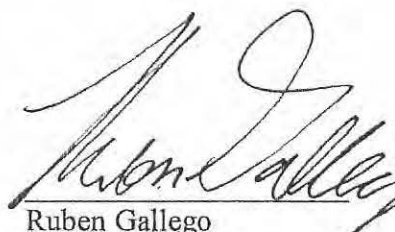
One such concern, which has been raised by many tribal governments and organizations, is the proposed rule's exceedance of the scope of the 2016 amendments to the National Historic Preservation Act (NHPA). First, the proposed rule would make federal agencies the only entities capable of initiating a nomination or determination of National Register of Historic Places (NRHP) eligibility of properties located on federal lands. Second, the proposed rule would improperly eliminate a party's ability under the NHPA, as amended, to appeal a federal agency's failure to nominate a property to the National Register of Historic Places. These changes directly conflict with the intent and content of the 2016 amendments to the NHPA and would effectively exclude multiple stakeholders, including tribes, from the federal process of preserving historic and cultural properties under the NHPA.


Additionally, as noted in our previous letter, the proposed rule would grant effective veto power to large land owners in and around potentially NRHP-eligible properties, who in many cases are ranch-owners, mine-owners, or energy developers whose interests directly conflict with historic preservation. We are concerned that this change, which does not reflect any existing provision in the NHPA, would jeopardize the preservation of historical and cultural properties of tribal significance on federal lands, which are an essential part of the rich heritage and history of America.

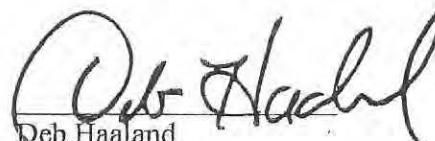
Due to our considerable procedural and substantive concerns with this proposed rule, we respectfully request a congressional briefing from relevant, decision-making staff at the National Park Service on the development, substance, and status of the rule before it is finalized. Additionally, we request that you reevaluate the proposed rule's compatibility with a good-faith interpretation of the NHPA and suspend further action on this proposed rule until the Department completes a full and meaningful government-to-government consultation process and fully addresses the concerns with the proposed rule expressed by tribal governments and organizations.

We look forward to receiving your response to our requests.

Sincerely,


Ruben Gallego
Chairman
Subcommittee for Indigenous
Peoples of the U.S.


Raúl M. Grijalva
Chairman
House Committee on Natural
Resources


Deb Haaland
Chairwoman
Subcommittee on National
Parks, Forests, & Public Lands

CC: Dan Smith, Deputy Director, exercising the authority of the Director of the National Park Service



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 22 2019

The Honorable Raul Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides a fifth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on June 21, 2019.

Enclosed is a disc, labeled 00011691_007, that contains 154 documents consisting of 1,917 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 22 2019

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

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Christopher P. Salotti
Legislative Counsel
Office of Congressional and
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Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 27 2019

The Honorable Raul Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

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Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 27 2019

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

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Enclosed is a disc, labeled 00011691_008, that contains 74 documents consisting of 2,092 pages.

A similar letter has been transmitted to House Natural Resources Committee Chairman Raul Grijalva, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 26, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

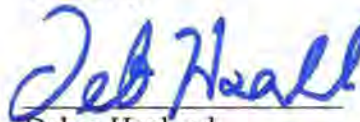
Dear Secretary Bernhardt:

I am pleased to invite you, or your designee, to testify before the Subcommittee on National Parks, Forests, and Public Lands at a legislative hearing on H.R. 3458, the Recreation Not Red Tape Act, and H.R. 3879, the Simplifying Outdoor Access for Recreation Act. The hearing is scheduled to be held on September 19, 2019, at 2:00 p.m. in 1324 Longworth House Office Building, Washington, D.C.

At the hearing, you will be given five minutes to present your oral testimony. You are welcome to submit a longer statement in writing that will be included in the hearing record. After all witnesses have finished their oral testimony, each member of the Committee will have five minutes to comment and ask questions of witnesses.

Please review the enclosed documents and submit any requested information at least 48 hours prior to the scheduled hearing date. If you have any questions, please feel free to contact the Subcommittee clerk, Ms. Lily Wang, at (202) 225-1828. Thank you for your important contribution to the Subcommittee's work. I look forward to hearing your testimony.

Sincerely,



Debra Haaland
Chair

Subcommittee on National Parks, Forests, and
Public Lands

Enclosures: Committee Witness Requirements
"Truth in Testimony" Witness Disclosure Form
Rules of the Committee on Natural Resources (in email)
Rule XI of the Rules of the House of Representatives (in email)

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Natural Resources

Subcommittee: National Parks, Forests, and Public Lands

Hearing Date: September 19, 2019

Hearing Subject:

H.R. 3458 and H.R. 3879

Witness Name: David Bernhardt

Position/Title: Secretary of the Interior

Witness Type: ☒ Governmental ☐ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

U.S. Department of the Interior

If you are a **non-governmental witness**, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a **non-governmental witness**, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

Date

Please attach, when applicable, the following documents to this disclosure. Check the box(es) to acknowledge that you have done so.

- ☐ Written statement of proposed testimony
- ☐ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

- (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and
- (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Requirements for Witnesses Appearing before the House Committee on Natural Resources

Committee Rules require you to provide the following items to the Committee **at least 48 hours prior to** the hearing date:

1. **Brief Oral Statement.** Witnesses must provide their testimony to be orally presented to the Committee within their five-minute allotment.
2. **Written Testimony.** In addition, please provide an electronic copy (both in PDF and WORD for publishing purposes) for posting on the Committee website
3. **Audio Visuals.** For provide any audio visuals or PowerPoint presentations (in electronic format) to the clerk within 48 hours prior to hearing date.
4. **Submissions for the Record.** If you wish to submit additional materials for the record, **please email an electronic copy as a Microsoft Word document or as a non-scanned pdf, by the deadline indicated by the Chairman at the hearing (usually 10 calendars days).** Also, please limit submissions to 15 pages. We ask that you provide a link for submissions over 15 pages in length. This link will be used in place of the document in the printed hearing.
5. **Truth-in-Testimony Disclosure.** A "Truth-in-Testimony" disclosure form is enclosed and will be made publicly available following your testimony before the Committee.
6. **Résumé.** Witnesses should submit a current résumé summarizing their education, experience, and affiliations pertinent to the subject matter of the hearing.
7. **Seating in the Hearing Room.** Please be advised that the hearing room is small, and seating is very limited. We have reserved **2 additional seats per witness.** This is strictly enforced to ensure that our witnesses, staff, and the public have access to these public hearings in an effort to maintain transparency



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 25 2019

The Honorable Raul Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides a seventh response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on July 22, 2019.

Enclosed is a disc, labeled 00011691_009, that contains 311 documents consisting of 1,633 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

SEP 25 2019

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

Dear Rep. Haaland:

This letter provides a seventh response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on July 22, 2019.

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Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515

September 13, 2019

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

Dear Secretary Bernhardt:

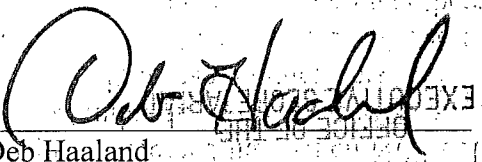
We write to express our concern with the National Park Service's (NPS) proposed rule, RIN 1024-AE49, issued on March 1, 2019, and the lack of meaningful consultation in the development of the proposed rule. The proposed rule would amend the regulations (36 CFR, Parts 60 and 63) governing the nomination and determination of eligibility for properties to be listed in the National Register of Historic Places (NRHP) and significantly affect the ability of tribes to have properties listed on the NRHP and to appeal decisions. We request that you suspend consideration of the proposed rule until NPS has held meaningful consultation with tribes throughout Indian country and address the substantial concerns that tribes have with the proposed rule.

We are deeply concerned that, when NPS published the proposed rule, the agency stated that it would have no "substantial direct effect" on tribes and, therefore, no consultation was required. As you know, tribes maintain significant cultural, historical, and spiritual ties to many federal lands. In exchange for ceding hundreds of millions of acres of land to build the United States, the federal government has trust responsibilities to tribal nations to protect their rights and interests. The NPS should have consulted with tribes prior to issuing the proposed rule. Only after tribes across the country expressed their strong objections did the agency respond by hosting one group meeting and one group teleconference with tribes that it called consultations. This response is inadequate and is not meaningful tribal consultation under Executive Order (EO) 13175 and the Department of Interior's tribal consultation policies.

Further, there are two parts of the proposed rule that are especially concerning. The first would significantly affect a tribe's ability to have properties listed on the NRHP by making federal agencies the only entity capable of initiating a nomination or eligibility determination. The second change would eliminate the ability of parties to appeal the agency's failure to nominate. Together, these two proposed changes would place the nomination process solely in the hands of the federal government and unduly limit the ability of tribes to preserve historic and cultural properties on federal lands.

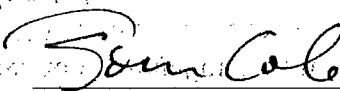
We request that you immediately suspend consideration of the proposed rule until meaningful tribal consultation can occur.

Sincerely,



Deb Haaland

Member of Congress



Tom Cole

Member of Congress

PRINTED ON RECYCLED PAPER

km. 1328

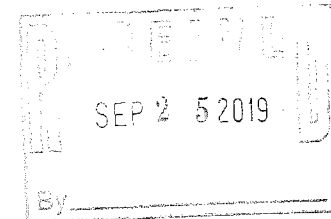
September 13, 2019

SECRET
 Department of Defense
 1849 C Street NW
 Washington, DC 20340

Variable	Mean	SD	Min	Max
Age	38.5	10.5	25	55
Gender	Male	Female	Male	Female
Marital status	Married	Single	Married	Single
Education	High school	College	High school	College
Income	\$10,000	\$20,000	\$10,000	\$20,000
Health status	Good	Poor	Good	Poor
Smoking status	Smoker	Non-smoker	Smoker	Non-smoker
Alcohol consumption	Regular	Occasional	Regular	Occasional
Exercise frequency	Weekly	Monthly	Weekly	Monthly
Stress level	High	Low	High	Low
Family size	2	3	2	3
Work hours	40	50	40	50
Job satisfaction	High	Low	High	Low
Life satisfaction	High	Low	High	Low
Overall health	Good	Poor	Good	Poor

Sam Cole

M.C.





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Earl Blumenauer
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Blumenauer:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

The proposed surgical sterilization method in the May 2019 environmental assessment (EA) in Oregon is ovariectomy via colpotomy and will be used only on wild horses removed from the Warm Springs Herd Management Area (HMA). To clarify, this EA (pages 6, 8, 12, and 26) includes language providing that, prior to any future use by the BLM, this spay method will be subject to further National Environmental Policy Act (NEPA) compliance and separate decisions. This site-specific proposal by no means implies that the BLM is planning to utilize this procedure on a large-scale basis without further decision-making via the NEPA process, let alone to employ "mass sterilization."

While any surgical procedure carries risks, there is much support for using permanent surgical sterilization methods on wild horses. The seminal 2013 National Academies of Science Wild Horse and Burro program review evaluated fertility control methods, including mare ovariectomy, and found that ovariectomy via colpotomy is an approach that avoids an external incision and dramatically reduces the chance of complication or infection.

Meanwhile, the 2015 National Research Council review of research proposals sent to the BLM evaluated a study that measured the surgical outcomes of ovariectomy via colpotomy and concluded, "The committee believes this procedure could be operationalized immediately to sterilize mares, with the caveat that fatalities may be higher than the 1% reported in the literature." More recently published scientific studies from the Sheldon National Wildlife Refuge (Collins and Kasbohm 2016) and other sources (e.g. Prado and Schumacher 2017) point to a 2% or lower rate of major complications with this method.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Ro Khanna
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Khanna:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Andy Levin
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Levin:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



The Honorable Ann McLane Kuster
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Kuster:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Brian Fitzpatrick
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Fitzpatrick:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



The Honorable Lucille Roybal-Allard
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Roybal-Allard:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



The Honorable Steve Cohen
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Cohen:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Nydia Velázquez
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Velázquez:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Jan Schakowsky
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Schakowsky:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Paul Tonko
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Tonko:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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The Honorable Vern Buchanan
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Buchanan:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Kathleen Rice
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Rice:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Bonnie Coleman
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Coleman:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable John Katko
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Katko:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Dina Titus
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Titus:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Barbara Lee
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Lee:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable John Yarmuth
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Yarmuth:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Ted Lieu
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Lieu:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable James McGovern
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative McGovern:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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The Honorable Mark DeSaulnier
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative DeSaulnier:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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<http://www.blm.gov>



The Honorable J. Luis Correa
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Correa:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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While any surgical procedure carries risks, there is much support for using permanent surgical sterilization methods on wild horses. The seminal 2013 National Academies of Science Wild Horse and Burro program review evaluated fertility control methods, including mare ovariectomy, and found that ovariectomy via colpotomy is an approach that avoids an external incision and dramatically reduces the chance of complication or infection.

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The Honorable Katie Porter
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Porter:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Donald Beyer
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Beyer:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Haaland:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Julia Brownley
U.S. House of Representatives
Washington, DC 20515

NOT 02 2019

Dear Representative Brownley:

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The Honorable Gerald Connolly
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Connolly:

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The Honorable Joe Neguse
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Neguse:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Raúl Grijalva
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Grijalva:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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The Honorable Grace Napolitano
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Napolitano:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Matt Gaetz
U.S. House of Representatives
Washington, DC 20515

OCT 02 2019

Dear Representative Gaetz:

Thank you for your letter dated June 21, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Cory Booker
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Booker:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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The Honorable Tom Udall
United States Senate
Washington, DC 20510

NOV 02 2019

Dear Senator Udall:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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The Honorable Kamala Harris
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Harris:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

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Meanwhile, the 2015 National Research Council review of research proposals sent to the BLM evaluated a study that measured the surgical outcomes of ovariectomy via colpotomy and concluded, "The committee believes this procedure could be operationalized immediately to sterilize mares, with the caveat that fatalities may be higher than the 1% reported in the literature." More recently published scientific studies from the Sheldon National Wildlife Refuge (Collins and Kasbohm 2016) and other sources (*e.g.* Prado and Schumacher 2017) point to a 2% or lower rate of major complications with this method.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



The Honorable Edward Markey
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Markey:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Richard Blumenthal
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Blumenthal:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Robert Menendez
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Menendez:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



The Honorable Christopher Coons
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Coons:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

OCT 02 2019

Dear Senator Feinstein:

Thank you for your letter dated July 17, 2019, to Secretary of the Interior David Bernhardt regarding the Bureau of Land Management's (BLM's) proposed surgical sterilization research project in Oregon. Secretary Bernhardt asked me to respond on his behalf.

As you mentioned in your letter, the BLM is mandated by law to manage the wild horse and burro herds on public lands. In addition, with herd populations over 88,000 (more than three times Appropriate Management Levels [AMLs]), there is a need to identify ways in which population growth can be curtailed without employing costly, large-scale annual gathers. The BLM believes that permanent sterilization is one of the many tools it must utilize to curb population growth rates and to bring herd populations down to AMLs. Preserving animal health, along with restoring rangelands impacted by excessive wild horse and burro populations and protecting native fish and wildlife populations, is paramount in the BLM's management of these herds.

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On September 12, 2018, the BLM Burns District released a decision record (DR) that, in part, discussed that the BLM would assess the feasibility of conducting surgical spay procedures at a BLM facility in Burns, Oregon. Following a preliminary injunction issued by the federal courts, the BLM rescinded this decision to address issues raised by the courts.

The BLM issued a second DR in April 2019 that, in part, provided that the BLM Burns District retained the right to issue new decisions pertaining to those horses, including any population control measures. In May 2019, the BLM Burns District revised the previous EA and included a 30-day public comment period addressing issues raised in the 2018 preliminary injunction. Throughout the NEPA process, the BLM addressed all substantive comments about the proposed mare sterilization, and there has been no court finding or suggestion of any BLM inadequacy in that area. No DR has been signed for this particular EA that finalizes the observation opportunities for the potential procedures or addresses the social science concerns.

Unfortunately, Oregon State University (in 2016) and Colorado State University (in 2018) withdrew from participation in the BLM's decision-making process, partly in response to public pressure campaigns led by animal rights groups, but not due to any real concerns about the BLM's study design, plans for veterinary care, or the surgical procedure itself.

You also noted that the BLM would not be providing post-operative antibiotics and that no veterinary interventions would be undertaken for any horses returned to the range. First, the May 2019 EA (pages 22 and 31) explains that no additional postoperative antibiotics would be given because the long-lasting antibiotics provided at the time of surgery are expected to deliver adequate antimicrobial effects. Second, all horses undergoing surgery would receive veterinary interventions during the recovery period at the Oregon Wild Horse Corral Facility. After horses have recovered and are returned to the range, however, "no further veterinary interventions would be possible" (May 2019 EA, page 32).

Finally, the BLM continues to fund research related to population growth suppressions, including but not limited to multiple studies for further development and application of long-lasting *Porcine zona pellucida* (PZP) and *gonadotropin-releasing hormone* (GonaCon) vaccines as well as the feasibility of dart-based PZP application in burros. Such research is necessary because the BLM continues to require a single-treatment, multi-year, high-efficacy contraceptive, especially for the majority of HMAs where horses are not approachable or readily accessible.

The BLM's continued underlying goal is to ensure the best possible outcomes for both the animals and the land on which they live. If you have further questions, please contact Patrick Wilkinson at 202-912-7429. A similar reply is being sent to the co-signers of your letter.

Sincerely,



William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

Congress of the United States RECEIVED

Washington, DC 20515

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OFFICE OF THE
EXECUTIVE SECRETARIAT

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

October 23rd, 2019

Dear Secretary Bernhardt,

We write regarding the Bureau of Land Management's ("BLM") report on the Wild Horse and Burro Program, as it is now approximately 91 days past the deadline for that report. Each day, the number of wild horses and burros in the BLM's care continues to grow both on and off-the-range, with current estimates at around 88,000 animals on-the-range and close to 47,000 held off-the-range. It is clear that the BLM's current practice of rounding up wild horses and burros and warehousing them off-the-range is not addressing the population growth, and we urge BLM to release their plan for Congressional review immediately.

Congress has twice asked BLM to determine how to revamp the Wild Horse and Burro Program, the agency's management program for wild horses and burros.¹ However, the report submitted to Congress on April 26, 2018, entitled "Management Options for a Sustainable Wild Horse and Burro Program" only provided Congress with potential management options while providing little detail on BLM's actual management strategy going forward. Thus, Congress determined that more analysis was needed to better design and implement an effective management program. This report was to be supplemented by additional analysis from the BLM to Congress no later than 180 days after the enactment of the Consolidated Appropriations Act of 2019, or by July 24, 2019.²

The details of what should be included in the supplemental report are outlined in H. Rept. No 115-765, and include the following:

The Committee requests that the Bureau conduct an analysis that identifies factors for success, total funding requirements, and expected results on potential options that (1) remove animals from the range; (2) increase the use of sterilization; (3) increase the use of short-term fertility control; (4) provide an adoption incentive of \$1,000 per animal; and either (a) allow animals older than 10 years of age to be humanely euthanized; or (b) prohibit the use of euthanasia on healthy wild horses and burros.

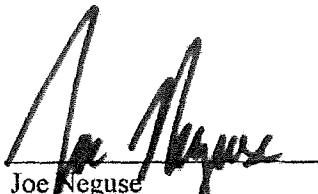
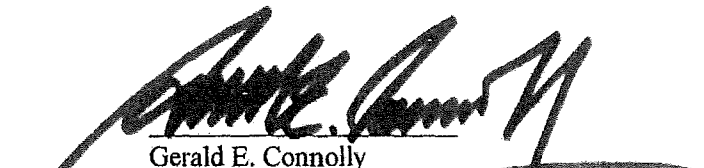
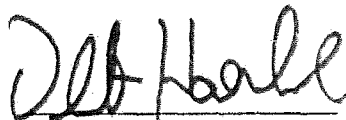

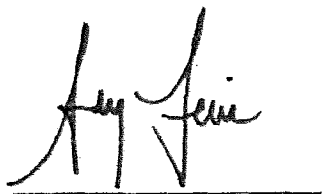
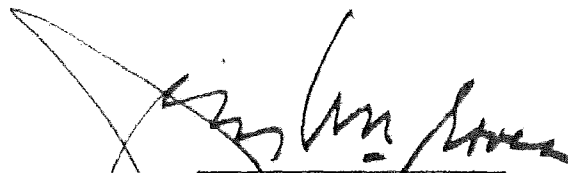
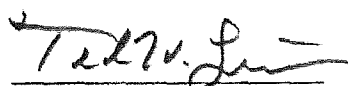
The Committee also requests an analysis on (1) options to enter into long-term contractual or partnership agreements with private, non-profit entities to reduce the cost of holding wild horses and burros for their natural lives and (2) the feasibility of assigning full responsibility for care for wild horses and burros removed from the range to these types of entities.

¹P.L. 115-31, Consolidated Appropriations Act, 2017 and P.L. 116-6, Consolidated Appropriations Act, 2019.

² H. Rep. No. 116-9.

This report is essential to the responsible development of the Wild Horse and Burro Program, to ethical and humane treatment of these animals, and to Congress's understanding and oversight of the Bureau's proposed methodologies – both in funding and practice – moving forward. As it is now approximately 60 days past the deadline, the Bureau should promptly provide an update of the status of the report and expedite its finalization and submission to Congress.

Sincerely,


Joe Neguse
Member of Congress
Gerald E. Connolly
Member of Congress
Deb Haaland
Member of Congress
Ro Khanna
Member of Congress
Andy Levin
Member of Congress
James P. McGovern
Member of Congress
Ted W. Lieu
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN - 8 2020

The Honorable Deb Haaland
Chair, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

This letter provides a tenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on November 26, 2019.

Enclosed is a disc, labeled 00011691_0012, that contains 210 documents consisting of 2,537 pages.

A similar letter has been transmitted to House Natural Resources Committee Chairman Raul Grijalva, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JAN - 8 2020

The Honorable Raul Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Grijalva:

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Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
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Enclosure

cc: The Honorable Rob Bishop
Ranking Member

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

November 18, 2019

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

Dear Secretary Bernhardt,

We write to express our significant concerns with the recently published Proposed Resource Management Plans (RMPs) and Final Environmental Impact Statement (FEIS) for the Grand Staircase-Escalante National Monument (GSENM) and Kanab-Escalante Planning Area (KEPA). Given the ongoing litigation regarding the legality of Presidential Proclamation No. 9682,¹ the current U.S. Government Accountability Office (GAO) investigation into potential violations of appropriations law by the U.S. Department of the Interior (DOI) during the management planning process,² as well as the numerous concerns expressed by affected stakeholders and local communities, the administration's rush to push through these controversial plans is highly inappropriate and represents a significant waste of taxpayer dollars and agency resources.

Even as the Trump administration has created management uncertainty on the ground with these illegal reductions and planning activities, the selected preferred alternatives would be the least protective of lands and resources, opening hundreds of thousands of acres to new destructive uses. Therefore, we strongly encourage the agency pursue the no-action alternative, Alternative A, for the final RMPs.

As you know, on October 18, 2019, the Bureau of Land Management (BLM) published the FEIS on four distinct proposed RMPs for GSENM and KEPA as directed by Presidential Proclamation No. 9682 (82 Fed. Reg. 58089). However, the underlying Presidential Proclamation is still being litigated in the courts, and 118 current and former Congresspeople and Senators have filed an amicus brief arguing that the President's act amounts to an unconstitutional violation of Congress'

¹ *The Wilderness Society, et al., v. Donald J. Trump, in his official capacity as President of the United States, et al.*, No. 1:17-cv-02587 (2018)

² Senator Tom Udall. (2019, June 17). Udall, McCollum Announce GAO Opening Investigation into Whether Trump Interior Dept. Violated Law with National Monument Leasing Activities [Press Release]. Retrieved from <https://www.tomudall.senate.gov/news/press-releases/udall-mccollum-announce-gao-opening-investigation-into-whether-trump-interior-dept-violated-law-with-national-monument-leasing-activities>

authorities, as dictated under the Antiquities Act of 1906.^{3,4} Therefore, changes to monument management amount to a waste of taxpayer funds pursuant to an illegal order from the President that will irreparably damage lands within GSENM and KEPA.

Furthermore, there is reason to believe that at least two of the proposed alternatives, and potentially significant portions of the planning process, are in violation of appropriations law.⁵ In sections 408 of the fiscal year 2017 Interior Appropriations Act (P.L. 115-31), fiscal year 2018 Interior Appropriations Act (P.L. 114-151), and the fiscal year 2019 Interior Appropriations Act (P.L. 116-6), Congress explicitly stated:

No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Yet multiple proposed alternatives, including the preferred alternative, would open hundreds of thousands of acres to mineral leasing, in seemingly clear violation of appropriations law. This matter is the subject of an ongoing investigation by the GAO, and it is highly concerning that BLM would consider finalizing an RMP that was potentially developed illegally.

In addition to these significant concerns regarding the legality of these proposed RMPs, there are also numerous specific concerns within the proposed plans, particularly the preferred alternative, Alternative D, and the newly developed Alternative E, that make these alternatives untenable on the ground. Even the BLM's own summary documentation acknowledges that Alternatives D and E provide for less conservation, increase the potential for adverse impacts on resources, and are the most likely to increase the potential for management conflicts and associated impacts on the land.⁶

To justify the President's illegal reduction of GSENM, the administration routinely highlighted other laws they claimed would afford the same level of protections to the lands excluded from their revised monument boundaries, even going so far as to highlight these laws in Proclamation 9682.⁷

³ Brief of Members of Congress as Amici Curiae In Support of Plaintiffs, *The Wilderness Society, et al., v. Donald J. Trump, in his official capacity as President of the United States, et al.*, No. 1:17-cv-02587 (2018). Retrieved from [https://www.tomudall.senate.gov/imo/media/doc/Udall-Grijalva%20Wilderness%20Society%20Amicus%20Brief%20\(AS%20FILED\).pdf](https://www.tomudall.senate.gov/imo/media/doc/Udall-Grijalva%20Wilderness%20Society%20Amicus%20Brief%20(AS%20FILED).pdf)

⁴ Pub. L. No. 59-209 § 2, 34 Stat. 225.

⁵ McCollum, B., & Udall, T. (2019, May 22). Letter to The Honorable Eugene Dodaro, Comptroller General of the U.S. Government Accountability Office. Retrieved from <https://www.tomudall.senate.gov/imo/media/doc/DOC052219.pdf>

⁶ U.S. Department of the Interior, Bureau of Land Management. (2019, October). Grand Staircase-Escalante National Monument and Kanab-Escalante Planning Area Proposed Resource Management Plans and Final Environmental Impact Statement: Executive Summary. 9. Retrieved from https://eplanning.blm.gov/epl-front-office/projects/lup/94706/20005728/250006731/01_GSENM-KEPA_modified_Proposed_RMPs-Final_EIS_Executive_Summary.pdf

⁷ Proclamation No. 9682, 82. F.R. 235 (December 8, 2017). Retrieved from <https://www.govinfo.gov/content/pkg/FR-2017-12-08/pdf/2017-26714.pdf>

Yet, in direct contradiction of these promises, under Alternatives D and E, no lands would be managed to protect wilderness characteristics, Wilderness Study Areas would be opened to motorized uses, no lands would be managed as Areas of Critical Environmental Concern, and paleontological and cultural resources would be directly impacted by limiting restrictions on destructive uses within the monument. All of these impacts, impacts in direct contradiction of the President's justification for these illegal reductions, are acknowledged in planning documentation. They are yet another step in this administration's alarming tendency to roll back protections on our public lands.

Furthermore, the U.S. House Committee on Natural Resources has already demonstrated that these legally binding protections were at times ignored during the monument reduction process. During a Committee hearing, documentation revealed as the result of an ongoing Committee investigation showed that BLM staff were instructed to pull protected resources out of the monument when they conflicted with fossil fuel resources.⁸ Proposed Alternatives D and E continue on this worrisome and illegal path, opening more than 500,000 acres to mineral extraction even when the BLM has acknowledged that it does not have a complete inventory of protected resources within the monument.⁹ It is unacceptable that BLM employees were pushed to remove protected resources during the President's illegal alteration of our national monuments, and it is deeply concerning that BLM would open these acreages without first demonstrating a detailed knowledge of the resources that might be impacted.

At a time when the impacts of continued climate change are quickly becoming the largest threats facing our nation, the agency's proposed RMPs would open protected public lands to habitat fragmentation and degradation, while increasing greenhouse gas emissions. Alternatives D and E would increase and open new areas to cattle grazing, mineral development, road building, timbering and off highway vehicle (OHV) use. Each of these activities risks disturbing or fragmenting sensitive habitats and, in combination with the proposed limits on soil protections and the expansion of grazing in sensitive habitats like the Escalante River corridor, risks degrading the health of the GSENM and KEPA ecosystem.¹⁰ The best science suggests that protected ecosystems are the most resilient to the impacts of climate change, yet these proposed alternatives would open GSENM and KEPA to new destructive uses and would limit the management of the most resilient ecosystems, including lands with wilderness characteristics and Areas of Critical Environmental Concern.^{11,12}

⁸ U.S. House Committee on Natural Resources. (2019, March 13). *Forgotten Voices: The Inadequate Review and Improper Alteration of Our National Monuments*. Hearings before the U.S. House Committee on Natural Resources, 116th Cong. (2019). Retrieved from <https://naturalresources.house.gov/hearings/forgotten-voices-the-inadequate-review-and-improper-alteration-of-our-national-monuments>

⁹ U.S. Department of the Interior, Bureau of Land Management. (2019, October). Grand Staircase-Escalante National Monument and Kanab-Escalante Planning Area Proposed Resource Management Plans and Final Environmental Impact Statement: Volume I (Chapters 1-4). 3-20. Retrieved from https://eplanning.blm.gov/epl-front-office/projects/lup/94706/20005729/250006732/02_GSENM-KEPA_modified_Proposed_RMPs-Final_EIS_VolumeI.pdf

¹⁰ Ref. 9. 2-23 – 2-27, 2-57.

¹¹ Eigenbrod, F., Gonzalez, P., Dash, J., & Steyl, I. (2015). Vulnerability of ecosystems to climate change moderated by habitat intactness. *Global Change Biology*, 21(1), 275-286. doi:10.1111/gcb.12669

¹² Conservation Biology Institute. (n.d.). Identify and protect climate refugia. Retrieved from https://yale.databasin.org/pages/objectives_5

The Antiquities Act was originally enacted by Congress to provide the President with the authority to quickly protect important resources that were under threat, particularly tribal cultural resources. In GSENM and KEPA, only 7 percent of the planning area has been surveyed for cultural resources, but even those small surveys found more than 3,000 known cultural sites. Nearly half of those sites are in KEPA, which would be opened to new destructive uses, including mining, drilling, and OHV use. Because Alternatives D and E provide significantly fewer protections than currently exist on the ground, they risk increasing impacts on these protected resources.¹³

Another concern that has come up often in discussions with stakeholders is the expansion of grazing within GSENM and KEPA, particularly along the Escalante River. The BLM found more than 2,000,000 acres open to livestock grazing in GSENM and the surrounding area, yet Alternatives D and E would open tens of thousands of acres to new grazing across GSENM and KEPA, including thousands of acres in the Escalante Canyon. The newly opened lands in Escalante Canyon include voluntarily retired acres that have not been grazed in decades in order to protect prime recreational accesses along the Escalante River. In the late 1990s, conservation groups worked with ranchers to voluntarily buyout and retire grazing rights along the Escalante River. This agreement was lauded by ranchers, recreationalists, conservationists, and President Bush's Interior Department as a creative solution to solve resource conflicts. Since that time, the BLM and non-federal partners have spent significant resources, including taxpayer dollars, to restore the Escalante River by removing invasive species. This work was rewarded with a significant uptick in visitation along the river, which now sees hundreds of thousands of recreational visits annually, making it a key driver of the region's outdoor recreation economy. That important and successful work is now threatened by the proposed RMPs, which would open these protected acreages to grazing, wasting taxpayer dollars, and limiting recreational use in the area, thereby damaging the outdoor recreation economy.¹⁴

In the background of this illegal, rushed, and inconsistent planning process is the ongoing damage to resources on the ground. Recognizing the threat President Trump's illegal proclamation posed to resources on the ground, the Grand Staircase Escalante Partners, a non-profit conservation organization serving the communities of the Grand Staircase-Escalante, developed a citizen monitoring application to track illegal uses within GSENM and KEPA. That application, which relies on photographs and videos sent by local community members, has demonstrated hundreds of instances of illegal activity ranging from vandalism and illegal off-road activity to a fire being set within a Native American archaeological site.¹⁵ These impacts to monument resources are real, they are significant, and they are likely a result of the confusion and inconsistent management created by the President's illegal actions. These impacts to protected resources are unacceptable. We encourage the BLM to proceed under the legally designated protections for the Grand Staircase-Escalante National Monument by finalizing Alternative A, restoring appropriate management to this important site.

¹³ Ref. 9

¹⁴ Bruner, T. (2019, September 11). Cows in the Escalante: When a Win-Win Becomes a Lose-Lose. *The Grand Canyon Trust*. Retrieved from <https://www.grandcanyontrust.org/blog/cows-escalante-when-win-win-becomes-lose-lose>

¹⁵ *Forgotten Voices: The Inadequate Review and Improper Alteration of Our National Monuments*. Hearings before the U.S. House Committee on Natural Resources, 116th Cong. (2019) (testimony of Nicole Croft). Retrieved from <https://naturalresources.house.gov/imo/media/doc/Croft,%20Nicole%20-%20Testimony.pdf>

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



TJ Cox
Chair
Subcommittee on Oversight and
Investigations



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral
Resources



Jared Huffman
Chair
Subcommittee on Waters, Oceans, and
Wildlife



Debra Haaland
Chair
Subcommittee on National Parks, Forests,
and Public Lands



Ruben Gallego
Chair
Subcommittee for Indigenous Peoples of the
United States



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

DEC 31 2019

The Honorable Ruben Gallego
Chairman
Subcommittee for Indigenous Peoples
of the United States
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gallego:

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As part of the National Park Service Centennial Act (P.L. 114-289), Congress amended the NHPA by adding a new paragraph (54 USC 302104(c)) establishing an exclusive process for the nomination by Federal agencies of properties to the National Register. On March 1, 2019, the NPS published a proposed rule to revise certain regulations in 36 CFR parts 60 and 63, regarding the listing of properties in the National Register and determinations of eligibility of properties for such listing. (See 84 FR 6996).

The proposed rule would revise existing regulations so that they are consistent with the new NHPA provisions. The proposed changes are also intended to give individual private property owners more control over whether their property is listed in the National Register as part of a historic district. For districts that cannot be nominated due to owner objection, the Keeper of the National Register (Keeper) would still make a determination of eligibility. Additionally, the changes would extend the timeline for the Keeper to respond to appeals, in order to give the nominating authority sufficient time to provide its position and any relevant information regarding the appeal, and for the Keeper to consider any information provided by the State Historic Preservation Officer. Finally, the rule includes additional minor changes to the regulations that no longer reflect the current practice of how properties are listed in the National Register.

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The NPS recognizes that Tribes maintain significant cultural, historical, and spiritual ties to many Federal lands, and is keeping this in mind while analyzing the more than 3,200 comments received during the public comment period and during Tribal consultation.

The Department of the Interior is committed to upholding its mission to protect and manage our Nation's natural resources and cultural heritage, while advancing the goal of alleviating unnecessary regulatory burdens placed on the American people, consistent with the law. We take seriously our trust responsibilities to Indian Tribes and fulfilling our Tribal consultation obligation.

Thank you for your interest in the National Park Service. If you have further questions, please contact Acting Associate Director, Cultural Resources, Partnerships, and Science, Ms. Joy Beasley, at (202) 354-6991 or joy_beasley@nps.gov. A similar response is being sent to the co-signers of your letters.

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David Vela
Deputy Director, Operations
Exercising the Authority of the Director



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DEC 31 2019

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Subcommittee on Natural Parks, Forests,
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Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

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1849 C Street, N.W.
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DEC 3 1 2019

The Honorable Tom Cole
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cole:

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DEC 31 2019

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Thank you for your letters dated May 14, July 19, and September 13, 2019, to Secretary of the Interior David Bernhardt, regarding the proposed rule that would amend certain regulations relating to the National Register of Historic Places (National Register) under the National Historic Preservation Act (NHPA). The Secretary has referred your letter to the National Park Service (NPS), and I am pleased to respond.

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The proposed rule would revise existing regulations so that they are consistent with the new NHPA provisions. The proposed changes are also intended to give individual private property owners more control over whether their property is listed in the National Register as part of a historic district. For districts that cannot be nominated due to owner objection, the Keeper of the National Register (Keeper) would still make a determination of eligibility. Additionally, the changes would extend the timeline for the Keeper to respond to appeals, in order to give the nominating authority sufficient time to provide its position and any relevant information regarding the appeal, and for the Keeper to consider any information provided by the State Historic Preservation Officer. Finally, the rule includes additional minor changes to the regulations that no longer reflect the current practice of how properties are listed in the National Register.

During the public comment period, representatives from several Tribes expressed concerns regarding the effect of the proposed rule on Tribes, and some Tribes specifically requested that government-to-government consultation be conducted regarding the proposed rule. Accordingly, on May 24, 2019, we announced that we would be conducting Tribal consultation to obtain input from Tribes on proposed changes to regulations governing the National Register. (See 84 FR 24179). We hosted two

Tribal consultation sessions and established a 45-day comment period to obtain additional input from interested Tribes. A total of 65 Tribes and Tribal organizations submitted comments during the public comment period for the rulemaking and an additional 21 Tribes submitted written comments through the consultation process.

The NPS recognizes that Tribes maintain significant cultural, historical, and spiritual ties to many Federal lands, and is keeping this in mind while analyzing the more than 3,200 comments received during the public comment period and during Tribal consultation.

The Department of the Interior is committed to upholding its mission to protect and manage our Nation's natural resources and cultural heritage, while advancing the goal of alleviating unnecessary regulatory burdens placed on the American people, consistent with the law. We take seriously our trust responsibilities to Indian Tribes and fulfilling our Tribal consultation obligation.

Thank you for your interest in the National Park Service. If you have further questions, please contact Acting Associate Director, Cultural Resources, Partnerships, and Science, Ms. Joy Beasley, at (202) 354-6991 or joy_beasley@nps.gov. A similar response is being sent to the co-signers of your letters.

Sincerely,

A handwritten signature in black ink, appearing to read "David Vela". The signature is fluid and cursive, with the first name "David" and last name "Vela" clearly distinguishable.

David Vela
Deputy Director, Operations
Exercising the Authority of the Director



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 06 2020

The Honorable Raúl Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides the fifteenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on June 7, 2020.

Enclosed is a disc, labeled 00011691_0017, that contains 120 documents consisting of 2,156 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 06 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

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United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

JAN - 9 2020

The Honorable TJ Cox
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cox:

Thank you for your November 18, 2019, letter to Secretary of the Interior David Bernhardt regarding the Grand Staircase-Escalante National Monument (GSENM)/Kanab-Escalante Planning Area (KEPA) planning efforts. The Secretary has asked me to respond on his behalf.

The Bureau of Land Management (BLM) is committed to providing for the proper care and management of monument objects within the GSENM and the sound management of natural and cultural resources within the KEPA. The BLM provided multiple opportunities for public input throughout the planning process and responded to all substantive comments received during the public comment period. In the scoping and draft stages alone, the BLM accepted and evaluated over 700,000 public comments pertaining to these plans. The BLM also engaged tribes in government-to-government consultation and as part of the National Historic Preservation Act section 106 consultation process to solicit input on agency management decisions and to ensure protection of cultural resources within the GSENM and the KEPA.

Further, the BLM worked with the Utah Statewide Resource Advisory Committee and cooperating agencies, including the State of Utah Public Lands Policy Coordinating Office, Garfield County, Kane County, the National Park Service, the Pueblo of San Felipe, the Washington County Water Conservancy District, and the Kaibab Band of Paiute Indians, to incorporate their recommendations during development of the Resource Management Plans (RMPs). Each of these sources of public input helped shape the issues analyzed in the Environmental Impact Statement (EIS) and will inform the decisions made in the Records of Decision, which will provide a framework for future implementation-level decisions and for protection of monument objects and other important resources within the GSENM and the KEPA for present and future generations.

Proclamation 9682, issued on December 4, 2017, directs the BLM to prepare and maintain a management plan for each of the three units of the GSENM. Additionally, lands that were formerly part of the GSENM have been returned to multiple use management, and the BLM must consider, through a planning process, whether the management provisions in the 2000 Monument Management Plan (MMP) that apply to those lands remain appropriate. Conditions have changed in the 20 years since the 2000 MMP was adopted. These new plans will help the BLM determine how to provide for the proper care and management of the monument objects identified in Proclamation 6920, as modified by Proclamation 9682. The BLM will also determine how to manage the Federal lands that are no longer part of the GSENM consistent with applicable laws, regulations, and policies.

With regard to the ongoing litigation, BLM decisions are regularly challenged in court, and, absent unusual circumstances or court-ordered relief, the BLM typically continues to implement them. At this time, there has been no judicial determination that Proclamation 9682 is unlawful, nor has a court enjoined the BLM from completing the land use planning process. For the agency to take a contrary approach and await completion of litigation before proceeding with management actions on public lands would bring the agency's decision-making and statutorily mandated land management processes to a halt. Any future court decisions that are applicable to the GSENM/KEPA planning processes or management of lands within them will be addressed when they occur.

Further, the BLM has complied with the provision that has been carried forward from the Consolidated Appropriations Act of 2019 (Public Law 116-6, Title IV, Section 408 of Division E), which prohibits the BLM from expending funds to conduct preleasing and leasing activities under the Mineral Leasing Act of 1920, as amended, in the planning area. That prohibition applies to lands excluded from the GSENM by Proclamation 9682 (i.e., KEPA lands) and, as such, the BLM cannot move forward with coal or oil and gas leasing while this provision remains in annual appropriations statutes. This provision, however, does not limit the BLM's ability to make planning-level decisions related to mineral leasing. As explained in the GSENM/KEPA Proposed RMPs and Final EIS, preleasing and leasing activities under the Mineral Leasing Act are separate and distinct from, and do not include, land use planning under the Federal Land Policy and Management Act. The Consolidated Appropriations Act therefore does not prohibit the BLM from initiating and engaging in land use planning decisions related to mineral leasing on KEPA lands.

Once they are approved, these RMPs will provide clarity and certainty to the local communities, the public, and permittees on how they can enjoy and use public lands within the GSENM and the KEPA.

More information about these plans can be found on the BLM's ePlanning website at: <https://go.usa.gov/xVjXQ>. If you have additional questions, please contact Patrick Wilkinson, BLM Division Chief of Legislative Affairs, at p2wilkin@blm.gov or (202) 912-7429. A similar reply is being sent to the cosigners of your letter.

Sincerely,



Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JAN - 9 2020

The Honorable Alan Lowenthal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lowenthal:

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Casey B. Hammond', is written over a faint, circular official seal of the Bureau of Land Management.

Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

JAN - 9 2020

The Honorable Jared Huffman
U.S. House of Representatives
Washington, DC 20515

Dear Representative Huffman:

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Sincerely,



Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

JAN - 9 2020

The Honorable Debra Haaland
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

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Sincerely,



Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JAN - 9 2020

The Honorable Ruben Gallego
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gallego:

Thank you for your November 18, 2019, letter to Secretary of the Interior David Bernhardt regarding the Grand Staircase-Escalante National Monument (GSENM)/Kanab-Escalante Planning Area (KEPA) planning efforts. The Secretary has asked me to respond on his behalf.

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Sincerely,

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Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

JAN - 9 2020

The Honorable Raúl Grijalva
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

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Further, the BLM has complied with the provision that has been carried forward from the Consolidated Appropriations Act of 2019 (Public Law 116-6, Title IV, Section 408 of Division E), which prohibits the BLM from expending funds to conduct preleasing and leasing activities under the Mineral Leasing Act of 1920, as amended, in the planning area. That prohibition applies to lands excluded from the GSENM by Proclamation 9682 (i.e., KEPA lands) and, as such, the BLM cannot move forward with coal or oil and gas leasing while this provision remains in annual appropriations statutes. This provision, however, does not limit the BLM's ability to make planning-level decisions related to mineral leasing. As explained in the GSENM/KEPA Proposed RMPs and Final EIS, preleasing and leasing activities under the Mineral Leasing Act are separate and distinct from, and do not include, land use planning under the Federal Land Policy and Management Act. The Consolidated Appropriations Act therefore does not prohibit the BLM from initiating and engaging in land use planning decisions related to mineral leasing on KEPA lands.

Once they are approved, these RMPs will provide clarity and certainty to the local communities, the public, and permittees on how they can enjoy and use public lands within the GSENM and the KEPA.

More information about these plans can be found on the BLM's ePlanning website at: <https://go.usa.gov/xVjXQ>. If you have additional questions, please contact Patrick Wilkinson, BLM Division Chief of Legislative Affairs, at p2wilkin@blm.gov or (202) 912-7429. A similar reply is being sent to the cosigners of your letter.

Sincerely,



Casey B. Hammond
Acting Assistant Secretary,
Land and Minerals Management



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable James McGovern
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative McGovern:

Thank you for your letter dated October 23, 2019, to Secretary of the Interior David Bernhardt regarding the status of the Bureau of Land Management's (BLM's) Wild Horse and Burro Program's Report to Congress. Secretary Bernhardt asked me to respond on his behalf. I appreciate your interest in this program.

I share your concerns with regard to the overpopulation of wild horses and burros, which I believe represents a serious threat to the health of landscapes across the West. In many places, the range will take decades to recover—and in some cases, it is unlikely that it ever will. For this reason, we sought to address population growth with an array of tools, including the Wild Horse and Burro Adoption Incentive Program, which was launched earlier this year. The BLM was able to place 7,104 wild horses and burros into private homes nationwide during Fiscal Year 2019 (which ended September 30, 2019). This is the highest number of adoptions and sales the agency has seen over the last 15 years and represents a 54 percent increase (nearly 2,500 animals) over the previous year's total of 4,609 animals. I believe inaction on this issue is neither compassionate nor humane, and under my leadership the BLM will continue to prioritize this matter.

The requested report is currently going through the final steps of development and review throughout the BLM and the Department of the Interior. The plan outlined in the report is very important to the future of the Wild Horse and Burro Program and the BLM as a whole. I have recently asked the Wild Horse and Burro Program to update this plan to reflect the budgetary realities of very recent Fiscal Year 2020 appropriation. I look forward to presenting the plan to Congress in the near future.

If you have any questions or further concerns, please feel free to contact me at 202-208-3801, or your staff may contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at 202-912-7429. A similar reply is being sent to the co-signers of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Ted Lieu
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Lieu:

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Andy Levin
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Levin:

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Ro Khanna
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Khanna:

Thank you for your letter dated October 23, 2019, to Secretary of the Interior David Bernhardt regarding the status of the Bureau of Land Management's (BLM's) Wild Horse and Burro Program's Report to Congress. Secretary Bernhardt asked me to respond on his behalf. I appreciate your interest in this program.

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Haaland:

Thank you for your letter dated October 23, 2019, to Secretary of the Interior David Bernhardt regarding the status of the Bureau of Land Management's (BLM's) Wild Horse and Burro Program's Report to Congress. Secretary Bernhardt asked me to respond on his behalf. I appreciate your interest in this program.

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Gerald Connolly
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Connolly:

Thank you for your letter dated October 23, 2019, to Secretary of the Interior David Bernhardt regarding the status of the Bureau of Land Management's (BLM's) Wild Horse and Burro Program's Report to Congress. Secretary Bernhardt asked me to respond on his behalf. I appreciate your interest in this program.

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Joe Neguse
U.S. House of Representatives
Washington, DC 20515

JAN 15 2020

Dear Representative Neguse:

Thank you for your letter dated October 23, 2019, to Secretary of the Interior David Bernhardt regarding the status of the Bureau of Land Management's (BLM's) Wild Horse and Burro Program's Report to Congress. Secretary Bernhardt asked me to respond on his behalf. I appreciate your interest in this program.

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

Congress of the United States
Washington, DC 20515

January 16, 2020

The Honorable Robert Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Sent via email to Doj.correspondence@usdoj.gov

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Sent via email to OCIRmail@epa.gov

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Sent via email to cole_rojewski@ios.doi.gov

The Honorable Dan Brouillette
Secretary
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Sent via email to Robert.tuttle@hq.doe.gov

Dear Attorney General Barr, Administrator Wheeler, Secretary Bernhardt, and Secretary Brouillette:

We write to ask for your assistance in ensuring that the federal government fulfills its obligations in the cleanup of the Jackpile Uranium Mine, a Superfund site on the Pueblo of Laguna Reservation in our home state of New Mexico.

During the Cold War, the United States Government promoted and encouraged uranium mining and exercised significant control over the country's uranium industry. The residual effects of that industry have had significant negative impacts on the health and economic well-being of communities across the American West, including many Native American communities; the Senate Committee on Indian Affairs held a hearing in Albuquerque in October where several of us heard testimony about "*America's Nuclear Past: Examining the Effects of Radiation in Indian Country.*"

Historically, the US Government has acknowledged its role as a Potentially Responsible Party (PRP) in the cleanup of these former mining sites under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). For example, the federal government shared the cost of cleaning up sites on Navajo Nation with industry PRPs. In the case of the Jackpile Mine, however, the federal government has not acknowledged its own role despite the active economic and supervisory role that it played at the mine, which is stalling efforts to address the urgent hazards to human health and environment that the site poses.

Since the Pueblo was contracted to do reclamation of the site, it has unfortunately been swept up into the litigation between the United States and Atlantic Richfield in which the Department of

Justice has defended the federal government against CERCLA liability. The Pueblo fears that this litigation will be protracted and is costing and will continue to cost it significant financial resources.

The federal government has a trust responsibility to the Pueblo, and the federal government was actively involved in this mine that was located on Native American land. The US Government should fulfill that duty to protect Indian lands and resources and the well-being of Native Americans instead of putting its trust beneficiary in a position where it faces financial harm and the health of its members is left in danger.

We ask that under your leadership the US Government right the wrongs of the past and come to the table to work with the Pueblo and Atlantic Richfield to find a practical solution to allocate financial responsibility.

While we often are reticent to comment on active litigation, we trust that you will understand that, in our view, litigation in this instance is not in anyone's best interests. With a proper recognition of our trust responsibility to the Pueblo and of the United States' pervasive role at the Jackpile Mine, we hope that the United States can mirror Atlantic Richfield's apparent willingness to reach a practical and honorable resolution. Thank you for your attention to this matter.

Respectfully,



Tom Udall
United States Senator



Deb Haaland
Member of Congress



Martin Heinrich
United States Senator



Ben Ray Luján
Member of Congress



Xochitl Torres Small
Member of Congress

Congress of the United States

Washington, DC 20515

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OFFICE OF THE
EXECUTIVE SECRETARIAT

January 21, 2020

The Honorable David Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to express serious concerns with the Bureau of Land Management's decision to rewrite the Integrated Activity Plan (IAP) for the National Petroleum Reserve-Alaska (Reserve), especially in light of the troubling pro-development direction of the recently released Draft Environmental Impact Statement (EIS) for the revised IAP.¹ The Reserve is one of the wildest remaining places in North America and sustains extraordinary fish and wildlife populations. Revising the IAP is unnecessary and threatens to sacrifice the Reserve as part of a larger push by the Trump administration to recklessly sell off America's Arctic for oil and gas development without any regard for how it will harm the people who live in and near the Reserve, our climate, and the fish and wildlife that depend on the Arctic's special places.

The current management plan was created through a robust public process and scientific consensus and considered the interests of a variety of key stakeholders who were involved through 17 public meetings, additional opportunities for public input, and tribal consultation. The process used to create the current IAP resulted in the designation of five Special Areas of unique and irreplaceable ecological value: Teshekpuk Lake, Colville River, Utukok River Uplands, Kasegaluk Lagoon, and Peard Bay, while allowing oil and gas development on 11.8 million acres, or more than half, of the Reserve. While not all areas in the Reserve worthy of protections received them, the current IAP is a thoughtful compromise that balances protection with development and the needs of local populations. Developing a new IAP that further prioritizes oil and gas development is unnecessary and ignores the serious impacts additional development will have on the climate, Alaska's indigenous populations, and fish and wildlife populations across this region.

Unlike the current IAP, which took a comprehensive approach to managing the unique ecological values found in the Reserve, this revision appears targeted largely at vastly expanding oil and gas development.² BLM's draft EIS proposes to completely eviscerate the Colville River Special Area, shrink the Teshekpuk Lake Special Area, and open additional areas in the Teshekpuk Lake Special Area and elsewhere to leasing as part of a large-scale giveaway of America's public lands. We are

¹ <https://www.blm.gov/planning-and-nepa/plans-in-development/alaska/npr-a-iap-eis>

² E. Harball, Interior official: 'millions' more acres in NPR-A to open for oil development, Alaska Public Media, August 9, 2018. <https://www.alaskapublic.org/2018/08/09/interior-official-millions-more-acres-in-npr-a-to-open-for-oil-development/>

deeply concerned that the revision of the IAP will result in opening additional acres to oil and gas development and infrastructure and eliminating existing protections within these Special Areas.

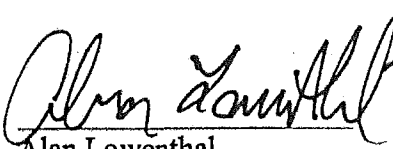
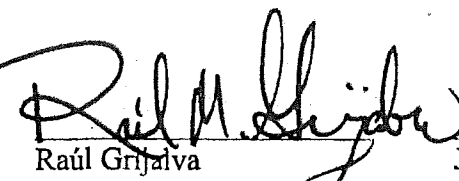
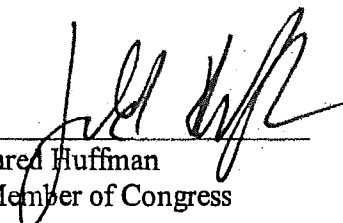
If any change is to be made to the existing IAP, BLM should increase protections for designated Special Areas, not reduce them further or open them to oil and gas. Not only are designated Special Areas intended to be managed for their unique ecological value, but when Congress authorized oil and gas leasing in the Reserve, it was mandated that activities ensure "maximum protection" of areas that have "significant subsistence, recreational, fish, and wildlife, or historical or scenic value."³ Threats to the Teshekpuk Lake Special Area would not only negatively impact the fragile and rapidly changing ecosystem, but also the Teshekpuk Caribou Herd, which is a vital subsistence resource for indigenous Alaskans.

As the largest contiguous unit of public land in the United States, the Reserve has extraordinary ecological and subsistence values. The Western Arctic and Teshekpuk Caribou Herds each rely upon distinct key habitats in the Reserve, and these caribou are a vital subsistence resource for over 40 indigenous communities in northern and western Alaska. Additionally, millions of migratory seabirds, shorebirds, waterfowl, and raptors rely on the Reserve for habitat throughout the year. Teshekpuk Lake, the largest Arctic lake in America, is so critical for these migratory birds that the lake and its surrounding wetlands are designated as globally-significant Important Bird Areas. The Reserve is a diverse ecosystem and many mammals such as wolves, grizzly bears, moose, and wolverine call this iconic landscape their home. Likewise, marine mammals such as polar bears, Pacific walrus, beluga whales, and spotted seals utilize its rich coastal and lagoon waters.

These Special Areas are already under direct threat from encroaching oil and gas development and the negative impacts of climate change that such development exacerbates. With the Arctic warming "faster than any other place on Earth," according to scientists at the U.S. Geological Survey, removing existing protections in this region is reckless and unwise.⁴ We urge BLM to maintain the strongest possible protections for Special Areas within the Reserve and not open additional acreage in the Reserve to oil and gas leasing.

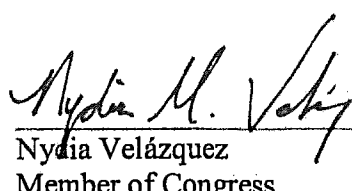
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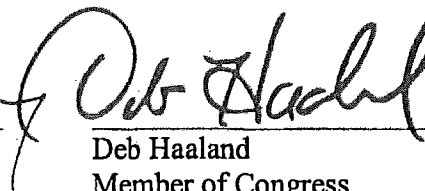
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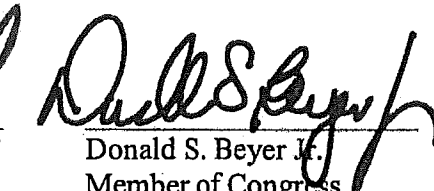
		
Alan Lowenthal Member of Congress	Raúl Grijalva Member of Congress	Jared Huffman Member of Congress


³ 42 U.S.C. § 6504


⁴ C. Marshall, *USGS scientists say Arctic is warming 'faster than any other place on Earth'*, E&E Publishing, August 3, 2015.



Nydia Velázquez
Member of Congress

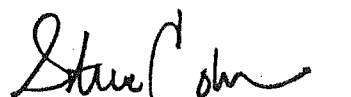

Deb Haaland
Member of Congress

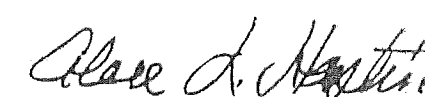

Donald S. Beyer Jr.
Member of Congress

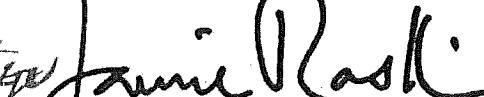

Earl Blumenauer
Member of Congress

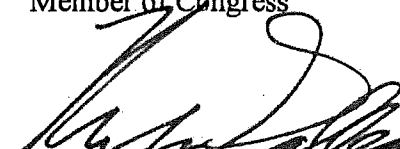

Bill Foster
Member of Congress

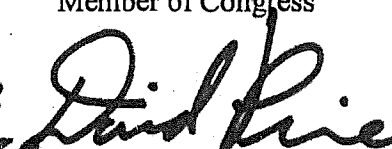

Mike Levin
Member of Congress

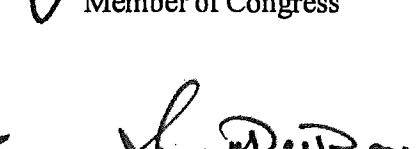

Steve Cohen
Member of Congress



Alcee L. Hastings
Member of Congress

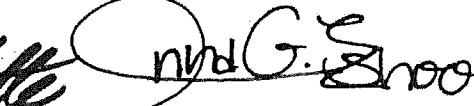

Jamie Raskin
Member of Congress



Ruben Gallego
Member of Congress

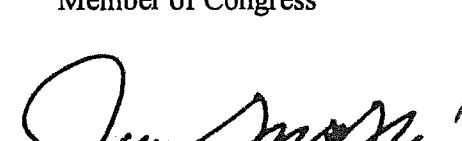

David Price
Member of Congress

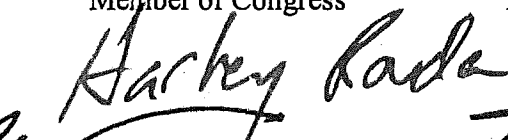

Suzan K. DelBene
Member of Congress

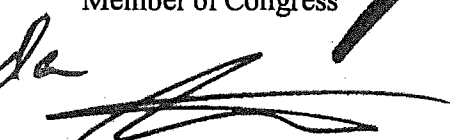

Diana DeGette
Member of Congress

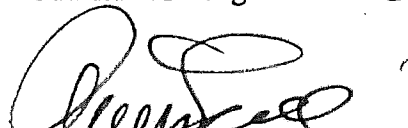

Anna G. Eshoo
Member of Congress

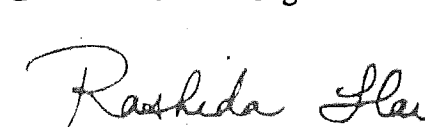

Mike Quigley
Member of Congress

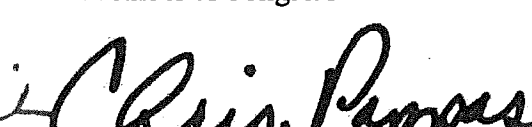

Jerry McNerney
Member of Congress



Harley Rouda
Member of Congress

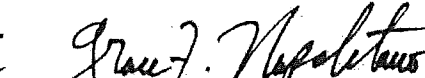

Adriano Espaillat
Member of Congress



Gwen Moore
Member of Congress

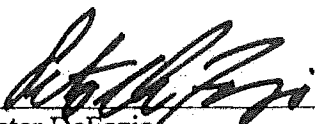

Rashida Tlaib
Member of Congress

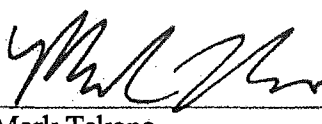

Chris Pappas
Member of Congress

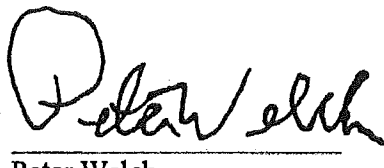

Ann McLane Kuster
Member of Congress

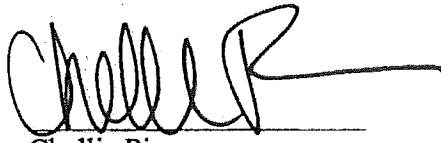

Grace Napolitano
Member of Congress



James P. McGovern
Member of Congress



Peter DeFazio
Member of Congress



Mark Takano
Member of Congress



Peter Welch
Member of Congress



Chellie Pingree
Member of Congress

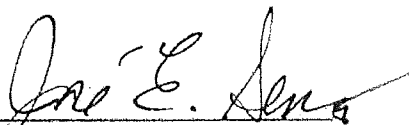

Bill Foster
Member of Congress



Ed Case
Member of Congress

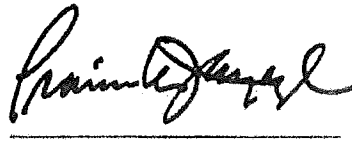

Nanette Diaz Barragan
Member of Congress

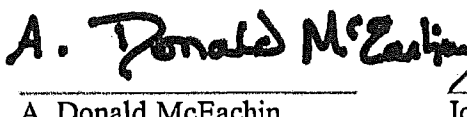

Matt Cartwright
Member of Congress



Ro Khanna
Member of Congress

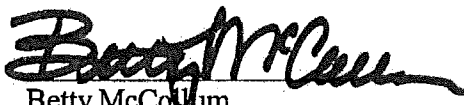

José E. Serrano
Member of Congress

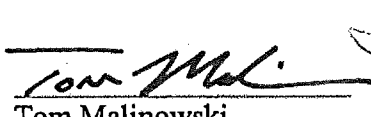

Darren Soto
Member of Congress

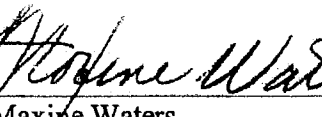

Pramila Jayapal
Member of Congress



A. Donald McEachin
Member of Congress

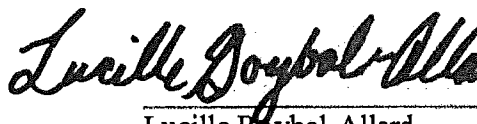

John Yarmuth
Member of Congress



Betty McCollum
Member of Congress

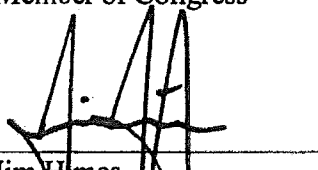

Tom Malinowski
Member of Congress


Maxine Waters
Member of Congress


Suzanne Bonamici
Member of Congress


Lucille Roybal-Allard
Member of Congress


Raja Krishnamoorthi
Member of Congress


Jim Himes
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 31 2020

The Honorable Deb Haaland
Chair, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Haaland:

This letter provides the eleventh response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on January 8, 2020.

Enclosed is a disc, labeled 00011691_0013, that contains 94 documents consisting of 1,467 pages.

A similar letter has been transmitted to Chairman Raúl Grijalva, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 31 2020

The Honorable Raúl Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Alan Lowenthal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lowenthal:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

Advances in technology and new resource discoveries in and around NPR-A present substantial new information BLM must consider in the revised IAP. In addition, the United States Geological Survey's most recent petroleum assessment of the area (*Assessment of Undiscovered Oil and Gas Resources in the Cretaceous Nanushuk and Torok Formations, Alaska North Slope, and Summary of Resource Potential of the National Petroleum Reserve in Alaska, 2017*) presented a significantly higher estimate of technically recoverable oil and gas resources in NPR-A; this supports the development of an updated management strategy for the NPR-A.

The Draft EIS outlines four alternatives providing a range of options for oil and gas leasing and development. The Final EIS will be informed by public comments and will identify a preferred alternative that may be a combination of different aspects of the range of alternatives.

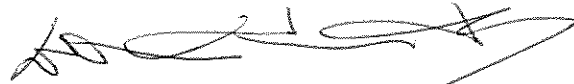
The BLM is required to include the status quo as an alternative, "Alternative A," which maintains the 11.8 million acres for development under the 2013 record of decision. The other alternatives include:

- Alternative B, which decreases the land available for leasing and new infrastructure to 11.4 million acres and designates all special areas as unavailable;
- Alternative C, which increases the land available for leasing and new infrastructure to 17.1 million acres and keeps a core area around Teshekpuk Lake as unavailable; and
- Alternative D, which increases the land available for leasing and new infrastructure to 18.3 million acres, allowing for the entire Teshekpuk Lake special area, as well as parts of the Utukok River Uplands special area, to be available for development.

The information we received during the Draft EIS's public comment period, which was extended to 75 days and closed February 5, 2020, is helping us to develop a more informed decision on the path to responsibly developing the nation's natural resources and continuing throughput in the Trans Alaska Pipeline System, all while protecting surface resources and the environment.

Your concerns on the Draft EIS will be included as part of the public record and will be addressed in the Final EIS, as appropriate. I look forward to working with the House of Representatives not only on the NPR-A IAP, but also on responsible development within the NPR-A. A similar reply is being sent to the cosigners of your letter.

Sincerely,

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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



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



MAR 10 2020

The Honorable Raúl Grijalva
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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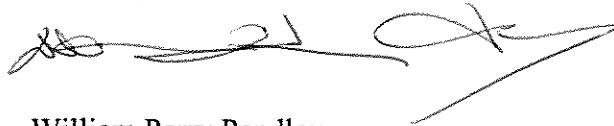
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Deputy Director, Policy and Programs
Exercising the Authority of the Director



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<http://www.blm.gov>



MAR 10 2020

The Honorable Jared Huffman
U.S. House of Representatives
Washington, DC 20515

Dear Representative Huffman:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

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William Perry Pendley
Deputy Director, Policy and Programs
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MAR 10 2020

The Honorable Nydia Velázquez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Velázquez:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

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MAR 10 2020

The Honorable Donald Beyer
U.S. House of Representatives
Washington, DC 20515

Dear Representative Beyer:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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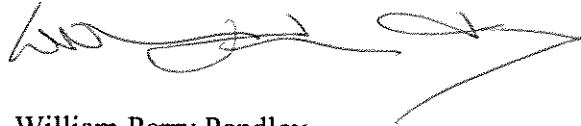
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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



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BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Earl Blumenauer
U.S. House of Representatives
Washington, DC 20515

Dear Representative Blumenauer:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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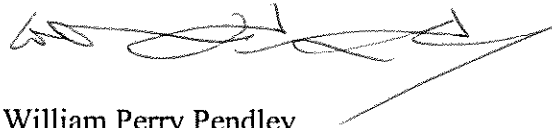
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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Bill Foster
U.S. House of Representatives
Washington, DC 20515

Dear Representative Foster:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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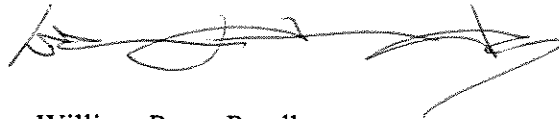
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MAR 10 2020

The Honorable Mike Levin
U.S. House of Representatives
Washington, DC 20515

Dear Representative Levin:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Steve Cohen
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cohen:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Alcee Hastings
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hastings:

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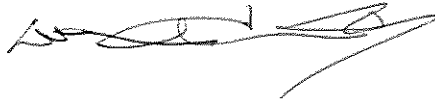
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MAR 10 2020

The Honorable Jamie Raskin
U.S. House of Representatives
Washington, DC 20515

Dear Representative Raskin:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Ruben Gallego
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gallego:

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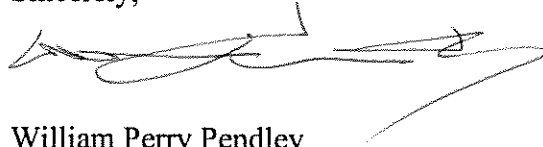
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MAR 10 2020

The Honorable David Price
U.S. House of Representatives
Washington, DC 20515

Dear Representative Price:

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MAR 10 2020

The Honorable Suzan DelBene
U.S. House of Representatives
Washington, DC 20515

Dear Representative DelBene:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Diane DeGette
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeGette:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Anna Eshoo
U.S. House of Representatives
Washington, DC 20515

Dear Representative Eshoo:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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Sincerely,

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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Mike Quigley
U.S. House of Representatives
Washington, DC 20515

Dear Representative Quigley:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

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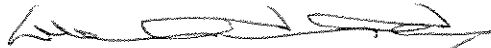
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MAR 10 2020

The Honorable Jerry McNerney
U.S. House of Representatives
Washington, DC 20515

Dear Representative McNerney:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Harley Rouda
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rouda:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Adriano Espaillat
U.S. House of Representatives
Washington, DC 20515

Dear Representative Espaillat:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Gwen Moore
U.S. House of Representatives
Washington, DC 20515

Dear Representative Moore:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Rashida Tlaib
U.S. House of Representatives
Washington, DC 20515

Dear Representative Tlaib:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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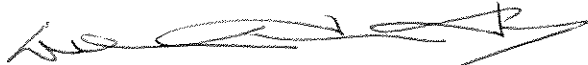
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MAR 10 2020

The Honorable Chris Pappas
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pappas:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Ann McLane Kuster
U.S. House of Representatives
Washington, DC 20515

Dear Representative Kuster:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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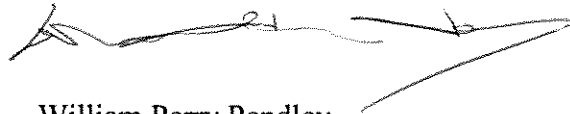
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MAR 10 2020

The Honorable Grace Napolitano
U.S. House of Representatives
Washington, DC 20515

Dear Representative Napolitano:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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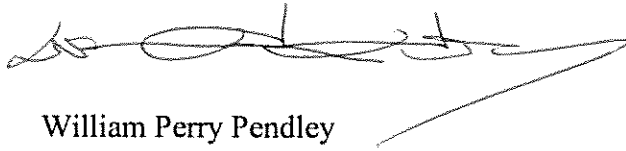
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MAR 10 2020

The Honorable James McGovern
U.S. House of Representatives
Washington, DC 20515

Dear Representative McGovern:

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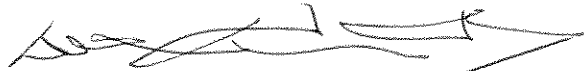
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Sincerely,

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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Peter DeFazio
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeFazio:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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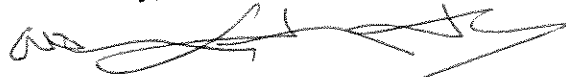
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MAR 10 2020

The Honorable Mark Takano
U.S. House of Representatives
Washington, DC 20515

Dear Representative Takano:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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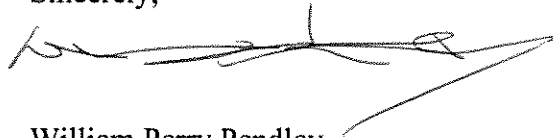
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MAR 10 2020

The Honorable Peter Welch
U.S. House of Representatives
Washington, DC 20515

Dear Representative Welch:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Chellie Pingree
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pingree:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Bill Foster
U.S. House of Representatives
Washington, DC 20515

Dear Representative Foster:

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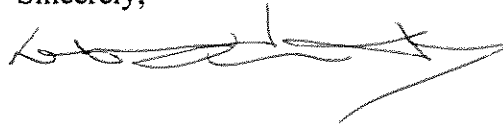
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MAR 10 2020

The Honorable Ed Case
U.S. House of Representatives
Washington, DC 20515

Dear Representative Case:

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MAR 10 2020

The Honorable Nanette Diaz Barragan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Barragan:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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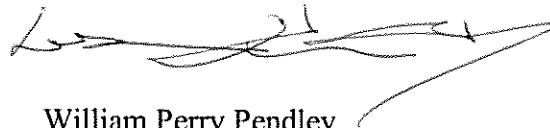
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MAR 10 2020

The Honorable Matt Cartwright
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cartwright:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Ro Khanna
U.S. House of Representatives
Washington, DC 20515

Dear Representative Khanna:

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MAR 10 2020

The Honorable José E. Serrano
U.S. House of Representatives
Washington, DC 20515

Dear Representative Serrano:

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As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

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The BLM is required to include the status quo as an alternative, "Alternative A," which maintains the 11.8 million acres for development under the 2013 record of decision. The other alternatives include:

- Alternative B, which decreases the land available for leasing and new infrastructure to 11.4 million acres and designates all special areas as unavailable;
- Alternative C, which increases the land available for leasing and new infrastructure to 17.1 million acres and keeps a core area around Teshekpuk Lake as unavailable; and
- Alternative D, which increases the land available for leasing and new infrastructure to 18.3 million acres, allowing for the entire Teshekpuk Lake special area, as well as parts of the Utukok River Uplands special area, to be available for development.

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Your concerns on the Draft EIS will be included as part of the public record and will be addressed in the Final EIS, as appropriate. I look forward to working with the House of Representatives not only on the NPR-A IAP, but also on responsible development within the NPR-A. A similar reply is being sent to the cosigners of your letter.

Sincerely,

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William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Darren Soto
U.S. House of Representatives
Washington, DC 20515

Dear Representative [NAME]:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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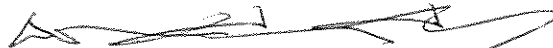
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<http://www.blm.gov>



MAR 10 2020

The Honorable Pramila Jayapal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Jayapal:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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<http://www.blm.gov>



MAR 10 2020

The Honorable A. Donald McEachin
U.S. House of Representatives
Washington, DC 20515

Dear Representative McEachin:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable John Yarmuth
U.S. House of Representatives
Washington, DC 20515

Dear Representative Yarmuth:

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MAR 10 2020

The Honorable Betty McCollum
U.S. House of Representatives
Washington, DC 20515

Dear Representative McCollum:

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<http://www.blm.gov>



MAR 10 2020

The Honorable Tom Malinowski
U.S. House of Representatives
Washington, DC 20515

Dear Representative Malinowski:

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Deputy Director, Policy and Programs
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<http://www.blm.gov>



The Honorable Maxine Waters
U.S. House of Representatives
Washington, DC 20515

MAR 10 2020

Dear Representative Waters:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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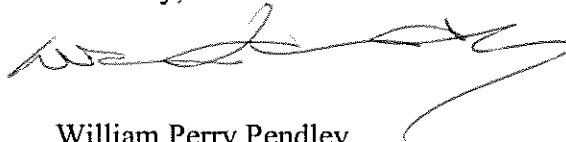
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William Perry Pendley
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MAR 10 2020

The Honorable Suzanne Bonamici
U.S. House of Representatives
Washington, DC 20515

Dear Representative Bonamici:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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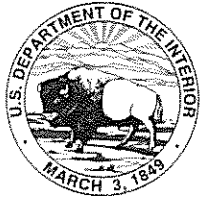
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The Honorable Lucille Roybal-Allard
U.S. House of Representatives
Washington, DC 20515

MAR 10 2020

Dear Representative Roybal-Allard:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

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MAR 10 2020

The Honorable Raja Krishnamoorthi
U.S. House of Representatives
Washington, DC 20515

Dear Representative Krishnamoorthi:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

Advances in technology and new resource discoveries in and around NPR-A present substantial new information BLM must consider in the revised IAP. In addition, the United States Geological Survey's most recent petroleum assessment of the area (*Assessment of Undiscovered Oil and Gas Resources in the Cretaceous Nanushuk and Torok Formations, Alaska North Slope, and Summary of Resource Potential of the National Petroleum Reserve in Alaska, 2017*) presented a significantly higher estimate of technically recoverable oil and gas resources in NPR-A; this supports the development of an updated management strategy for the NPR-A.

The Draft EIS outlines four alternatives providing a range of options for oil and gas leasing and development. The Final EIS will be informed by public comments and will identify a preferred alternative that may be a combination of different aspects of the range of alternatives.

The BLM is required to include the status quo as an alternative, "Alternative A," which maintains the 11.8 million acres for development under the 2013 record of decision. The other alternatives include:

- Alternative B, which decreases the land available for leasing and new infrastructure to 11.4 million acres and designates all special areas as unavailable;
- Alternative C, which increases the land available for leasing and new infrastructure to 17.1 million acres and keeps a core area around Teshekpuk Lake as unavailable; and
- Alternative D, which increases the land available for leasing and new infrastructure to 18.3 million acres, allowing for the entire Teshekpuk Lake special area, as well as parts of the Utukok River Uplands special area, to be available for development.

The information we received during the Draft EIS's public comment period, which was extended to 75 days and closed February 5, 2020, is helping us to develop a more informed decision on the path to responsibly developing the nation's natural resources and continuing throughput in the Trans Alaska Pipeline System, all while protecting surface resources and the environment.

Your concerns on the Draft EIS will be included as part of the public record and will be addressed in the Final EIS, as appropriate. I look forward to working with the House of Representatives not only on the NPR-A IAP, but also on responsible development within the NPR-A. A similar reply is being sent to the cosigners of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Perry Pendley', with a long, sweeping horizontal stroke extending to the right.

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 10 2020

The Honorable Jim Himes
U.S. House of Representatives
Washington, DC 20515

Dear Representative Himes:

Thank you for your January 21, 2020, letter to Secretary of the Interior David Bernhardt regarding the Draft Environmental Impact Statement (Draft EIS) for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP). Secretary Bernhardt asked me to respond on his behalf.

As you know, the NPR-A was set aside by Congress as a petroleum reserve. Development of its energy resources could provide economic opportunities for our remote and isolated North Slope communities as well as enhance American energy production. The Bureau of Land Management (BLM) is re-evaluating the 2013 IAP to strike an appropriate balance between oil and gas development and protection of important surface resources consistent with NPR-A.

Advances in technology and new resource discoveries in and around NPR-A present substantial new information BLM must consider in the revised IAP. In addition, the United States Geological Survey's most recent petroleum assessment of the area (*Assessment of Undiscovered Oil and Gas Resources in the Cretaceous Nanushuk and Torok Formations, Alaska North Slope, and Summary of Resource Potential of the National Petroleum Reserve in Alaska, 2017*) presented a significantly higher estimate of technically recoverable oil and gas resources in NPR-A; this supports the development of an updated management strategy for the NPR-A.

The Draft EIS outlines four alternatives providing a range of options for oil and gas leasing and development. The Final EIS will be informed by public comments and will identify a preferred alternative that may be a combination of different aspects of the range of alternatives.

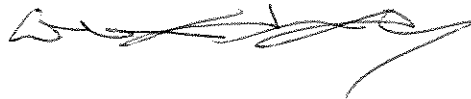
The BLM is required to include the status quo as an alternative, "Alternative A," which maintains the 11.8 million acres for development under the 2013 record of decision. The other alternatives include:

- Alternative B, which decreases the land available for leasing and new infrastructure to 11.4 million acres and designates all special areas as unavailable;
- Alternative C, which increases the land available for leasing and new infrastructure to 17.1 million acres and keeps a core area around Teshekpuk Lake as unavailable; and
- Alternative D, which increases the land available for leasing and new infrastructure to 18.3 million acres, allowing for the entire Teshekpuk Lake special area, as well as parts of the Utukok River Uplands special area, to be available for development.

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Sincerely,

A handwritten signature in black ink, appearing to read 'William Perry Pendley', with a long, sweeping horizontal stroke extending to the right.

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

Congress of the United States
Washington, DC 20515

March 20, 2020

The Honorable David Bernhardt
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

We are in the midst of dealing with a global pandemic and public health crisis with the spread of the 2019 novel coronavirus (COVID-19), and many State, Local, and Tribal leaders and their communities are diligently working to ensure that their families and communities are safe during this unprecedented time. However, ongoing land-use planning processes continue.

The Bureau of Land Management Farmington Field Office, in with coordination with the Bureau of Indian Affairs has prepared a joint Draft Resource Management Plan Amendment and Environmental Impact Statement (RMPA/EIS) to analyze and update resource management issues in the area around Chaco Culture National Historical Park. The public has been invited to participate in the planning process by providing comments during a 90-day public comment and review period which began on February 28, 2020. Due to rapidly evolving situation with COVID-19, it is imperative that the public be given sufficient time to submit comments on the RMPA/EIS. Therefore, we ask that the Department extend the comment period of the aforementioned RMPA/EIS by at least 120-days, to allow sufficient time for comments after the threat of pandemic has passed.

Furthermore, the U.S. government has specific trust and treaty responsibilities to American Indians and Alaska Natives (AI/ANs). And as you know, the Fiscal Year 2020 Interior, Environment, and Related Agencies Appropriations bill as part of the FY20 spending package (P.L. 116-94) signed into law included \$1 million for an ethnographic study conducted by Tribes to be included in the RMPA/EIS. Therefore we also ask that Tribes be given the same extension during the scoping process to ensure their direct participation in crafting the study.

Thank you again for your attention to these matters. Public comments are a critical part of any environmental review process. We look forward to working with you.

Sincerely,

/s/ Senator Tom Udall (digital)

Tom Udall
United States Senator

/s/ Senator Martin Heinrich (digital)

Martin Heinrich
United States Senator

/s/ Representative Ben Ray Lujan (digital)

Ben Ray Lujan
United States Representative

/s/ Representative Deb Haaland (digital)

Deb Haaland
United States Representative

/s/ Representative Xochitl Torres Small (digital)

Xochitl Torres Small
United States Representative

Congress of the United States
Washington, DC 20515

March 26, 2020

The Honorable David Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are greatly concerned about the Department of the Interior's (DOI) proposed rule under the Migratory Bird Treaty Act (MBTA), based upon Solicitor's Opinion M-37050. This proposed rule removes prohibitions on the incidental take of migratory birds, ends federal authority to address the incidental take of birds from industrial hazards, and puts the lives of millions of birds at risk. We strongly urge you to withdraw this proposal.

When the United States signed migratory bird treaties and passed the MBTA over a century ago, it established statutory protections for more than 1,000 species of native birds and rescued many from the brink of extinction. Because of the MBTA, the U.S. Fish and Wildlife Service has, in recent decades, assisted states, conservation groups, and industries in developing best practices for reducing incidental take and improving the conservation of migratory birds. When gross negligence occurred, as in the case of the Deepwater Horizon oil spill which killed more than one million birds, British Petroleum was fined \$100 million. That money was invested in the North American Wetlands Conservation Fund, which invests in wetland restoration for the benefit of waterfowl and other migratory birds.

We believe that DOI's Solicitors Opinion and the proposed rule contradict the Congressional intent of the MBTA and violate our international treaty obligations. Congress prohibited the killing of migratory birds "by any means or in any manner"¹ without a permit, and administrations for decades have reasonably applied the law's mandate to address not only hunting, but industrial hazards as well. In fact, seventeen former high-ranking officials in the Department of the Interior, under every Republican and Democratic administration from President Nixon to President Obama, and three flyway councils asked the Department to suspend the legal opinion².

¹ 16 U.S.C. 703-712

² Former officials' letter, 1/10/2018; Central Flyway Council letter 3/27/2018; Mississippi Flyway Council letter 4/5/2018; Atlantic Flyway Council letter, 9/27/2018.

If DOI finalizes a rule that eliminates agency authority to address incidental take under the MBTA, DOI risks reversing the significant progress the nation has made in recovering and maintaining bird populations, needlessly ties the hands of the Department's wildlife professionals, and undermines our international obligations. A responsible course of action is to suspend this rulemaking and instead address industrial threats to birds through general permits based on best management practices, similar to the framework set out in the bipartisan, H.R. 5552, Migratory Bird Protection Act.

On behalf of our constituents who care deeply about birds, we urge you to abandon this rulemaking and focus on efforts that protect and sustain migratory bird populations.

Sincerely,



Alan Lowenthal
Member of Congress



Francis Rooney
Member of Congress

Members of Congress Cosigning this Letter

Nanette Diaz Barragán
Donald S. Beyer Jr.
Earl Blumenauer
Tony Cardenas
Ed Case
Kathy Castor
Steve Cohen
Gerald E. Connolly
Peter A. DeFazio
Diana DeGette
Debbie Dingell
Adriano Espaillat
Brian Fitzpatrick
Ruben Gallego
Jimmy Gomez
Raúl M. Grijalva
Deb Haaland
Alcee L. Hastings
Jared Huffman
Pramila Jayapal
Henry C. "Hank" Johnson, Jr.
Ro Khanna
Ann McLane Kuster

Rick Larsen
Barbara Lee
Andy Levin
Ted W. Lieu
Stephen F. Lynch
Betty McCollum
James P. McGovern
Joe Neguse
Eleanor Holmes Norton
Chris Pappas
Dean Phillips
Ayanna Pressley
David Price
Mike Quigley
Lucille Roybal-Allard
Jan Schakowsky
Adam B. Schiff
Thomas R. Suozzi
Mike Thompson
Juan Vargas
Nydia M. Velázquez
Peter Welch

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 31, 2020

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

Dear Secretary Bernhardt,

We write with serious concerns regarding your decision to keep national parks and other public lands open during the coronavirus pandemic and ask that you take whatever additional actions may be needed to protect public health and slow the spread of the virus.

Over the last several days, there have been numerous reports of crowding at popular national parks and public land sites that prevented people from maintaining the social distancing called for by the Centers for Disease Control and Prevention (CDC). While the Department of the Interior manages a vast acreage of public lands, many of the highest visitation areas are designed to direct visitors toward some of our country's greatest natural wonders, and many of those places have recently seen unsafe crowd sizes.

Staff and visitor safety must be the number one priority for your Department, which is why we were shocked to learn of recent news reports that suggest you denied the Superintendent of Grand Canyon National Park's recent request to close the park.^{1,3} On a popular trail in the Grand Canyon, a ranger had 600 contacts with visitors in just one day, putting the health of that ranger and all of those visitors at risk. On March 30, 2020, it was confirmed that a resident of Grand Canyon Village has the area's first confirmed case of COVID-19.³ Given these grave public health risks, park management made the difficult decision to request closing the park. The Navajo Nation, which is dealing with an outbreak of coronavirus, the Hualapai Nation, and Coconino County all supported the request to close Grand Canyon National Park to protect public health throughout the region. Unfortunately, by ignoring park management and key local

¹ Repanshek, K. (2020, March 26). UPDATE 3| Interior Secretary Refuses to Let Grand Canyon National Park Close in Face Of COVID-19). National Parks Traveler. Retrieved from <https://www.nationalparkstraveler.org/2020/03/update-3-interior-secretary-refuses-let-grand-canyon-national-park-close-face-covid-19>

² Fears, D. & Grandoni, D. (2020, March 26). Thousands are crowding into free national park. And workers are terrified of coronavirus. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/climate-environment/2020/03/26/coronavirus-national-parks/>

³ White, Kaila. (2020, March 30). First Grand Canyon resident tests positive for coronavirus; park still open. *AZ Central*. Retrieved from <https://www.azcentral.com/story/news/local/arizona-health/2020/03/30/first-grand-canyon-area-resident-has-coronavirus-park-still-open/5092501002/>

stakeholders, it appears that you have chosen to play politics with the health and safety of the American public. We understand that closing an iconic destination like the Grand Canyon is not an easy decision, but we implore you to do everything in your power to prioritize public health and not interfere with locally informed decisions to close parks where appropriate.

As you know, impacts of the pandemic are not unique to Arizona and the Grand Canyon. In New Mexico, the All Pueblo Council of Governors has asked groups of visitors not to visit Kasha-Katuwe Tent Rocks National Monument because of the threat posed to the nearby Cochiti Pueblo. In Washington, DC, streets and Metro stations near the National Mall and Tidal Basin had to be closed down to stem the crowds of people seeking to view the seasonal cherry blossoms. Thousands of people are going into Zion National Park every day and many of them continue to gather at Angels Landing, one of its more popular lookouts. While we recognize that the National Park Service has closed a portion of Angels Landing trail due to crowding, the closure of entire parks in other areas has been necessitated by the fact that social distancing just isn't possible on many of our most visited public lands, despite people's best intentions.

Warnings on the National Park Service website and the closure of some park facilities have not proven sufficient to protect public health, prompting grave concerns from federal employees and the local communities nearest our public lands. Many parks are located in rural areas where an outbreak would overrun community hospitals and their staff, making it imperative that we act now to reduce risk.

At this unprecedented time in our nation's history, we must prioritize the health and safety of visitors to national parks and public lands and the staff charged with the protection of these natural resources during this crisis. We urge you to establish clear safety protocols for employees and visitors guided by directives from public health experts to prevent the spread of coronavirus on public lands, and to close parks and other public lands that are not able to meet CDC guidelines.

Sincerely,



Debra Haaland
Chair
Subcommittee on National Parks, Forests,
and Public Lands



Ruben Gallego
Chair
Subcommittee for Indigenous Peoples of the
United States



Raúl M. Grijalva
Chair
House Committee on Natural Resources




Jared Huffman
Chair
Subcommittee on Water, Oceans, and
Wildlife



Alan Lowenthal

Chair

Subcommittee on Energy and Mineral
Resources



Jesús G. "Chuy" García

Member of Congress



Darren Soto

Member of Congress



A. Donald McEachin

Member of Congress



Diana DeGette

Member of Congress



Tom O'Halleran

Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 07 2020

The Honorable Raúl Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides the twelfth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on January 31, 2020.

Enclosed is a disc, labeled 00011691_0014, that contains 94 documents consisting of 2,984 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 07 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

Dear Rep. Haaland:

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Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515

April 14, 2020

The Honorable David L. Bernhardt
U.S. Department of the Interior
1849 C Street N.W.
Washington D.C. 20240

Dear Secretary Bernhardt:

We are greatly concerned about the Department of Interior's handling of public rulemaking and public comment periods while the country and the world fight the coronavirus pandemic. As you know, the President declared a national emergency on March 13, 2020, and as of April 7, 2020 more than 11,000 Americans are estimated to have died from COVID-19, with public health experts projecting the possibility of more than 100,000 deaths in the United States. Given these dire circumstances, it is inappropriate that the Department of Interior continue its rulemaking process while the public's attention is elsewhere. The Department's refusal to extend comment periods will, in effect, curtail the public's right to a meaningful opportunity to participate in the rulemaking process.

Due to the national emergency and to ensure the public's legal right to a meaningful and robust participation process, we urge the Department to either:

1. Pause all open public comment periods on rulemaking and non-rulemaking, unrelated to the COVID-19 emergency response, and only reopen them once the Declared nation emergency has ended. Once reopened, extend the comment periods by at least 45 days. Comment periods from March 13, 2020 to the present should also resume at that time; or
2. Keep open and extend all open public comment periods on rulemaking and non-rulemaking, unrelated to the COVID-19 emergency response, by at least 45 days beyond the end of the declared national emergency, including immediately reopening comment periods which closed from March 13, 2020 to the present.

The American people face unprecedented challenges related to the COVID-19 pandemic, they are social distancing and staying home to control the spread of the virus. Businesses and non-profit organizations are closing their doors and a record 6.6 million Americans filed for unemployment benefits in the last week of March alone. In response, the Internal Revenue Service (IRS) and the Treasury Department extended deadlines on federal income tax filings and the Department of Housing and Urban Development has issued a moratorium on foreclosures and eviction for all Federal Housing Administration-insured mortgages.

Despite disruptions caused by the COVID-19 crisis and action by some agencies to ease the burden this has caused, the Department of Interior appears to remain determined to use the COVID-19 crisis as an opportunity to push its aggressive deregulatory agenda while the public's attention is forced to be elsewhere. The New York Times reported that Fish and Wildlife Service (FWS) employees were given "strict orders" to complete the Department's rule to eliminate incidental take protections provided in the Migratory Bird Treaty Act (MBTA) within the month. The Department ignored calls from members of Congress to extend the comment period and

closed the short 45-day (the statutory minimum) comment period on March 19. The Department denied these requests for extension of the comment period even while the Administration has cited disruptions caused by the COVID-19 crisis to justify multiple extensions of filing deadlines in court cases challenging the Department's MBTA incidental take reinterpretation.

The Department's failure to pause or extend public comment periods during this crisis will impede the ability of impacted communities to engage in permitting processes that will directly affect their health and well-being long after the COVID-19 outbreak. For example, the Bureau of Land Management (BLM) opened a public comment period for ConocoPhillips' proposed Willow Plan in Alaska's Arctic after the President declared a national emergency. This massive oil and gas proposal will have impacts across the Arctic. To continue to move forward during this time, BLM stated that they will be holding virtual meetings during a short 45-day comment period. Many rural communities in Alaska, including directly impacted communities like Nuiqsut, lack strong internet connections, making virtual meetings a hollow exercise and impeding the ability of these communities to meaningfully participate and provide comments. Meaningful public participation requires in-person public meetings, especially in rural communities where BLM operates, like Alaska's Arctic.

During this difficult time, the public's attention is on the health of themselves and their loved ones, as it should be. The health and well-being of the American people must come first during this pandemic. The Department of Interior must ensure it protects the public's right to participate in the operations of their government while it continues to comply with statutory and judicial requirements during this national emergency. We urge you to immediately extend and protect public comment periods by taking the actions stated in this letter.

Thank you for your attention to this matter. Given the urgency of the crisis, we request your response within the next two weeks.

Sincerely,



Alan Lowenthal
Member of Congress

Mike Quigley
Member of Congress

Nanette Diaz Barragán
Member of Congress

Jerry McNerney
Member of Congress

Sean Casten
Member of Congress

Ruben Gallego
Member of Congress

Wm. Lacy Clay
Member of Congress

Joe Neguse
Member of Congress

Eleanor Holmes Norton
Member of Congress

Grace F. Napolitano
Member of Congress

Raúl Grijalva
Member of Congress

Bobby L. Rush
Member of Congress

Earl Blumenauer
Member of Congress

Paul D. Tonko
Member of Congress

Suzanne Bonamici
Member of Congress

Diana DeGette
Member of Congress

Darren Soto
Member of Congress

Suzan DelBene
Member of Congress

Barbara Lee
Member of Congress

Deb Haaland
Member of Congress

Nydia M. Velázquez
Member of Congress

Adam Smith
Member of Congress

Ed Case
Member of Congress

Gerald E. Connolly
Member of Congress

Ro Khanna
Member of Congress

Dina Titus
Member of Congress

Tulsi Gabbard
Member of Congress

Daniel T. Kildee
Member of Congress

Yvette D. Clarke
Member of Congress

David Price
Member of Congress

Salud Carbajal
Member of Congress

Mark Takano
Member of Congress

Rick Larsen
Member of Congress

Juan Vargas
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Mark Pocan
Member of Congress

Bill Foster
Member of Congress

Chrissy Houlahan
Member of Congress

Chellie Pingree
Member of Congress

Richard E. Neal
Member of Congress

Donald S. Beyer Jr.
Member of Congress

John B. Larson
Member of Congress

Bennie G. Thompson
Member of Congress

Steven Horsford
Member of Congress

Julia Brownley
Member of Congress

Ann McLane Kuster
Member of Congress

Jamie Raskin
Member of Congress

Jackie Speier
Member of Congress

Jared Huffman
Member of Congress

Pramila Jayapal
Member of Congress

Steve Cohen
Member of Congress

Jan Schakowsky
Member of Congress

Lisa Blunt Rochester
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Frank Pallone, Jr.
Member of Congress

TJ Cox
Member of Congress

Kathy Castor
Member of Congress

Maxine Waters
Member of Congress

Debbie Mucarsel-Powell
Member of Congress

Judy Chu
Member of Congress

A. Donald McEachin
Member of Congress

Stephen F. Lynch
Member of Congress

James P. McGovern
Member of Congress

Suzan K. DelBene
Member of Congress

Mike Levin
Member of Congress

José E. Serrano
Member of Congress

Sean Patrick Maloney
Member of Congress

Jahana Hayes
Member of Congress

Debbie Dingell
Member of Congress

Matthew Cartwright
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

Congress of the United States
Washington, D.C. 20515

April 13, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are concerned that references to “sexual orientation” and “gender” have been removed from the U.S. Department of the Interior’s (DOI) employee ethics guide. We urge DOI to reverse its decision and restore previous guidance that explicitly states DOI’s commitment to preventing workplace harassment and discrimination on the basis of sexual orientation or gender for its employees.

In 2009, DOI had established the following direction in its Ethics Guide for agency employees:

“You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, gender, sexual orientation, age, or disability.”

However, in its 2017 Ethics Guide, DOI removed “sexual orientation” and “gender” from this list of protected classes and instead, replaced these two classes with “sex.”¹ DOI was under no legal obligation to make this language change.

In the time following reports of this change, we recognize that DOI responded that the term, “sex,” in its 2017 Ethics Guide had intended to encompass sexual orientation and gender, as is upheld by Title VII of the Civil Rights Act of 1964 and sustained by federal court decisions since the law’s enactment.²

However, the U.S. Department of Justice (DOJ) has filed amicus briefs contending that Title VII of the Civil Rights Act of 1964 should be interpreted to only prohibit discrimination based on a

¹ Department of the Interior, Ethics Guide for DOI Employees (2017) (online at https://www.doi.gov/sites/doi.gov/files/uploads/ethics_pocket_guide_for_doi_employees_2017.pdf).

² U.S. Department of the Interior, Press Statement Regarding Department of the Interior Employee Rights and Protections (2020) (online at <https://www.doi.gov/pressreleases/press-statement-regarding-department-interior-employee-rights-and-protections>).

limited definition of biological sex alone.^{3 4} This apparent rift between DOJ's and DOI's respective interpretations of Title VII of the Civil Rights Act of 1964 has caused both confusion and alarm about the current administration's position on whether sexual orientation and gender should remain protected by this law. Amid the uncertainty produced by these actions of the current administration, we believe that the agency's guidance is not sufficiently explicit in its commitment to protecting employees who identify with the LGBTQ+ community.

DOI has additionally reported prior patterns of harassment among its staff. In a 2017 survey, 35 percent of DOI employees reported experiencing harassment or discrimination in the previous 12 months.⁵ Given this information, we are deeply concerned that this change in DOI's Ethics Guide could potentially lead to continued, or worsened, patterns of harassment or discrimination in the workplace. Moreover, the reinstatement of the language that was first instituted in 2009 would place DOI's policies in line with the vast majority of Fortune 500 companies that have already adopted non-discrimination policies that explicitly include both sexual orientation and gender identity.⁶

The references to "sexual orientation" and "gender" in the 2009 Ethics Guide were established to protect LGBTQ+ employees who are at a greater risk of discrimination from being wrongfully treated by their peers and their employers. While LGBTQ+ Americans remain protected under law, signals like this language change can send a concerning message to the LGBTQ+ community that rooting out discrimination is not in the administration's interest. This is the wrong message. DOI has an obligation to ensure that their employees can uphold the important missions of the agency without fear of discrimination or harassment. With that in mind, we urge DOI to reinstate the 2009 guidance with immediate effect in order to maintain unequivocal support for its LGBTQ+ employees.

In addition, we respectfully request that you respond to the following questions by May 15, 2020:

1. Why did DOI make this change, despite being under no legal obligation to do so?
2. How do you reconcile this change in your agency's ethics guide with DOJ's argument that the definition of "sex" under Title VII of the Civil Rights Act of 1964 should not be inclusive of LGBTQ+ individuals?

³ Gerald Lynn Bostock v. Clayton County, Georgia (2019) (online at https://www.supremecourt.gov/DocketPDF/17/17-1618/113417/20190823143040818_17-1618bsacUnitedStates.pdf).

⁴ R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission (2019) (online at https://www.supremecourt.gov/DocketPDF/18/18-107/112655/20190816163010995_18-107bsUnitedStates.pdf).

⁵ U.S. Department of the Interior, Press Release: Interior Continues Steps Toward Department-Wide Culture Change with Release of Work Environment Survey Results (2017) (online at <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>).

⁶ Human Rights Campaign, Workplace Discrimination Laws and Policies (online at <https://www.hrc.org/resources/Workplace-Discrimination-Policies-Laws-and-Legislation>).

3. Did you or anyone at DOI consult with DOJ regarding the pending amicus briefs challenging the long-upheld interpretation of “sex” under Title VII of the Civil Rights Act of 1964 before revising these guidelines?
4. Since this change in language took place, have DOI employees received notice or training, or have they otherwise been briefed on the implications of these new guidelines?
5. Will this revised language be used in any other employee guidelines issued by DOI?
 - a. If so, will you provide Congress advance notice?
6. How do you envision the new Ethics Guidelines impacting harassment at DOI?

If you have any questions, please be in touch with Leah Li (Leah.Li@mail.house.gov) in Congressman Derek Kilmer’s office, John Lynch (John.Lynch@mail.house.gov) in Congressman TJ Cox’s office, or Alejandro Oms (Alejandro.Oms@mail.house.gov) in Congresswoman Deb Haaland’s office. We look forward to hearing from you.

Sincerely,



Derek Kilmer
Member of Congress



TJ Cox
Member of Congress



Raúl Grijalva
Member of Congress



Deb Haaland
Member of Congress

Earl Blumenauer
Member of Congress

Suzanne Bonamici
Member of Congress

Tony Cárdenas
Member of Congress

Ed Case
Member of Congress

David N. Cicilline
Member of Congress

Jim Costa
Member of Congress

Peter A. DeFazio
Member of Congress

Suzan K. DelBene
Member of Congress

Adriano Espaillat
Member of Congress

Ruben Gallego
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Jahana Hayes
Member of Congress

Denny Heck
Member of Congress

Jared Huffman
Member of Congress

Pramila Jayapal
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Robin Kelly
Member of Congress

Joseph P. Kennedy, III
Member of Congress

Ro Khanna
Member of Congress

Rick Larsen
Member of Congress

Mike Levin
Member of Congress

Alan Lowenthal
Member of Congress

Carolyn B. Maloney
Member of Congress

Sean Patrick Maloney
Member of Congress

A. Donald McEachin
Member of Congress

Grace Meng
Member of Congress

Gwen S. Moore
Member of Congress

Seth Moulton
Member of Congress

Eleanor Holmes Norton
Member of Congress

Ilhan Omar
Member of Congress

Frank Pallone, Jr.
Member of Congress

Chris Pappas
Member of Congress

Chellie Pingree
Member of Congress

Mark Pocan
Member of Congress

Ayanna Pressley
Member of Congress

Mike Quigley
Member of Congress

Jamie Raskin
Member of Congress

Jan Schakowsky
Member of Congress

Adam Smith
Member of Congress

Darren Soto
Member of Congress

Jackie Speier
Member of Congress

Nydia M. Velázquez
Member of Congress

Congress of the United States
Washington, D.C. 20515

April 13, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are concerned that references to “sexual orientation” and “gender” have been removed from the U.S. Department of the Interior’s (DOI) employee ethics guide. We urge DOI to reverse its decision and restore previous guidance that explicitly states DOI’s commitment to preventing workplace harassment and discrimination on the basis of sexual orientation or gender for its employees.

In 2009, DOI had established the following direction in its Ethics Guide for agency employees:

“You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, gender, sexual orientation, age, or disability.”

However, in its 2017 Ethics Guide, DOI removed “sexual orientation” and “gender” from this list of protected classes and instead, replaced these two classes with “sex.”¹ DOI was under no legal obligation to make this language change.

In the time following reports of this change, we recognize that DOI responded that the term, “sex,” in its 2017 Ethics Guide had intended to encompass sexual orientation and gender, as is upheld by Title VII of the Civil Rights Act of 1964 and sustained by federal court decisions since the law’s enactment.²

However, the U.S. Department of Justice (DOJ) has filed amicus briefs contending that Title VII of the Civil Rights Act of 1964 should be interpreted to only prohibit discrimination based on a

¹ Department of the Interior, Ethics Guide for DOI Employees (2017) (online at https://www.doi.gov/sites/doi.gov/files/uploads/ethics_pocket_guide_for_doi_employees_2017.pdf).

² U.S. Department of the Interior, Press Statement Regarding Department of the Interior Employee Rights and Protections (2020) (online at <https://www.doi.gov/pressreleases/press-statement-regarding-department-interior-employee-rights-and-protections>).

limited definition of biological sex alone.^{3 4} This apparent rift between DOJ's and DOI's respective interpretations of Title VII of the Civil Rights Act of 1964 has caused both confusion and alarm about the current administration's position on whether sexual orientation and gender should remain protected by this law. Amid the uncertainty produced by these actions of the current administration, we believe that the agency's guidance is not sufficiently explicit in its commitment to protecting employees who identify with the LGBTQ+ community.

DOI has additionally reported prior patterns of harassment among its staff. In a 2017 survey, 35 percent of DOI employees reported experiencing harassment or discrimination in the previous 12 months.⁵ Given this information, we are deeply concerned that this change in DOI's Ethics Guide could potentially lead to continued, or worsened, patterns of harassment or discrimination in the workplace. Moreover, the reinstatement of the language that was first instituted in 2009 would place DOI's policies in line with the vast majority of Fortune 500 companies that have already adopted non-discrimination policies that explicitly include both sexual orientation and gender identity.⁶

The references to "sexual orientation" and "gender" in the 2009 Ethics Guide were established to protect LGBTQ+ employees who are at a greater risk of discrimination from being wrongfully treated by their peers and their employers. While LGBTQ+ Americans remain protected under law, signals like this language change can send a concerning message to the LGBTQ+ community that rooting out discrimination is not in the administration's interest. This is the wrong message. DOI has an obligation to ensure that their employees can uphold the important missions of the agency without fear of discrimination or harassment. With that in mind, we urge DOI to reinstate the 2009 guidance with immediate effect in order to maintain unequivocal support for its LGBTQ+ employees.

In addition, we respectfully request that you respond to the following questions by May 15, 2020:

1. Why did DOI make this change, despite being under no legal obligation to do so?
2. How do you reconcile this change in your agency's ethics guide with DOJ's argument that the definition of "sex" under Title VII of the Civil Rights Act of 1964 should not be inclusive of LGBTQ+ individuals?

³ Gerald Lynn Bostock v. Clayton County, Georgia (2019) (online at https://www.supremecourt.gov/DocketPDF/17/17-1618/113417/20190823143040818_17-1618bsacUnitedStates.pdf).

⁴ R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission (2019) (online at https://www.supremecourt.gov/DocketPDF/18/18-107/112655/20190816163010995_18-107bsUnitedStates.pdf).

⁵ U.S. Department of the Interior, Press Release: Interior Continues Steps Toward Department-Wide Culture Change with Release of Work Environment Survey Results (2017) (online at <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>).

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3. Did you or anyone at DOI consult with DOJ regarding the pending amicus briefs challenging the long-upheld interpretation of “sex” under Title VII of the Civil Rights Act of 1964 before revising these guidelines?
4. Since this change in language took place, have DOI employees received notice or training, or have they otherwise been briefed on the implications of these new guidelines?
5. Will this revised language be used in any other employee guidelines issued by DOI?
 - a. If so, will you provide Congress advance notice?
6. How do you envision the new Ethics Guidelines impacting harassment at DOI?

If you have any questions, please be in touch with Leah Li (Leah.Li@mail.house.gov) in Congressman Derek Kilmer’s office, John Lynch (John.Lynch@mail.house.gov) in Congressman TJ Cox’s office, or Alejandro Oms (Alejandro.Oms@mail.house.gov) in Congresswoman Deb Haaland’s office. We look forward to hearing from you.

Sincerely,



Derek Kilmer
Member of Congress



TJ Cox
Member of Congress



Raúl Grijalva
Member of Congress



Deb Haaland
Member of Congress

Earl Blumenauer
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Suzanne Bonamici
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Mike Quigley
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Jamie Raskin
Member of Congress

Jan Schakowsky
Member of Congress

Adam Smith
Member of Congress

Darren Soto
Member of Congress

Jackie Speier
Member of Congress

Nydia M. Velázquez
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 15 2020

The Honorable Martin Heinrich
United States Senate
Washington, D.C. 20510

Dear Senator Heinrich:

Thank you for your letter dated January 16, 2020, to Secretary Bernhardt concerning liability and financial allocation for the cleanup of the Jackpile-Paguate Uranium Mine Superfund Site in New Mexico. Secretary Bernhardt asked me to respond on his behalf and I am pleased to do so.

This matter is in active litigation. As such, the Department of the Interior is unable to comment. We appreciate your interest in Indian Affairs. A similar letter will be sent to the cosigners of your letter.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 15 2020

The Honorable Tom Udall
United States Senate
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter dated January 16, 2020, to Secretary Bernhardt concerning liability and financial allocation for the cleanup of the Jackpile-Paguate Uranium Mine Superfund Site in New Mexico. Secretary Bernhardt asked me to respond on his behalf and I am pleased to do so.

This matter is in active litigation. As such, the Department of the Interior is unable to comment. We appreciate your interest in Indian Affairs. A similar letter will be sent to the cosigners of your letter.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 15 2020

The Honorable Deb Haaland
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Haaland:

Thank you for your letter dated January 16, 2020, to Secretary Bernhardt concerning liability and financial allocation for the cleanup of the Jackpile-Paguate Uranium Mine Superfund Site in New Mexico. Secretary Bernhardt asked me to respond on his behalf and I am pleased to do so.

This matter is in active litigation. As such, the Department of the Interior is unable to comment. We appreciate your interest in Indian Affairs. A similar letter will be sent to the cosigners of your letter.

Sincerely,

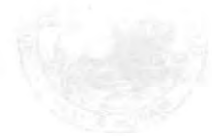
Tara Sweeney
Assistant Secretary – Indian Affairs

Department of the Interior

United States Department of the Interior

Washington, D.C. 20500

April 15, 1950



The Honorable William H. Harrison
U.S. House of Representatives
Washington, D.C.

Dear Mr. Harrison:

I am pleased to hear from you regarding the proposed legislation for the establishment of a new national monument. The Department of the Interior is currently reviewing the proposal and will be in contact with you again in the near future. We appreciate your interest in the preservation of our natural resources.

Sincerely,


Harold Ickes
Secretary of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 15 2020

The Honorable Ben Ray Lujan
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Lujan:

Thank you for your letter dated January 16, 2020, to Secretary Bernhardt concerning liability and financial allocation for the cleanup of the Jackpile-Paguate Uranium Mine Superfund Site in New Mexico. Secretary Bernhardt asked me to respond on his behalf and I am pleased to do so.

This matter is in active litigation. As such, the Department of the Interior is unable to comment. We appreciate your interest in Indian Affairs. A similar letter will be sent to the cosigners of your letter.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 27, 2020

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

Dear Secretary Bernhardt,

In consideration of the recent guidelines released by the White House on April 16, 2020, for *Opening Up America Again*, we write to request documentation and information regarding how the Department of the Interior (DOI) plans to reopen national parks and other public lands.

Given the gravity of the rapidly evolving public health crisis, we are concerned that reopening parks and other public lands in the absence of clear safeguards and guidance will jeopardize the health and safety of visitors, employees, and those who live closest to our public lands. There have already been numerous reports of overcrowding and high visitation at national parks and public land sites during the pandemic that prevented visitors and employees from maintaining the social distancing called for by the Centers for Disease Control and Prevention (CDC) and at least ten National Park Service (NPS) employees have tested positive for the virus.^{1, 2, 3} On March 31, 2020, we wrote you to express our concerns with your decision to keep many national parks and other public lands open during the coronavirus pandemic and urge you to establish clear safety protocols for employees and visitors consistent with federal and state guidelines.⁴ These concerns were echoed in an April 3, 2020, memorandum from the Director of the NPS Office of Public Health, which stated that “continued NPS visitation not only threatens our

¹ Fears, D. & Grandoni, D. (2020, March 26). Thousands are crowding into free national parks. And workers are terrified of coronavirus. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/climate-environment/2020/03/26/coronavirus-national-parks/>

² Federman, A. (2020, April 9). As National Parks Remain Open, Staffers Worry They Are at Risk. *Sierra Magazine*. Retrieved from <https://www.sierraclub.org/sierra/national-parks-remain-open-staffers-worry-they-are-risk-covid-19-coronavirus>

³ Grandoni, D. (2020, April 1). The Energy 202: Worry spreads among national park staff after seven workers contract coronavirus. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2020/04/01/the-energy-202-worry-spreads-among-national-park-staff-after-seven-workers-contract-coronavirus/5e83901c88e0fa101a757190/>

⁴ Haaland, D. et al. (2020, March 31). *Congresswoman Debra Haaland et al. to the Honorable David Bernhardt, Secretary of the Interior* [Letter]. Retrieved from <https://naturalresources.house.gov/imo/media/doc/Grijalva%20Haaland%20Letter%20to%20Bernhardt%20on%20Parks%20Closures%20and%20Coronavirus%20March%2031%202020.pdf>

workforce, but uniquely enhances COVID-19 risks in the neighboring communities and visitors and increases the risks of negative outcomes for all.”⁵

Unfortunately, in spite of these concerns and the rising number of confirmed cases of coronavirus in the U.S., the administration has continued to encourage public lands visits without implementing clear protocols to ensure the health and safety of visitors and employees. In fact, earlier this week, President Trump announced that the administration “will begin to reopen our national parks and public lands for the American people to enjoy.”⁶ While we recognize the benefits our public lands provide during this difficult time, waiving entrance fees at parks to make it “a little easier for the American public to enjoy the outdoors” and ignoring requests from NPS employees and local officials for closure threaten to undermine efforts to combat this crisis.^{7, 8, 9}

In the face of this unprecedented crisis, it is crucial that any decisions to reopen national parks and other public land sites prioritize the health and safety of visitors, employees, and local communities and that they are guided by directives from public health experts and local officials.

To assist the Committee with its oversight activities and to address outstanding questions regarding the Department of the Interior’s plans to reopen national parks and public land sites consistent with the guidelines for *Opening Up America Again*, please provide the following documents and information as soon as possible, but no later than May 8, 2020:

- Documentation detailing how DOI will determine when it is appropriate to reopen, or to keep open, parks and other public land sites.
- A breakdown of the specific guidance and/or criteria DOI will provide to reopen closed facilities, units, and sites.

⁵ Newman, S. (2020, April 3.) *Public Health Recommendations Related to COVID-19* [Memorandum]. National Park Service Office of Public Health. Retrieved from <https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/OPH%20Memo%20to%20NPS%20Director%20COVID-19%204.3.20.pdf>

⁶ Adragna, A. (2020, April 22). Trump calls for national parks, public lands to begin reopening. *Politico*. Retrieved from <https://subscriber.politicopro.com/energy/whiteboard/2020/04/trump-calls-for-national-parks-public-lands-to-begin-reopening-3979675>

⁷ National Park Service. (2020, March 18). National Park Service to Temporarily Suspend Park Entrance Fees. Retrieved from <https://www.nps.gov/orgs/1207/national-park-service-to-temporarily-suspend-park-entrance-fees.htm>

⁸ Rudig, M. (2020, March 26). County Board of Supervisors issue statement to close Grand Canyon National Park [Press Release]. Retrieved from <https://www.coconino.az.gov/DocumentCenter/View/33302/COVID-19-Press-Release---Statement-on-Grand-Canyon-National-Park-3262020>

⁹ Federman, Adam. (2020, April 9). As National Parks Remain Open, Staffers Worry They Are at Risk. *Sierra Magazine*. Retrieved from <https://www.sierraclub.org/sierra/national-parks-remain-open-staffers-worry-they-are-risk-covid-19-coronavirus>

- A timeline specifying when DOI plans to begin reopening parks and other public land sites that are currently closed.
- Documentation outlining DOI's plans to consult with stakeholders – including DOI employees, scientists, and state, tribal, and local officials – to ensure that any decisions to reopen, or to keep open, parks and other public land sites reflect local conditions and prioritize public health.
- Documentation specifying the protocols and processes DOI will implement to ensure visitor safety when reopening, or deciding to keep open, parks and other public land sites.
- Documentation specifying the protocols and processes DOI will implement to ensure employee safety when reopening, or deciding to keep open, parks and other public land sites.
- Any documentation and/or information related to how DOI plans to house NPS employees, seasonal staff, trail crews, and fire crews, consistent with federal and state guidelines.

If you have any questions regarding this request, please contact the National Parks, Forests, and Public Lands Subcommittee staff at (202) 225-6065. Thank you for your attention to this matter.

Sincerely,



Debra Haaland
Chair
Subcommittee on National Parks, Forests
and Public Lands



Jared Huffman
Chair
Subcommittee on Water, Oceans, and
Wildlife



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral
Resources



Ruben Gallego

Chair

Subcommittee for Indigenous Peoples of the
United States



Joe Neguse

Member of Congress



Wm. Lacy Clay

Member of Congress



Ed Case

Member of Congress



Diana DeGette

Member of Congress



Darren Soto

Member of Congress



A. Donald McEachin

Member of Congress



Jesús G. "Chuy" García

Member of Congress



Congress of the United States
House of Representatives

April 29, 2020

The Honorable Steven Mnuchin
Secretary of the Treasury
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Re: Immediate Disbursement of Coronavirus Relief Fund to Tribal Governments

Dear Secretary Mnuchin and Secretary Bernhardt:

We write to you today in response to the numerous concerns that we have heard from leaders of the 574 federally-recognized tribal governments regarding the Coronavirus Relief Fund (CRF) established under Title V of the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* following the U.S. District Court for the District of Columbia's Order that was issued on April 27, 2020 enjoining the Treasury Department from disbursing CRF funding to Alaska Native Corporations (ANCs).

Congress designated \$8 billion from the CRF established in the CARES Act to ensure sovereign tribal governments have the resources needed during the COVID-19 pandemic to cover expenditures associated with the public health emergency. As you are aware, the detrimental impacts of the COVID-19 pandemic have had a disproportionate health care and economic impact on federally recognized tribes due a chronic lack of essential resources.

The Congressional intent behind the CRF is to expedite relief funds to governments, including sovereign tribal governments, as part of the federal government's larger initiative to provide emergency assistance throughout the country. As you are aware, the CARES Act was passed over a month ago, on March 27, 2020, yet this funding has yet to be disbursed to tribal governments, in part due to litigation aimed at ensuring these resources go to the governmental entities that Congress intended. While the U.S. District Court for the District of Columbia issued its decision yesterday to place a temporary injunction from releasing funds to ANCs until a final decision is rendered, the Court's decision does not prevent the Treasury Department from releasing resources to federally-recognized Tribal and Alaska Native governments.

Thus, we respectfully request the Treasury Department immediately begin to disburse the \$8 billion of Coronavirus Relief Funds to eligible federally recognized tribal governments in compliance with the intended purpose of the COVID-19 relief funds and in recognition of the negative impact that every day of delay has on Tribes. Further postponement in disbursing these funds is unnecessary and

works against the federal government's trust responsibility to the 574 federally recognized tribal nations in the United States.

Sincerely,



Deb Haaland
Member of Congress



Ruben Gallego
Member of Congress



Tom O'Halleran
Member of Congress



Ben Ray Lujan
Member of Congress

/s/ signed electronically
Derek Kilmer
Member of Congress

/s/ signed electronically
Sharice L. Davids
Member of Congress

/s/ signed electronically
Betty McCollum
Member of Congress

/s/ signed electronically
Raul M. Grijalva
Member of Congress

Congress of the United States
Washington, DC 20515

May 4, 2020

The Honorable David Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We urge you to suspend any further action on the Willow Master Development Plan (Willow Plan) Supplemental Draft Environmental Impact Statement (SDEIS). We are greatly concerned by the harmful impacts that this development could have on the unique ecological and subsistence values found in the National Petroleum Reserve – Alaska (Reserve). Interior's actions to move this, and other projects, forward during the COVID-19 crisis are contrary to the National Environmental Policy Act's mandate for public involvement. This is particularly true for the Willow Plan, which would significantly impact rural Alaska Native communities that have limited access to reliable high-speed internet, or other required forms of technology, necessary to be able to meaningfully participate in the process.

It is unacceptable for the Bureau of Land Management (BLM) to move forward with the Willow Plan public comment periods, public meetings, and subsistence hearings in the middle of a global pandemic that is especially dangerous to rural Alaska communities. The recent attempt at a virtual public meeting for North Slope residents was plagued by technological glitches and bandwidth constraints, and is in no way an acceptable substitute for an in-person meeting, particularly given the limited amount of high-speed internet connectivity and other necessary technology in the remote areas of Alaska where the people impacted by this proposal live. It is also unconscionable to request people currently focused on and concerned with the health and wellbeing of their families and communities to refocus their concern toward the complexities of a project like the Willow Plan, which itself will have significant effects on local people and resources. BLM has already lost a court case by failing to provide adequate public comment opportunities for oil and gas projects, and we believe your action with the SDEIS could face similar legal risk.¹

BLM has failed to recognize the cumulative infrastructure and development impacts ConocoPhillips' oil and gas project will have on the region. Neither the draft EIS nor the SDEIS is sufficient to fulfill BLM's NEPA requirement to consider a reasonable range of alternatives. Furthermore, the SDEIS fails to consider any alternatives that are protective of sensitive resources in the region. BLM should be maintaining the strongest possible protections for Special Areas within the Reserve. Instead, the proposed Willow Plan development encroaches into the Colville River and Teshekpuk Lake Special Areas. The proposed gravel mines would be adjacent to the Colville River Special Area, with a proposed gravel road and pipeline routing

¹ *W. Watersheds Project v. Zinke*, 2020 U.S. Dist. LEXIS 34612, 50 ELR 20047, __ F. Supp. 3d __, 2020 WL 959242

through the Special Area. The proposed oil and gas infrastructure and industrial activities will also extend into Teshekpuk Lake Special Area, an area that has been protected for decades because of its ecological value as the largest Arctic lake. Permanent infrastructure from this development will impact critical nesting areas for endangered bird species as well as high density, year-round range for the Teshekpuk Caribou Herd, causing lasting impacts to wildlife.

Rural communities on the North Slope rely upon subsistence resources like the Teshekpuk Caribou Herd, and threats to the health of these resources are threats to the traditional lifestyle of these communities. The proximity of the project to the community of Nuiqsut and its potential adverse impacts on subsistence resources and cultural activities are gravely concerning. Existing oil and gas projects have already degraded the region's air, water, and wildlife habitat. Continued industrialization of the Arctic will further disrupt traditional hunting and cultural activities.

The Willow Plan is a continuation of efforts by the Trump administration to advance its aggressive oil and gas development agenda, ignoring the public health, environmental, subsistence, and climate impacts these projects will have. The Administration's efforts for the Willow Plan are particularly egregious given the encroachment into the protected Special Areas, impact on subsistence resources, and the inadequate public outreach efforts during the COVID-19 crisis, which is effectively silencing Alaska Native voices by providing inadequate opportunities for public participation by the impacted communities in the process.

The Willow Master Development Plan will result in the loss of irreplaceable ecological and cultural values in America's Arctic. Now is not the time to be fast tracking permitting for a massive new oil development project. We urge BLM to focus on maintaining strong protections for Special Areas within the Reserve and not open additional acreage to new oil and gas projects.

Sincerely,



Alan Lowenthal
Member of Congress



Raúl M. Grijalva
Member of Congress



Jared Huffman
Member of Congress



Ruben Gallego
Member of Congress



Deb Haaland
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 14 2020

The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

I am writing in response to your letters regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, which reserves \$8 billion in payments to Tribal governments impacted by the Coronavirus Disease 2019 (COVID-19). The CARES Act designates the United States Department of the Treasury (Treasury) as the lead agency to implement the program, including the determinations of the aid amount distributed to address the impacts of the COVID-19 virus.

Section 5001 of the CARES Act provides that the Treasury Secretary consult with the Secretary of the Department of the Interior (Interior) on aid to Tribal governments. To meet its obligations, Interior helped facilitate Tribal Consultations, on April 2 and April 9, 2020, between Tribal leaders and Treasury regarding distribution of the CARES Act payments to Tribal governments impacted by COVID-19.

The Administration's path forward, announced on May 5, 2020, can be viewed at:
<https://home.treasury.gov/news/press-releases/sm998>.

Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

Since the beginning of this pandemic, our priority has been to protect the health and safety of our visitors, employees, volunteers, and partners, while ensuring that our operations, particularly mission-critical functions, continue in an efficient manner. We are also taking care that available resources are provided to local communities, as authorized under the law. We have clearly and consistently articulated the importance of these priorities.

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Sincerely,

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Scott J. Cameron
Acting Assistant Secretary
Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Debra Haaland
Chair
Subcommittee on National Parks, Forests,
and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

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Scott J. Cameron
Acting Assistant Secretary
Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Ruben Gallego
Chair
Subcommittee on Indigenous Peoples
of the United States
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gallego:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

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Scott J. Cameron
Acting Assistant Secretary
Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Jared Huffman
Chair
Subcommittee on Water, Oceans,
and Wildlife
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Huffman:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

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Scott J. Cameron
Acting Assistant Secretary
Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Alan Lowenthal
Chair
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lowenthal:

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Scott J. Cameron
Acting Assistant Secretary
Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Jesus A. "Chuy" Garcia
U.S. House of Representatives
Washington, DC 20515

Dear Representative Garcia:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Darren Soto
U.S. House of Representatives
Washington, DC 20515

Dear Representative Soto:

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Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable A. Donald McEachin
U.S. House of Representatives
Washington, DC 20515

Dear Representative McEachin:

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Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Diana DeGette
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeGette:

This is in response to your March 31, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

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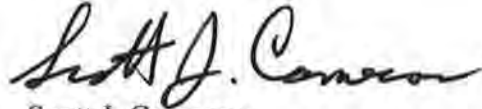
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Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2020

The Honorable Tom O'Halleran
U.S. House of Representatives
Washington, DC 20515

Dear Representative O'Halleran:

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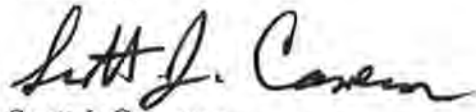
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Acting Assistant Secretary
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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<https://www.blm.gov>



The Honorable Ruben Gallego
United States House of Representatives
Washington, DC 20515

Dear Representative Gallego:

We have received your letter of May 4, 2020, to Secretary of the Interior David Bernhardt regarding the Supplement to the Draft Environmental Impact Statement (DEIS) for the Willow Master Development Plan (MDP). Secretary Bernhardt asked me to respond on his behalf.

The Bureau of Land Management (BLM) modified its processes based on national, state, and local health guidance to minimize the risk of COVID-19 transmission while delivering our services to the American people to the greatest extent practicable. Our recent use of virtual meeting technology allowed for communities to participate at their convenience using a variety of platforms, both traditional and virtual, to provide comments on the Supplement to the DEIS. The BLM Alaska provided leadership and innovation in allowing for more public engagement than ever before through multiple social media and electronic platforms.

The Willow MDP is a priority as the project has the potential to enhance American energy production and provide economic opportunities for the State of Alaska. This Supplement to the DEIS analyzes an additional alternative that was developed by the project proponent in response to multiple stakeholder concerns raised during the DEIS public comment period and incorporates information provided from cooperating agencies and stakeholders.

The lands in the vicinity of the project, which contain the existing leases for the Willow MDP, are known to have valuable waterfowl and caribou habitat. The BLM recognizes the importance of these and other natural resources, including the Teshekpuk Lake Caribou Herd, and has incorporated these values into our analysis of the proposal. The information we received during our recent public comment period will assist us in developing an informed decision on the path to responsible development within the National Petroleum Reserve in Alaska.

I look forward to our continued work with you and the Alaska congressional delegation, which has expressed support of our efforts, on the Willow MDP project. If I can be of further assistance please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar response has been sent to the cosigners of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<https://www.blm.gov>



The Honorable Raúl M. Grijalva
United States House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

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The Bureau of Land Management (BLM) modified its processes based on national, state, and local health guidance to minimize the risk of COVID-19 transmission while delivering our services to the American people to the greatest extent practicable. Our recent use of virtual meeting technology allowed for communities to participate at their convenience using a variety of platforms, both traditional and virtual, to provide comments on the Supplement to the DEIS. The BLM Alaska provided leadership and innovation in allowing for more public engagement than ever before through multiple social media and electronic platforms.

The Willow MDP is a priority as the project has the potential to enhance American energy production and provide economic opportunities for the State of Alaska. This Supplement to the DEIS analyzes an additional alternative that was developed by the project proponent in response to multiple stakeholder concerns raised during the DEIS public comment period and incorporates information provided from cooperating agencies and stakeholders.

The lands in the vicinity of the project, which contain the existing leases for the Willow MDP, are known to have valuable waterfowl and caribou habitat. The BLM recognizes the importance of these and other natural resources, including the Teshekpuk Lake Caribou Herd, and has incorporated these values into our analysis of the proposal. The information we received during our recent public comment period will assist us in developing an informed decision on the path to responsible development within the National Petroleum Reserve in Alaska.

I look forward to our continued work with you and the Alaska congressional delegation, which has expressed support of our efforts, on the Willow MDP project. If I can be of further assistance please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar response has been sent to the cosigners of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<https://www.blm.gov>



The Honorable Jared Huffman
United States House of Representatives
Washington, DC 20515

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
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The Honorable Alan Lowenthal
United States House of Representatives
Washington, DC 20515

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Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 29 2020

The Honorable Raúl Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides the thirteenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on April 7, 2020.

Enclosed is a disc, labeled 00011691_0015, that contains 403 documents consisting of 8,467 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 29 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

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Cole Rojewski
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Enclosure

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Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 5, 2020

The Honorable David Bernhardt
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary:

Your response to our letter of June 2 included a recitation of high-minded ideals regarding racial justice and constitutional rights, every one of which the Trump Administration seeks to destroy on a daily basis.

That you attempted to “respond” to our letter without actually responding to our request for a briefing is irresponsible; that you sought to explain the police violence on June 1 without mentioning that the goal was to allow a frightened president to pose for a photo-op with a borrowed Bible is pathetic. Efforts to spin a narrative plainly contradicted by video evidence is folly.

Let’s move on.

You end your letter saying: “I invite you to join me in visiting with our injured officers so you can see and hear, firsthand, their accounts.”

We accept. Please identify a date and time when we can speak with any U.S. Park Police officer injured on June 1, as well as the leadership of the force. You may select any remote audio and/or video platform, or the Committee will be happy to host the discussion. We will also invite victims of USPP violence during this incident to participate.

We agree that such a discussion will be a critical step in moving forward from this terrible event.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Debra Haaland
Chair
House Subcommittee on National Parks,
Forests, and Public Lands



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 06 2020

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Chairman Grijalva:

This is in response to your April 27, 2020, letter regarding the management of Department of the Interior (Department) assets during the Coronavirus-2019 (COVID-19) pandemic.

Since the beginning of this pandemic, our priority has been to protect the health and safety of our visitors, employees, volunteers, and partners, while ensuring that our operations, particularly mission-critical functions, continue in an efficient manner. We are also taking care that available resources are provided to local communities, as authorized under the law. We have clearly and consistently articulated the importance of these priorities.

From the beginning of the response, Department employees have been working collaboratively with our interagency partners to take actions to ensure the safety of our employees and the public here in Washington and at the assets we manage across the country. This has included following appropriate mitigation measures and Centers for Disease Control and Prevention guidance (CDC).

Each of our bureaus, including the National Park Service, U.S. Fish and Wildlife Service, and the Bureau of Land Management, have also taken measures to try to maintain basic accessibility to our lands where it would be consistent with the guidance of federal, state, and local public health authorities. To be clear, safeguarding the health and safety of our employees and visitors has always taken precedence. For example, where parks have determined they could not adhere to applicable guidance, the Department has modified operations for buildings, facilities, programs, and units, which included closing parks in some cases.

Department and bureau websites continue to contain the most updated information regarding the status of specific sites and locations. To date, however, where local public health officials have issued guidance regarding a specific park, the NPS and its Office of Public Health have followed that guidance.

By following this informed approach, an overwhelming majority of the 500 million acres of public lands stewarded by the Department have remained safely accessible to the American public. I can assure you that the decisions we have made and the priorities we have identified

continue to be driven by the paramount goal of the health and safety of the public, our visitors, employees, volunteers, and partners.

As you note in your letter, President Trump recently unveiled new guidelines for Opening Up America Again, a three-phased approach to assist state and local officials in safely reopening their economies, getting people back to work, and continuing to protect American lives. The President's plan is a detailed, data-driven approach that is based on the advice of public health experts and the knowledge of local officials. As the Department moves forward, we will continue to make decisions consistent with this approach informed by the actions of the nation's governors in each respective state. To review the new guidelines for Opening Up America Again you can visit: <https://www.whitehouse.gov/openingamerica/>.

America is at its best when we work together. The Department is committed to ensuring that best practices are maintained, that CDC's guidance, along with input from State and local health officials, is implemented, and that we are making decisions for our federal lands based on the informed advice of experts rather than speculation or conjecture.

Sincerely,



Scott J. Cameron
Acting Assistant Secretary
for Policy, Management and Budget

Congress of the United States
Washington, DC 20515

June 16, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to call on you to recommend President Donald Trump remove Douglas Domenech from his position as Assistant Secretary for Insular and International Affairs for his flagrant, repeated ethics violations. On May 29, 2020, the Department of the Interior (DOI) Office of Inspector General (OIG) released a report concluding that Mr. Domenech used his official position and taxpayer resources to promote family members for personal business and employment at the Environmental Protection Agency, thereby violating ethics regulations against using public office for private gain.¹ The report was the second finding in six months by the OIG that Mr. Domenech violated ethics regulations. The first report in December 2019 concluded that he improperly arranged meetings between his former employer and high-ranking DOI officials to discuss an active lawsuit between DOI and the former employer.²

You have not held Mr. Domenech accountable in any meaningful way, even after the second OIG report of his violations. According to a statement from DOI, the only consequence for Mr. Domenech's misconduct has been additional ethics training on top of the repeated sessions that had already clearly warned him not to use his position to endorse friends and family, among other actions. The statement did not explain why more training would deter Mr. Domenech from using his public office and resources for private gain when training has failed to deter him thus far. The relevant ethics trainings took place before the violations described in both the 2019 and 2020 reports.³

Mr. Domenech's pattern of unethical behavior justifies his immediate removal. The Merit Systems Protection Board uses the *Douglas* factors to assess whether a penalty for career employee

¹ *Investigation Into Alleged Ethics Misconduct by the Assistant Secretary for Insular and International Affairs*, OIG Report No. 19-0497 (posted online May 29, 2020), available at https://www.doioig.gov/sites/doioig.gov/files/WebRedacted_AllegedMisuseofPositionASIIA.pdf.

² *Investigative Report of Alleged Ethics Violation by the Assistant Secretary for Insular and International Affairs*, OIG Report No. 19-0723 (posted online Dec. 10, 2019), available at https://www.doioig.gov/sites/doioig.gov/files/WebRedacted_AllegedEthicsViolationsASIIA.pdf.

³ OIG Report No. 19-0497, p. 1.

misconduct is unreasonable.⁴ Several of these twelve factors cover Mr. Domenech's actions, including:

- *The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.* As noted, Mr. Domenech is a repeat offender, having been found by not just one, but two OIG reports within a six-month period to have committed ethics violations.
- *The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.* As an Assistant Secretary, Mr. Domenech is a prominent DOI official with extensive public contact and a substantial number of DOI employees under his direct or indirect supervision. His unethical behavior provides a counterproductive example for the employees under him and damages DOI's reputation.
- *The notoriety of the offense or its impact upon the reputation of the agency.* Using public office for private gain is an offense that reflects poorly on DOI, especially if the offense is rewarded with a failure to provide a disciplinary deterrent to repeat offenses. The media coverage generated by the release of the report was widespread, damaging the reputation of the agency.
- *The clarity with which the employee was on notice of any rules that were violated in committing the offense or had been warned about the conduct in question.* Despite his protestations of ignorance of the rules, Mr. Domenech had been put on clear notice of the regulations he violated, through the ethics training he had to complete on a regular basis during his more than 10 years of federal service.
- *The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.* There is little reason to think that further ethics briefings, the penalty currently assigned to Mr. Domenech, would generate a different outcome than the briefings he had before both of his ethical transgressions identified by the OIG.

Because he is a political appointee, Mr. Domenech's case is not subject to formal application of the *Douglas* factors, as it would be if he was a career employee. However, agency leadership should be held to a higher standard than career employees, not a lower standard.

No remedy other than removal would adequately deter Mr. Domenech's conduct in a manner consistent with the higher standards of ethics you promised to enforce at DOI. As part of your August 2019 restructuring of DOI's ethics program, you stated, "Transforming the workplace culture at the Department is a top priority for me, and my actions today will help ensure the Department has a functional and resilient ethics program that facilitates our ability to fully embrace a culture of ethical compliance."⁵ Imposing no consequence on Mr. Domenech other than additional training is profoundly inconsistent with this pledge.

We strongly urge you to recommend President Trump remove Mr. Domenech from his position as Assistant Secretary for Insular and International Affairs.

⁴ *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981); see also https://www.mspb.gov/studies/adverse_action_report/10_DeterminingthePenalty.htm.

⁵ "Secretary Bernhardt Transforms Interior's Ethics Program," August 14, 2019, available at <https://www.doi.gov/pressreleases/secretary-bernhardt-transforms-interiors-ethics-program>.

Sincerely,



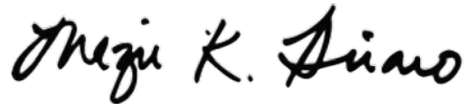
Raúl M. Grijalva
Member of Congress



Ron Wyden
United States Senator



Gregorio Kilili Camacho Sablan
Member of Congress



Mazie Hirono
United States Senator



Ruben Gallego
Member of Congress




Jared Huffman
Member of Congress



Darren Soto
Member of Congress



Mike Levin
Member of Congress



Nydia Velázquez
Member of Congress



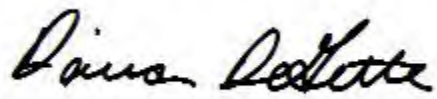
Wm. Lacy Clay
Member of Congress



Alan Lowenthal
Member of Congress



Deb Haaland
Member of Congress

A handwritten signature in black ink, reading "Diana DeGette". The signature is fluid and cursive, with the first name "Diana" and last name "DeGette" clearly distinguishable.

Diana DeGette
Member of Congress

Congress of the United States
Washington, DC 20515

June 16, 2020

The Honorable David Bernhardt
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interior Department's Response to Oil & Gas Well Abandonments Related to the COVID-19 Crisis

Dear Secretary Bernhardt:

We are concerned about the status of the nearly 100,000 oil and gas wells that are currently operating on America's public lands. A significant number of these wells may become orphaned due to the economic downturn caused by COVID-19. We are also alarmed that the Interior Department has granted royalty relief and lease suspensions to over-leveraged oil and gas companies without making any apparent effort to review or increase their reclamation bonds so that American taxpayers are not forced to assume even more orphaned well clean-up costs.

According to the Government Accountability Office (GAO), as of April 2019 there were at least 296 orphaned wells on public lands and nearly 2,300 that are "at risk" of becoming orphaned. The actual number of orphaned wells on public lands is likely much higher, because GAO found that the Bureau of Land Management (BLM) does not "systematically or comprehensively track orphaned wells." Further, the Interstate Oil and Gas Compact Commission (IOGCC) recently found that there were at least 56,000 documented—and potentially 746,000 undocumented— orphaned wells in the United States.

The economic downturn caused by COVID-19 will compound this problem and lead to the orphaning of countless more wells on public lands and elsewhere. The Federal Reserve Bank of Kansas City estimates that as many as 40 percent of oil and gas companies in the United States could become insolvent if oil prices do not hold steady above \$30/barrel.¹ As a result, we could see a "mass abandonment of wells."² The fiscal and environmental effects of this scenario would be catastrophic.

Unfortunately, the Interior Department has done nothing to protect American taxpayers over the past three years. BLM has not updated its minimum bonding rates since the 1950 and 1960s, despite repeated calls from ranchers and other western stakeholders.³ Interior has also failed to properly and consistently review the adequacy of bonds posted by operators that are facing insolvency and is even allowing those operators to engage in new leasing activities. As a result, GAO estimates that between 84 percent (low cost scenario) and 99 percent (high cost scenario) of

¹ <https://www.reuters.com/article/us-global-oil-usa-restructuring/bankruptcy-looms-over-u-s-energy-industry-from-oil-fields-to-pipelines-idUSKCN2250FQ>

² <https://www.cenews.net/stories/1063049965>

³ https://trib.com/business/energy/leresche-doi-needs-to-reform-oil-and-gas-policies-to/article_94c0f9e1-c2b6-501c-b58d-22caba3274f0.html

existing bonds held by BLM are insufficient to fully cover potential reclamation costs. This leaves taxpayers on the hook for a significant portion of clean-up costs, which could range from \$46 million to \$333 million dollars solely for the 2,300 wells identified by GAO before the pandemic as being “at risk” of being orphaned.

In light of the Interior Department’s failure to protect the interests of American taxpayers during these challenging times, we request a response to the following questions by Wednesday, July 1, 2020:

- What steps, if any, is the Interior Department taking to strengthen federal oil and gas bonding requirements and shield American taxpayers from orphaned well liabilities considering the recent drop in oil prices?
- How many orphaned wells are currently under BLM’s jurisdiction?
- How many “idled” wells – defined in accordance with 42 U.S.C. § 15907(e) as wells that have not operated in seven or more years and that have no anticipated beneficial use – are currently under BLM’s jurisdiction? How many of these wells are covered under bonds reviewed by BLM in the last five years and, of these, for how many has BLM proposed bond increases?
- Is BLM continuing to maintain a list of “entities in noncompliance with reclamation requirements of section 17(g) of the Mineral Leasing Act,” as required by Appendix 4 of BLM’s Competitive Leases Handbook (H-3120-1)? If so, can you please provide the most current version of this list? If not, can you please explain why not, and also explain how BLM is ensuring compliance with section 17(g), which prohibits entities that are violating reclamation requirements from obtaining new leases?
- What steps is BLM taking to assure that its inventory of 96,000 wells accurately reflects current ownership and operational status, including companies currently in bankruptcy proceedings as well as those with orphaned wells on private and state lands? What is BLM doing to develop and implement reclamation plans for remediation of idled and abandoned wells?

Thank you for your attention to this matter and your prompt response to these questions.

Sincerely,



Alan Lowenthal
Member of Congress



Raúl Grijalva
Member of Congress



Jared Huffman
Member of Congress



Deb Haaland
Member of Congress



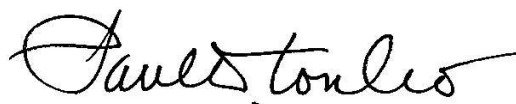
Diana DeGette
Member of Congress



Joe Neguse
Member of Congress



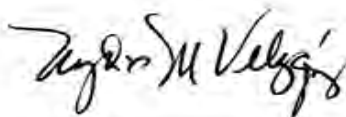
Matt Cartwright
Member of Congress



Paul D. Tonko
Member of Congress



Grace F. Napolitano
Member of Congress



Nydia M. Velázquez
Member of Congress



Mike Levin
Member of Congress



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Alan Lowenthal
United States House of Representatives
Washington, DC 20510

Dear Representative Lowenthal:

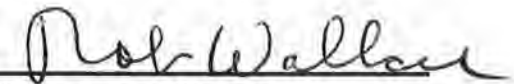
Thank you for your letter of March 26, 2020, regarding the proposed rule under the Migratory Bird Treaty Act (MBTA). The U.S. Fish and Wildlife Service (Service) published the proposed regulation to codify the interpretation of the MBTA outlined in Solicitor's Opinion M-37050, which concludes that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs. M-37050 is consistent with the text and purpose of the MBTA and relevant federal circuit court opinions.

We appreciate your input as the Service engages in ensuring that changes to the implementation of the MBTA are clear, effective, and aid us in advancing our goal of migratory bird conservation. In the 21st Century, the MBTA continues to be an important tool to protect migratory birds. However, interpreting the MBTA to include prohibitions on actions that are not intended to kill migratory birds is inconsistent with the intent of the law and creates confusion and undue burdens on the American public and businesses given the scope and scale of activities that may accidentally kill birds in the course of otherwise lawful activities.

The regulation clarifying the intent of the MBTA will apply to all actors equally, and the Service will continue to work with our industry partners to minimize impacts on migratory birds, and bird habitat, whenever proponents or operators are willing to work with us toward this goal. The Endangered Species Act and the Bald and Golden Eagle Protection Act, as well as other federal and state laws and regulations, are not affected by the regulation; and, the Service will continue to enforce the MBTA and investigate incidents where violations of prohibited intentional take of migratory birds has occurred.

Thank you for your continued interest in, and commitment to, migratory bird conservation. Please contact Mr. Jerome Ford, the Service's Assistant Director for Migratory Birds, at Jerome_ford@fws.gov or 202-208-1050 if you have any other questions or concerns regarding migratory bird management.

Sincerely,

X 

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Donald S. Beyer Jr.
United States House of Representatives
Washington, DC 20510

Dear Representative Beyer Jr.:

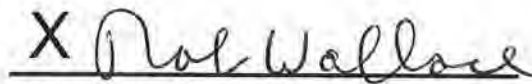
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Sincerely,



Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Earl Blumenauer
United States House of Representatives
Washington, DC 20510

Dear Representative Blumenauer:

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Tony Cardenas
United States House of Representatives
Washington, DC 20510

Dear Representative Cardenas:

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Ed Case
United States House of Representatives
Washington, DC 20510

Dear Representative Case:

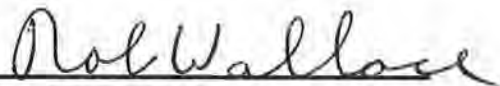
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Kathy Castor
United States House of Representatives
Washington, DC 20510

Dear Representative Castor:

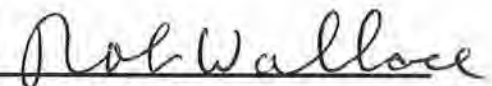
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Steve Cohen
United States House of Representatives
Washington, DC 20510

Dear Representative Cohen:

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Sincerely,

X *Rob Wallace*

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Gerald Connolly
United States House of Representatives
Washington, DC 20510

Dear Representative Connolly:

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Peter A. DeFazio
United States House of Representatives
Washington, DC 20510

Dear Representative DeFazio:


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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Diana DeGette
United States House of Representatives
Washington, DC 20510

Dear Representative DeGette:


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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Adriano Espaillat
United States House of Representatives
Washington, DC 20510

Dear Representative Espaillat:

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Brian Fitzpatrick
United States House of Representatives
Washington, DC 20510

Dear Representative Fitzpatrick:

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for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Ruben Gallego
United States House of Representatives
Washington, DC 20510

Dear Representative Gallego:

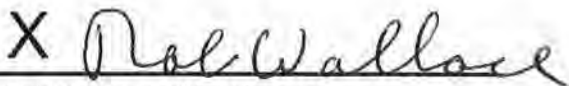
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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Jimmy Gomez
United States House of Representatives
Washington, DC 20510

Dear Representative Gomez:

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for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Raul M. Grijalva
United States House of Representatives
Washington, DC 20510

Dear Representative Grijalva:


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for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Deb Haaland
United States House of Representatives
Washington, DC 20510

Dear Representative Haaland:

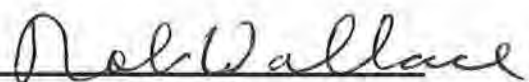
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for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Jared Huffman
United States House of Representatives
Washington, DC 20510

Dear Representative Huffman:

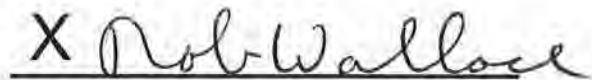
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Thank you for your continued interest in, and commitment to, migratory bird conservation. Please contact Mr. Jerome Ford, the Service's Assistant Director for Migratory Birds, at Jerome_ford@fws.gov or 202-208-1050 if you have any other questions or concerns regarding migratory bird management.

Sincerely,



Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Pramila Jayapal
United States House of Representatives
Washington, DC 20510

Dear Representative Jayapal:

Thank you for your letter of March 26, 2020, regarding the proposed rule under the Migratory Bird Treaty Act (MBTA). The U.S. Fish and Wildlife Service (Service) published the proposed regulation to codify the interpretation of the MBTA outlined in Solicitor's Opinion M-37050, which concludes that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs. M-37050 is consistent with the text and purpose of the MBTA and relevant federal circuit court opinions.

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Henry C. Johnson
United States House of Representatives
Washington, DC 20510

Dear Representative Johnson:


Thank you for your letter of March 26, 2020, regarding the proposed rule under the Migratory Bird Treaty Act (MBTA). The U.S. Fish and Wildlife Service (Service) published the proposed regulation to codify the interpretation of the MBTA outlined in Solicitor's Opinion M-37050, which concludes that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs. M-37050 is consistent with the text and purpose of the MBTA and relevant federal circuit court opinions.

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Sincerely,

X 

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Ro Khanna
United States House of Representatives
Washington, DC 20510

Dear Representative Khanna:

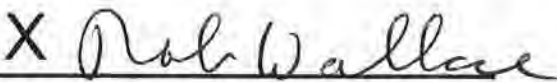
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Ann McLane Kuster
United States House of Representatives
Washington, DC 20510

Dear Representative McLane Kuster:

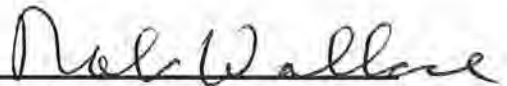
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Rick Larsen
United States House of Representatives
Washington, DC 20510

Dear Representative Larsen:

Thank you for your letter of March 26, 2020, regarding the proposed rule under the Migratory Bird Treaty Act (MBTA). The U.S. Fish and Wildlife Service (Service) published the proposed regulation to codify the interpretation of the MBTA outlined in Solicitor's Opinion M-37050, which concludes that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs. M-37050 is consistent with the text and purpose of the MBTA and relevant federal circuit court opinions.

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Sincerely,

Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Barbara Lee
United States House of Representatives
Washington, DC 20510

Dear Representative Lee:

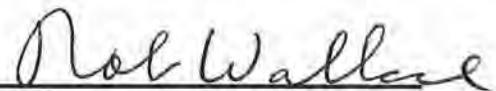
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

Office of the Secretary
Washington D.C. 20240

June 15, 2020

The Honorable Andy Levin
United States House of Representatives
Washington, DC 20510

Dear Representative Levin:

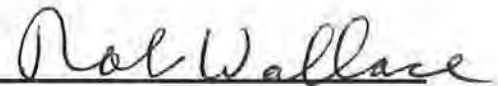
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Sincerely,

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Rob Wallace, Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<https://www.blm.gov>



June 22, 2020

The Honorable Debra Haaland
United States House of Representatives
Washington, DC 20515

Dear Representative Haaland:

Thank you for your letter of March 20, 2020, concerning public input on the Farmington Mancos Gallup Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) that includes management decisions near Chaco Culture National Historic Park.

Following productive meetings with Navajo Nation President Jonathan Nez and Pueblo Governors, and in close coordination with Tara Sweeney, Assistant Secretary for Indian Affairs, I am pleased to announce that the Bureau of Land Management (BLM) and the Bureau of Indian Affairs have been directed by Secretary Bernhardt to extend the public comment period deadline on the Farmington RMPA by 120 days. The comment period will now end on September 25, 2020.

Thank you for your interest in the BLM's efforts regarding the Farmington Mancos Gallup RMPA/EIS. If I can be of further assistance, please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar reply is being sent to the cosigners of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 01 2020

The Honorable Raúl Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chair Grijalva:

This letter provides the fourteenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on May 29, 2020.

Enclosed is a disc, labeled 00011691_0016, that contains 162 documents consisting of 2,682 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 01 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

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Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515
July 17, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to reiterate our strong opposition to oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge, and to express our concern over legal and scientific flaws in the U.S. Fish and Wildlife Service's ("FWS") Biological Opinion pertaining to the oil and gas leasing program on the Coastal Plain. The document was issued on March 13, 2020 without notice and only disclosed when a Freedom of Information Act request revealed its issuance, and fails to assess the overall and cumulative impact of industrial activities on the Coastal Plan.¹ This process is moving at an alarmingly accelerated pace, especially as the ongoing pandemic and public health crisis has made public participation exponentially more challenging and as oil prices reach historic lows.

The Biological Opinion ignores the overwhelming scientific evidence that oil and gas activities have a devastating impact on wildlife such as polar bears, leaving the Southern Beaufort Sea population of bears unprotected and unassessed. It avoids assessing the cumulative impacts of this project—including oil exploration, development, production, abandonment, and reclamation—on polar bears and their critical habitat, as is required by law. Instead, the Biological Opinion relies on future permits to assess impacts on a project-by-project basis, preventing a public understanding of the full scope of potential harm. The overall and cumulative impacts of industrial activities on the flora, fauna, and communities of the Arctic Refuge should be assessed before any leasing begins. The Biological Opinion fails to do so.

In 2008, polar bears were listed as threatened under the Endangered Species Act (ESA) throughout their global range, primarily as a result of the rapidly diminishing sea ice in the Arctic Ocean due to climate change.² The majority of the Coastal Plain is designated as critical habitat for the species.³ One of the most important strategies for conserving and recovering polar bears is to protect their terrestrial denning habitat on the Coastal Plain. The Southern Beaufort Sea population of bears use the Coastal Plain for dens and other activities. The percentage of these bears denning on land instead of on sea ice continues to increase, and the Coastal Plain is increasingly important for bears to feed, travel and rest. Oil and gas development in this fragile ecosystem could be the death knell for the Southern Beaufort Sea population, which is already at extreme risk from climate change and habitat loss.

¹ Dep't of the Interior, U.S. Fish and Wildlife Service, "Biological Opinion for Coastal Plain Oil and Gas Leasing Program, Arctic National Wildlife Refuge" (March 13, 2020). [<https://ecos.fws.gov/tails/pub/document/16469143>]

² 73 Fed. Reg. 28,212 (May 15, 2008); 75 Fed. Reg. 76,086 (Dec. 7, 2010)(designation of critical habitat).

³ 75 Fed. Reg. at 76,086.

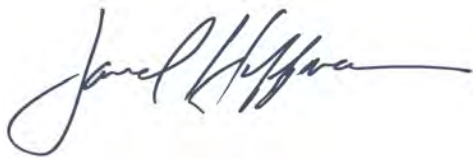
Ultimately, the Biological Opinion makes the unsupportable conclusion that industrializing the entire Coastal Plain—including the most important terrestrial denning habitat for among the most imperiled polar bear population on the planet—will not jeopardize the survival and recovery of the species. This fundamentally flawed analysis ignores the overwhelming scientific evidence that identifies devastating impacts to polar bears from oil and gas activities.

While the Department of the Interior continues its drive to expose the Arctic Refuge to oil production, oil markets worldwide are faltering as the global pandemic depresses prices to historic lows. Oil companies are laying off thousands of workers, reducing their exploration budgets, and writing down existing oil and gas assets, making it even less likely that any company will be able to responsibly or profitably drill in the Coastal Plain. Financial institutions understand the uncertainty of leasing on the Coastal Plain, as several of the world's largest banks have vowed not to fund Arctic drilling. Furthermore, development of the Coastal Plain is inconsistent with the climate change goals established by many of these financial institutions. Now more than ever, the prospect of oil and gas development in the Coastal Plan is absurd, unnecessary, and likely to devastate ecosystems and harm irreplaceable Arctic wildlife like the polar bear.

The proposed oil and gas leasing program for the Coastal Plain has suffered from reckless haste, irresponsible public process, and lack of transparency. Given that the Bureau of Land Management (BLM) has taken the position that it cannot prohibit exploration and other activities on the Coastal Plain during future permitting processes., it is even more important to be scientifically and legally rigorous throughout the ongoing process.

The recently issued Biological Opinion fails to address cumulative effects of the proposed plan on iconic species and their habitat, and the rush to lease fails to recognize the market and the lack of demand for oil today and into the future. We request that you rescind the Biological Opinion and address the significant issues raised in this letter, as well as the BLM's inconsistent positions regarding its post-leasing authority to prevent harm to polar bears on the Coastal Plain.

Sincerely,



Jared Huffman
Chair
Subcommittee on Water, Oceans,
and Wildlife



Raúl M. Grijalva
Chair
House Committee on
Natural Resources



Alan Lowenthal
Chair
Subcommittee on Energy and
Mineral Resources



Ruben Gallego
Chair
Subcommittee for the Indigenous Peoples
of the United States



Deb Haaland
Chair
Subcommittee on National Parks,
Forests, and Public Lands



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<https://www.blm.gov>



July 29, 2020

The Honorable Debra Haaland
House of Representatives
Washington, DC 20510

Dear Representative Haaland:

Thank you for your letter dated June 16, 2020, regarding your concerns about the status of nearly 100,000 oil and gas wells that are currently operating on America's public lands. Secretary Bernhardt has asked me to respond on his behalf.

The Department of the Interior and its agencies have a role in ensuring a strong economy and maintaining national security through continued energy and mineral development on Federal lands. Unsettled global energy markets, coupled with the impacts of the COVID-19 pandemic, have resulted in unprecedented challenges for America's energy producers.

The Bureau of Land Management (BLM) recently reviewed and updated its program guidance to place further emphasis on preventing the transition of non-operational Federal and Indian wells to orphaned status. On November 15, 2018, the BLM issued Instruction Memorandum (IM) 2019-014, *Oil and Gas Bond Adequacy Reviews*. This IM requires the BLM field offices to review oil and gas bonds to determine whether a bond amount appropriately reflects the level of potential risk (liability) posed by an operator, places emphasis on securing that bond amount, prioritizes the risk factors that the BLM considers when determining a bond amount, and provides additional guidance for the BLM field offices to consider when they conduct statewide and nationwide bond reviews. All Federal wells, including idled, are covered by a bond that the operator provides during the permitting process.

On December 10, 2019, the BLM updated its 2012 guidance on idled well reviews through the issuance of IM 2020-006, *Idled Well Reviews and Data Entry*. This policy ensures that the BLM field offices regularly review all non-operational Federal and Indian wells, including shut-in, temporarily abandoned, and idled wells. Appropriate steps are then taken to timely reduce the agency's idled well inventory, thereby reducing the Federal Government's risk of having to perform permanent plugging and abandonment of an idled well if the responsible party fails to fulfill its leasing operations obligations. Specific guidance in this IM directs the BLM offices to use the Office of Natural Resources Revenue's records to help identify non-operational wells and to update the well status, as appropriate, in the BLM's Automated Fluids Minerals Support System (AFMSS).

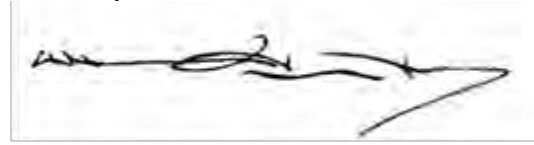
The BLM has diligently worked over the past three years to protect taxpayers from bearing the potential financial burden associated with orphaned and idled well liabilities when the

responsible party defaults on its leasing operations obligations. There is positive momentum in the BLM's orphaned and idled wells program, which the BLM expects to continue.

The BLM maintains a list of entities who are in noncompliance with the reclamation requirements of section 17(g) of the Mineral Leasing Act, as required by Appendix 4 of the BLM's Competitive Leases Handbook (H-3120-1). The BLM state office adjudicators review this list prior to issuing new oil and gas leases or processing record title holder assignments.

Thank you for your interest in the BLM's management of oil and gas development on public lands. If I can be of further assistance, please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar response has been sent to the co-signers of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Perry Pendley', is written over a light gray rectangular background.

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 5, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington DC, 20500

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. President and Mr. Secretary,

The Black Hills of South Dakota, where you recently spoke to the country about your view of American history, saw one of the largest gold rushes of the nineteenth century. That period of rapid westward expansion spawned an enduring mythology about the building of our country – a mythology that overlooks or even glamorizes the destruction of Native Americans. The Black Hills was also the site of the federal government breaking treaties, disenfranchising Native Peoples, and tolerating or directly sponsoring the slaughter of countless tribal members. We write today because your choice to use Mount Rushmore as a backdrop for an open appeal to white grievance politics raises larger questions about the use of taxpayer resources to represent American history and underscores the fatal shortcomings of your proposal to create a Garden of American Heroes.

Mount Rushmore is one of our nation's most iconic monuments. Gutzon Borglum, the man who planned and oversaw its carving, is well known to have preached white supremacy and enthusiastically attended Ku Klux Klan rallies. In different ways, each of the four men honored on Mount Rushmore brings similar issues to the fore. They all held beliefs and committed acts unconscionable by today's standards: two saw fit to own human beings, at least one saw non-white peoples as inferior, and one oversaw the largest mass execution of Native Americans in our nation's history. All of this is a matter of public record and failing to acknowledge it does you and your administration no credit.

Your failure to note any of this during your speech was a choice that speaks to your conception of who counts as an American and whose stories you believe are worth telling. This brings us to the moment on July 4th when you announced your intent to create a Garden of American Heroes, as described in your July 3rd Executive Order entitled *Executive Order on Building and Rebuilding Monuments to American Heroes*.¹ As you envision it, this Garden would celebrate the lives of “historically significant Americans” who had a “substantive effect on American history.” Unfortunately, your rhetoric in office has shown that your sense of history does not reckon with complications and failures, and we believe that such a monument as you have conceived it would badly distort public awareness of our nation's history. While you may choose to sanitize that history for political reasons, Congress will not spend public money to help you tell a fairy tale.

¹ Exec. Order on Building and Rebuilding Monuments to Americans Heroes (2020) Available online: <https://www.whitehouse.gov/presidential-actions/executive-order-building-rebuilding-monuments-american-heroes/>

Judging by your statements, you seek to build a monument to people you consider unblemished heroes, nearly all of whom are white and male. In recent weeks you have gone so far as to emphasize your unwavering support for statues and monuments representing Confederate traitors to our Union, which were erected in an effort to intimidate Americans of color all the way from the Reconstruction Era to the present day. We must emphasize that while slave-owning traitors may fit your conception of American heroism more comfortably than any Native Americans or Latino Americans, both groups entirely left off your list of proposed “heroes,” there is little public support for your position. While it was a welcome surprise to see no Confederate generals on your proposed list of American heroes, Congress will not pay for any monument to your personal, very limited conception of who counts as an important American.

The United States is an exceptional nation that has always promised unique freedoms and opportunities, regardless of one’s origins or place of birth. We cannot live up to that promise if we cannot honestly confront our own history. Our past is not one of unmitigated success – it is rife with inhumanity, racism and needless suffering. Reckoning with that fact is often difficult and painful, and none of us can claim to do so perfectly. But by examining our failures and shortcomings as a nation and learning from them, we help to ensure a more just and equitable future for all Americans. That process is necessary, and we can no longer shy away from it.

We fully support the idea of a greater recognition of America’s past, either through the creation of a statue garden or other means, but any such process should be public, transparent, and informed by scholarship, not dictated by your personal interests. A garden of heroes should not include perpetrators of genocide or aggressors against Native People, nor should it skew so heavily toward the recent past of the conservative movement. Above all, the figures portrayed there should not be selected by a single president based on idiosyncratic notions of historical value.

If your interest in honoring our nation’s history is genuine, there are numerous existing programs you might start with before trying to execute this shoddily planned proposal. You might support the National Park Service in their work to preserve and interpret our nation’s history at 419 sites across the country. Under your administration the Park Service has faced constant budget cuts, staff reductions, hiring freezes, and efforts to limit their work. You might support full funding for the Historic Preservation Fund. Instead, your budget requests routinely ask for this important program to be slashed, limiting funding for Tribal and State Preservation Programs and grants to Historically Black Colleges and Universities. You could support the existing work done by the Task Force agencies, supporting robust funding for the National Endowments for the Arts and Humanities and the Advisory Council on Historic Preservation, or the Smithsonian Museums. Yet, these important programs have been consistently on the chopping block, making their work to tell a historically accurate and inclusive American story increasingly difficult. There are many better ways to honor our history, but your budgets routinely suggest they are not your priorities.

As your Executive Order rightly noted, our monuments and honors belong to past and future generations. They are part of what makes the United States of America the remarkable place that it is. Any national memorial on the scale of what you describe should be designed with the input of Congress, ideally with the benefit of the insight and support of historians, academic institutions, and the American public. This should occur through the open legislative process, not a hastily written decree.

Among the many obvious shortcomings of your proposal, we are concerned that your Executive Order fails to identify a clear funding stream and relies on the Department of the Interior to divert funds appropriated for other purposes. The Order does not point to any clear authority on the part of any agency in the Task Force to designate, design, or create statutes or monuments. It fails to clearly explain how choosing a location for such a memorial will conform with Congress' clearly established constitutional authority to oversee federal lands and national memorials. Rather than sending a carefully crafted legislative proposal to Congress with clear steps to achieve your goal, you issued an Executive Order that puts an unbearable onus on Task Force agencies to establish a "garden" of dubious legal character. For all your fearmongering about unelected bureaucrats, your recent order rests on the idea that they should wield considerable power that they do not, at present, actually have.

This rushed effort does not honor America's past. It perpetuates a problematic cult of hero worship, untethered from reality and ignorant of clear legal requirements. You should submit the report of the Task Force to this Committee and repeal or amend your Order to more accurately reflect legal reality and historical accuracy. A good first step might be to consult professional historians – the executive branch employs several of distinction – to ensure that your efforts to honor our past do not commit further violence to the cause of historic understanding.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Debra Haaland
Vice Chair
House Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT 24 2019

The Honorable Raul Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides an eighth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on September 25, 2019.

Enclosed is a disc, labeled 00011691_010, that contains 164 documents consisting of 1,744 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel_relat@ios.doi.gov or by phone at (202) 208-7693.

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT 24 2019

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

Dear Rep. Haaland:

This letter provides an eighth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on September 25, 2019.

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Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515

August 10, 2020

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

Dear Secretary Bernhardt,

We write to express our concerns about the Fish and Wildlife Service's (FWS) proposed rule, published on June 11, 2020, titled *Refuge-Specific Regulations; Public Use; Kenai National Wildlife Refuge* (85 FR 35628). The proposed rule is the latest rollback of critical protections for Alaska's wildlife. It removes critical protections for America's beloved brown bears (*Ursus arctos*) and allows the use of inhumane and indiscriminate traps on approximately 2 million acres in Kenai National Wildlife Refuge. We oppose these policies and urge you to withdraw the proposed rule.

The Kenai National Wildlife Refuge proposed rule would allow trapping of wildlife species without a federal permit within the refuge and would also reverse part of a 2016 regulation that prohibited the extreme trophy hunting practice of killing brown bears over bait.¹ This proposed rule comes on the heels of the National Park Service (NPS) issuing their final rule reversing a 2015 regulation that prohibited unsportsmanlike trophy hunting practices in national preserves in Alaska, such as brown bear baiting, the killing of black bear mothers and cubs in dens, and the killing of wolves during denning season. These two rules taken together clearly show the Department of the Interior's improper endorsement of Alaska's efforts to reduce predator populations and artificially increase prey species populations for the benefit of hunters.

In June 2019, the Department of Interior (DOI) reported that there were approximately 53.6 million visitors to national wildlife refuges (NWR) in FY 2017.² Hunters comprised only 5 percent of visitors, and big game hunters (such as bear hunters) only represented one third of that small population. Trappers were too small a population to even be counted in the report. In contrast, wildlife watchers and other non-consumptive users represented 79 percent of visitors to NWRs. Furthermore, the vast majority of tourist dollars – 87 percent – came from non-consumptive users. It is clear from these numbers that more Americans value these federal refuge lands for viewing wildlife than for killing it and should also be able to enjoy the land without the fear of themselves or their pets stepping into traps. As such, DOI should be protecting brown bears and other animals on these federal lands to conserve natural biodiversity

¹ Refuge-Specific Regulations; Public Use' Kenai National Wildlife Refuge, Proposed Rule, 85 Fed. Reg. 35628 (June 11, 2020).

² Caudill, James and Erin Carver. 2019. Banking on Nature 2017: The Economic Contributions of National Wildlife Refuge Recreational Visitation to Local Communities. U.S. Fish and Wildlife Service, Falls Church, Virginia.

and the wildlife watching opportunities it creates, and not opening up additional opportunities for the use of dangerous traps in protected areas.

Scientists have sounded the alarm about Alaska's efforts to legalize intensive predator management, noting that large carnivore management in Alaska is a reversion to outdated management concepts and occurs without effective monitoring to evaluate impacts on predator populations.³ Brown bears serve as a clear example of this, with Kenai Wildlife Refuge serving as a specific point of contention. From 1995 to 2018, Alaska liberalized hunting regulations for brown bears 222 times. For instance, the state increased the annual bag limit and allowed tactics such as hunting over bait and killing a bear prior to buying a \$25 brown bear hunting tag, and legalized the commercial sale of hides, claws, and skulls. Allowing brown bears to be killed over bait led to such unsustainable bear hunting on state lands near the Kenai National Wildlife Refuge that the federal refuge managers had to institute emergency bear-hunting closures.⁴ Despite all of this, FWS proposes to reverse decades-old policy and allow the baiting of brown bears within Kenai National Wildlife Refuge for the first time.⁵

The FWS proposal to allow the baiting of brown bears within Kenai National Wildlife Refuge, as well as to remove the refuge's regulation of trapping, ignores the warnings of both science and history. Our government should be protecting our nation's treasured wildlife – not working hand in hand with trophy hunters and trappers to sanction some of the cruelest killing tactics. We urge you to withdraw the proposed rule.

Sincerely,



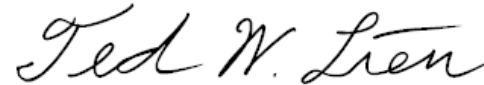
Earl Blumenauer
Member of Congress



Brian Fitzpatrick
Member of Congress



Pramila Jayapal
Member of Congress



Ted Lieu
Member of Congress

³ Ripple WJ, Miller SD, Schoen JW, Rabinowitch SP (2019) "Correction: Large carnivores under assault in Alaska." *PLoS Biol* 17(5): e3000282. <https://doi.org/10.1371/journal.pbio.3000282>

⁴ U.S. Fish and Wildlife Service, Kenai National Wildlife Refuge, Former Closures of Sport Brown Bear Hunting, https://www.fws.gov/refuge/Kenai/what_we_do/resource_management/proposed_temporary_closure_of_sport_brown_bear_hunting.html.html (last accessed 06/24/2020).

⁵ Miller, S. D., J. W. Schoen, and C. C. Schwartz. "Trends in Brown Bear Reduction Efforts in Alaska, 1980-2017." *Ursus* 28, no. 2 (Nov 2017): 135-49. <http://dx.doi.org/10.2192/ursus-d-17-00002.1>

/s/

Steve Cohen
Member of Congress

/s/

Mike Quigley
Member of Congress

/s/

Betty McCollum
Member of Congress

/s/

Jared Huffman
Member of Congress

/s/

Joe Neguse
Member of Congress

/s/

Peter DeFazio
Member of Congress

/s/

Dina Titus
Member of Congress

/s/

Suzanne Bonamici
Member of Congress

/s/

Eleanor Holmes Norton
Member of Congress

/s/

Susan Wild
Member of Congress

/s/

Raúl M. Grijalva
Member of Congress

/s/

Nydia Velázquez
Member of Congress

/s/

Ro Khanna
Member of Congress

/s/

Suzan K. DelBene
Member of Congress

/s/

Nannette Diaz Barragan
Member of Congress

/s/

James P. McGovern
Member of Congress

/s/

Madeleine Dean
Member of Congress

/s/

Susan A. Davis
Member of Congress

/s/

Tulsi Gabbard
Member of Congress

/s/

Mark Pocan
Member of Congress

/s/

Zoe Lofgren
Member of Congress

/s/

Diana DeGette
Member of Congress

/s/

Grace F. Napolitano
Member of Congress

/s/

Alcee Hastings
Member of Congress

/s/

Brendan F. Boyle
Member of Congress

/s/

Deb Haaland
Member of Congress

/s/

Bill Foster
Member of Congress

/s/

Derek Kilmer
Member of Congress

/s/

Barbara Lee
Member of Congress

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 13, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1840 C Street, NW
Washington, DC 20240

Dear Secretary Bernhardt:

We write to follow up on concerns related to the opening and operation of national parks during a global pandemic. You refused to answer basic questions about the decision to reopen parks over the objections of surrounding communities we posed in a letter earlier this year; we now understand that the Department of the Interior (DOI) is not requiring masks or social distancing at indoor facilities operated by the National Park Service (NPS), even at units located where the surrounding state or local government has instituted a mandatory mask requirement. Leaving these important health and safety measures up to individual park units conflicts with current Centers for Disease Control and Prevention (CDC) guidelines for wearing face coverings in public settings in order to prevent the spread of coronavirus.¹

The Occupational Safety and Health Administration (OSHA) classification of risk for employees puts many NPS employees in the “Medium Exposure Risk” category.²

Employee and visitor safety should be the Department of the Interior’s top priority. Unfortunately, due in large part to current DOI policy, many NPS employees have returned to work, putting them at increased risk of exposure to coronavirus when they interact with the public. The current practice of relying on passive signs to encourage mask use and social distancing is not enough. When employees and visitors cannot avoid situations that place them at high risk for contracting the coronavirus, both parties should at least be required to wear masks or other appropriate face coverings consistent with CDC guidelines. Failure to do so could facilitate the spread of coronavirus among visitors, employees’ families, and surrounding communities.

Despite NPS’s own policy to “ensure expansions of public access are considerate of State and local health guidance,” the agency is not requiring masks or enforcing social distancing at units located

¹ Centers for Disease Control and Prevention. (2020, July 16). Considerations for Wearing Cloth Face Coverings. Retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

² Occupational Health and Safety Administration. (n.d.). Guidance of Preparing Workplaces for COVID-19 [OSHA 3990-03 2020]. Retrieved from <https://www.osha.gov/Publications/OSHA3990.pdf>

within states or localities with a mandatory mask requirement.³ From the Independence National Historical Park in Pennsylvania, where there is a statewide order requiring face coverings in any indoor location open to the public, to the Big South Fork National River and Recreation Area in Kentucky, where masks are required in public places, conflicting guidance between NPS-governed areas and localities that require masks threatens the safety of park employees, visitors, and those who live closest to our public lands.

Particularly in light of summer being the busiest season for park visitation, we must ensure National Park Service employees and the public are taking at least the most basic measures to prevent the spread of COVID-19 and that the agency adheres to CDC guidelines. Therefore, we urge you to require visitors and employees to wear masks outdoors when they cannot maintain proper social distance. When employees and visitors are in buildings, they should be required to wear masks.

When we wrote in April with questions about the reopening of national parks, the Department's response claimed our questions were too broad. Operating during the pandemic, which has only intensified since our last correspondence, continues to be complex and complicated and requires full transparency. To assist the Committee with its oversight activities and to address outstanding questions and concerns regarding basic protections for employees and the public at NPS sites, please provide answers to the following questions and all requested documentation and information as soon as possible, but no later than August 31, 2020:

- Will the Department of the Interior require masks when NPS employees and visitors in buildings and in public places cannot adhere to social distancing guidelines? If not, please provide documents sufficient to show scientific evidence that the CDC guidance regarding the use of masks or other suitable facial coverings is invalid.
- Does the Department have a plan to purchase and distribute adequate PPE to all units of the National Park System? If not, please provide the justification and rationale for this decision.
- All documentation related to how the Department of the Interior plans to ensure that agency operations comply with CDC guidelines, particularly those related to wearing face coverings in public settings, to ensure the maximum safety of NPS employees and visitors.
- All documentation outlining the rationale and guidance that informed the Department of the Interior's decision to not require masks or social distancing at units located in states or localities with a mandatory mask requirement.
- All documents and communications related to the Department of the Interior's process for deciding whether to require masks and/or social distancing in states or localities where there is a mandatory mask requirement.

³ National Park Service. (2020, May 28). National Park Service COVID-19 Adaptive Operations Recovery Plan. Retrieved from https://inside.nps.gov/sites/default/files/document/2020-05/NPS%20COVID-19%20Adaptive%20Operations%20Recovery%20Plan_FINAL_05282020.pdf

We ask that you take all necessary steps to ensure that National Park Service employees have the resources and guidance required for their safety and the safety of the public visitors to these sites. We stand ready to help and appreciate your consideration.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



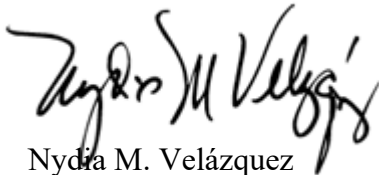
Debra Haaland
Chair
Subcommittee on National Parks, Forests
and Public Lands



Jared Huffman
Chair
Subcommittee on Water, Oceans, and
Wildlife



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral
Resources



Nydia M. Velázquez
Member of Congress



Diana DeGette
Member of Congress



Anthony Brown
Member of Congress



Jesús G. "Chuy" García
Member of Congress

Congress of the United States
Washington, DC 20515

August 11, 2020

The Honorable David Bernhardt
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Proposed Oil & Gas Lease Sale for Public Lands in Southern Utah

Dear Secretary Bernhardt:

We are concerned with the upcoming September 2020 oil and gas lease sale in southern Utah, which will put some of the most fragile, scenic, and popular landscapes of the region at serious risk. This proposed lease sale threatens roughly 87,000 acres of potential wilderness areas bordering Canyonlands National Park and Labyrinth Canyon Wilderness and includes parcels close to Arches National Park and Capitol Reef National Park. Development of these parcels would threaten to ruin the stunning scenic beauty and visitors' use and enjoyment of these iconic national parks, redrock canyons, and mesas with drill rigs, pipelines, and natural gas flaring. Further, the COVID-19 pandemic continues to drive down demand for oil and gas leases on public lands while oil and gas wells are being shut-in or abandoned at unprecedented rates, providing little economic justification for this sale. We urge the Department of the Interior to cancel this lease sale.

It was a positive sign to see the Bureau of Land Management (BLM) postpone all six of the agency's oil and gas lease sales scheduled for May and June. Whether it was because of the COVID-19 pandemic, the rock-bottom prices of oil and gas, or another unstated reason hidden behind BLM's refusal to offer an explanation for the postponements, we were pleased to see the agency acknowledge that quarterly lease sales are not mandatory, and may be postponed when circumstances warrant.¹ Other leasing agencies have taken similar steps: the Utah School Institutional and Trust Lands Administration has cancelled each of its last three oil and gas lease sales, in part "due to continued industry effects from the COVID-19 pandemic."²

Even prior to the onset of the COVID-19 pandemic, industry interest in leasing Utah's public lands had declined dramatically. At the past three lease sales in Utah, BLM sold just 47 percent of the more than 228,000 acres offered for lease. Of the acres that did sell, well over half sold for the minimum bid of \$2.00/acre. In Grand County – home to Arches and Canyonlands – all of the leases that sold at these sales went for the minimum bid, which earned the State of Utah less than \$9,000 in revenue.

¹ Erickson, Camille. Federal government postpones Wyoming oil and gas lease sale, Casper Star Tribune, June 15, 2020 - https://trib.com/business/energy/federal-government-postpones-wyoming-oil-and-gas-lease-sale/article_90f144f4-ec9a-573e-b0c0-a8f374e940ac.html.

² Utah Trust Lands Administration, Competitive Mineral Lease Offering - <https://trustlands.utah.gov/business-groups/oil-gas/competitive-mineral-lease-offerings/>.

Further highlighting the fiscal irresponsibility of holding new lease sales now is that BLM has recently granted royalty relief for nearly 50 leases in Grand County, Utah, many of which surround Canyonlands National Park, including leases that are adjacent to those proposed to be auctioned off at the September 2020 sale. It is inconsistent with the Department's fiscal responsibilities to the American taxpayers to reduce the royalty rate for existing leases while taking steps to issue new leases for adjoining and nearby lands.

This proposed sale is also of concern to local officials, including Grand County Council Chairwoman Mary McGann, who recently said, "... when you look at that map, it just sends chills up your spine."³ Similar sentiments have been shared by other officials, including Moab City councilmember Kalen Jones, who stated, "This is a massive industrial development that traverses some of our prime recreational areas. This dwarfs everything else already leased in the area."⁴

This proposed lease sale is reminiscent of the December 2008 Utah lease sale during the President George W. Bush administration, which included some of the same public lands and resulted in a huge public outcry, a restraining order halting issuance of the leases by the Bush administration, and eventually cancellation and refund of the lease bids. The ongoing pandemic, economic downturn, and ever-increasing climate challenges makes the leasing and development of these public lands even more ill-advised now than in 2008.

We urge you to cancel the proposed Utah lease sale currently scheduled for September 2020.

Regards,



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral
Resources



Raúl Grijalva
Chair
House Natural Resources Committee

³ Magill, Bobby, Aaron Kessler. Interior Oil Leasing Near Parks Compared to Despoiling a Picasso, Bloomberg Law, May 13, 2020 - <https://news.bloomberglaw.com/environment-and-energy/interior-oil-leasing-near-parks-compared-to-despoiling-a-picasso>.

⁴ Groetzinger, Kate. The BLM Could Lease Over 100,000 Acres Of Public Land Around Moab To Energy Companies, KUER 90.1, NPR Utah, May 8, 2020 - <https://www.kuer.org/post/blm-could-lease-over-100000-acres-public-land-around-moab-energy-companies#stream/0>.

/s/
Nydia Velázquez
Member of Congress

/s/
Jared Huffman
Member of Congress

/s/
Deb Haaland
Member of Congress

/s/
Ruben Gallego
Member of Congress

/s/
Chellie Pingree
Member of Congress

/s/
Jesús G. “Chuy” García
Member of Congress

/s/
Suzanne Bonamici
Member of Congress

/s/
Salud Carbajal
Member of Congress

/s/
Nanette Diaz Barragán
Member of Congress

/s/
Peter Welch
Member of Congress

/s/
Matt Cartwright
Member of Congress

/s/
Donald S. Beyer Jr.
Member of Congress

/s/
Earl Blumenauer
Member of Congress

/s/
Sean Casten
Member of Congress

/s/
Gerald E. Connolly
Member of Congress

/s/
Joseph P. Kennedy, III
Member of Congress

/s/
Jamie Raskin
Member of Congress

/s/
Pramila Jayapal
Member of Congress

/s/
Diana DeGette
Member of Congress

/s/
Alcee L. Hastings
Member of Congress

/s/
Jan Schakowsky
Member of Congress

/s/
Bonnie Watson Coleman
Member of Congress

/s/
Grace F. Napolitano
Member of Congress

/s/
Bill Foster
Member of Congress

/s/
Steve Cohen
Member of Congress

/s/
Raul Ruiz, M.D.
Member of Congress

/s/
Jimmy Panetta
Member of Congress

/s/
Lucille Roybal-Allard
Member of Congress

/s/
Ro Khanna
Member of Congress

/s/
Mike Levin
Member of Congress

/s/
A. Donald McEachin
Member of Congress

cc: William Perry Pendley, Deputy Director, Policy & Programs, Exercising the Authority of the Director
Greg Sheehan, Utah State Director
Gary Torres, Canyon Country District Manager

Congress of the United States

Washington, DC 20510

August 26, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Bernhardt:

As Members of Congress representing New Mexico, we have written you and the Bureau of Land Management (BLM) New Mexico State Office over the course of the COVID-19 pandemic concerning onsite inspections, a cultural resource study of the area around Chaco National Historical Park, and the Farmington District Resource Management Plan Amendment (RMPA). We appreciate the willingness you and agency officials have shown to alter previous timelines. In May, you announced a 120-day delay in the public process for the RMPA. In early June, BLM State Director Tim Spisak allowed moving back onsite inspections for APDs, which were at one point scheduled for the state's primary election day, and again agreed to postpone beyond the worst period of COVID-19 infection in the state. We thank you and your department for taking these steps and we urge you to delay these processes again.

The conditions that warranted delay this spring stubbornly remain in place today despite stringent state, local, and tribal government actions and precautions. Sadly, the COVID-19 virus still infects New Mexicans at a rate preventing safe public gatherings. The June 19th 7-day case average was 105. The August 19th 7-day case average was 133. The 7-day average death toll likewise has remained at a total of five for each of those weeks.

The COVID-19 pandemic continues to radically alter the lives of New Mexicans, limiting their ability to fully participate in public processes fundamental to the economy and way of life in and around the BLM Farmington District in the Northwest corner of our state. Despite these concerns, several public processes proceed apace, hurtling forward to provide additional acreage for an oil and gas industry with seemingly little need for it, given the worst price and oversupply conditions in at least a decade. Accordingly, we ask you to indefinitely pause onsite inspections for applications for permit to drill (APDs) and the larger public process for the RMPA until this deadly virus can be contained.

The Honorable David Bernhardt

August 26, 2020

Page 2

Further, virtual public hearings planned for the end of this month still offer the same hollow promise of meaningful public engagement. The disperse population and rural character of the Farmington District has so far prevented the presence of adequate internet service in the surrounding area. Many homes lack access to this now basic utility, and the public facilities such as schools, libraries, and city and Tribal buildings with suitable internet access that could otherwise host meetings rightfully remain closed to large groups to protect the public health. This has not changed since May.

This pandemic also ensures state, local, and tribal government leaders are focused on keeping their citizens safe, stopping the spread of the virus, and providing basic services interrupted by the pandemic and subsequent economic downturn. In order for public comment to be meaningful, it has to be considered, and local leaders are too busy keeping their constituents alive and safe to sort through complicated documents and processes required by the National Environmental Policy Act (NEPA).

Given the importance of the oil and gas industry to New Mexico economy and the importance of the Chaco Culture National Historical Park, and other nearby historical and archaeological features, to the Pueblos, Apache, and the Navajo Nation, the logical and necessary course of action is to delay the RMPA public hearings until the public can meaningfully engage with the documents and safely gather to comment on them. NEPA not only suggests but requires citizen comment and involvement in reviewing projects. The long history of projects reviewed under NEPA is filled with examples when citizen involvement corrected fatal flaws or dramatically improved the initially planned development.

Furthermore, the Federal government has specific trust and treaty responsibilities to American Indians and Alaska Natives. As you know, the Fiscal Year 2020 (FY20) Interior, Environment, and Related Agencies Appropriations bill, as part of P.L. 116-94, included \$1 million for an ethnographic study of the area surrounding the Chaco Culture National Historical Park to be conducted by Tribes and included in the RMPA. We fail to understand why the BLM continues to move the required cultural study forward on a parallel process to the RMPA. Instead, the cultural study should be completed first and then used to inform any amendment to the Resource Management Plan. In addition, the public health conditions preventing safe public comment periods for the RMPA may well prevent work on the cultural study. While this may further delay the RMPA process, we fail to see how an adequate RMPA can be completed without full consideration of the study as intended.

Finally, regarding onsite inspections conducted under leases sold under the current Resource Management Plan, we continue to request you work with the leaseholders and interested members of the public to find mutually agreeable times and conditions under which they may move forward at a later date and in a responsible manner. We appreciate leaseholders won these leases, pay federal rent on them, and have a defined period of time in which to develop them.

However, in light of these circumstances, we ask you and the BLM to work with members of the public, tribal interests, and leaseholders to delay until a suitable future date can be found and a safe working plan is developed to conduct these important meetings. Among other options, the

The Honorable David Bernhardt

August 26, 2020

Page 3

BLM has the power to work with the leaseholder and come to a mutually agreeable suspension of the lease. Through suspension, the leaseholder may be held harmless, and the term of the lease and any payments and progress on the lease can be stopped for a pre-defined period of time.

Thank you again for your attention to these interrelated matters. We look forward to your consideration of our request and favorable reply.

Sincerely,



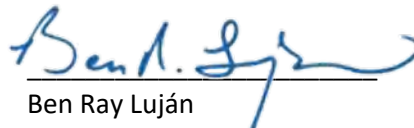
Tom Udall
United States Senator



Martin Heinrich
United States Senator



Deb Haaland
Member of Congress



Ben Ray Luján
Member of Congress



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction, Colorado 81506
<https://www.blm.gov>



August 27, 2020

The Honorable Deb Haaland
United States House of Representatives
Washington, D.C. 20515

Dear Representative Haaland:

This is in response to your letter regarding the Bureau of Land Management (BLM) Utah's September 2020 quarterly oil and gas lease sale. Secretary Bernhardt asked me to respond on his behalf.

On August 11, 2020, the BLM Utah issued a news release located at <https://www.blm.gov/press-release/blm-utah-issues-september-oil-and-gas-lease-sale-notice> regarding the lease sale. The BLM deferred all parcels nominated within Moab and Grand Counties from the September lease sale. The 23 parcels (totaling approximately 27,387.86 acres) that BLM Utah proposes to offer for lease sale the week of September 28 are located in Juab, Sanpete, Sevier, Emery, Duchesne and Uintah counties on lands managed by the BLM's Richfield, Vernal, Price, and Fillmore Field Offices.

The 23 parcels, if sold, will support well-paying energy industry jobs which contribute to revenues for Utah's schools and infrastructure projects. In fiscal year 2019, the State of Utah received \$47,191,791 from oil and gas revenues on Federal lands. The BLM Utah is complying with all laws and regulations that apply to leasing, while also considering local input prior to leasing.

Thank you for your interest in the management of the public lands. If I can be of further assistance please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar response has been sent to the cosigners of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 14, 2020

The Honorable Mary B. Neumayr
Chairman
Council on Environmental Quality
730 Jackson Pl, NW
Washington, DC 20506

The Honorable David Bernhardt
Secretary
Department of the Interior
1849 C St NW
Washington, DC 20240

The Honorable Sonny Perdue
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Chairman Neumayr, Secretary Bernhardt, and Secretary Perdue:

We are writing to express our strong opposition and grave concerns regarding your systemic efforts to weaken the fundamental protections provided under our nation's bedrock environmental laws.

The National Environmental Policy Act (NEPA) gives the public a voice in federal decision-making in order to protect human health and the environment. Environmental reviews under NEPA can help ensure access to clean air and water, help mitigate and adapt to climate change, and foster environmentally-sound and more equitable development by ensuring that frontline and fenceline communities have a say in federal decisions. However, numerous actions underway at the direction of the Trump Administration would collectively erode our bedrock environmental laws and limit access to the courts, seemingly to no end except to elevate monied special interests above the public interest in almost all regards.

The NEPA attacks from this administration have come big and small—through Executive Orders, Secretarial Memorandums or Orders, Agency Rulemakings, Budget Proposals, and other questionably legal actions pending judicial review—but the intent is the same, to inherently weaken environmental protections in any way possible. The recently finalized NEPA implementation regulations from the Council on Environmental Quality (CEQ) are certainly the most far reaching, but they are consistent with this administration's ongoing effort to elevate polluters over people.¹

¹ Council on Environmental Quality (CEQ) Rulemaking on NEPA implementing regulations at 40 CFR (85 Fed. Reg. 1,684; January 10, 2020) <https://ceq.doe.gov/laws-regulations/regulations.html>

Other examples of efforts to dismantle environmental protections include the U.S. Forest Service Proposed Rule on NEPA Compliance² and rulemaking on oil and gas resources³; Secretary Perdue's recent memo to the Chief of the Forest Service⁴; Secretarial Orders 3372⁵ and 3355⁶; Bureau of Land Management resource management planning⁷, grazing⁸, salvage⁹, vegetation removal¹⁰ and protest¹¹ rulemakings; and Executive Orders 13867, 13855, and 13807.^{12,13,14} Our public lands should be managed for the benefit and enjoyment of all Americans, but the cumulative impact of these actions, which include numerous new large acreage categorical exclusions, is to make it significantly easier for special interests to have their way, while limiting public accountability and transparency. Keeping communities in the dark about potential impacts will undermine collaborative efforts to protect clean water, wildlife habitat, and healthy ecosystems, while failing to meet the public's expectation that our public lands be managed to maximize access for recreation, hunting, and fishing, all of which contribute to a multi-billion-dollar recreation economy. Notwithstanding the administration's failed response to the COVID-19 pandemic, the

² U.S. Forest Service Proposed Rule, National Environmental Policy Act (NEPA) Compliance (84 Fed. Reg. 27,544, June 13, 2019) <https://www.fs.fed.us/emc/nepa/revisions/index.shtml>

³ U.S. Forest Service Advanced Notice of Proposed Rule Makings on Oil and Gas Resources (83 FR 46458; September 13, 2018) <https://www.federalregister.gov/documents/2018/09/13/2018-19962/oil-and-gas-resources>

⁴ Secretarial Memorandum to the Chief of the Forest Service (June 12, 2020) <https://www.fs.usda.gov/news/releases/secretarial-memorandum-chief-forest-service>

⁵ SO 3372 January 2, 2019 Reducing Wildfire Risks on Department of the Interior Land Through Active Management https://www.doi.gov/sites/doi.gov/files/elips/documents/so_3372_reducing_wildfire_risks_on_department_of_the_interior_land_through_active_management.pdf

⁶ SO 3355 Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807 (August 31, 2017) https://www.doi.gov/sites/doi.gov/files/elips/documents/3355_-_streamlining_national_environmental_policy_reviews_and_implementation_of_executive_order_13807_establishing_discipline_and_accountability_in_the_environmental_review_and_permitting_process_for.pdf

⁷ Bureau of Land Management Resource Management Planning Proposed Rulemaking (1004-AE62; Fall 2019): <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201910&RIN=1004-AE62>

⁸ Bureau of Land Management Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision of Grazing Regulations for Public Lands (85 FR 3410; January 21, 2020) <https://www.federalregister.gov/documents/2020/01/21/2020-00849/notice-of-intent-to-prepare-an-environmental-impact-statement-for-the-proposed-revision-of-grazing>

⁹ National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (85 Fed. Reg. 33,697; June 2, 2020) "Salvage Categorical Exclusion (CE)" <https://www.blm.gov/press-release/blm-proposes-expedited-review-timber-salvage-projects>

¹⁰ National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (85 Fed. Reg. 14700; March 13, 2020) <https://www.federalregister.gov/documents/2020/03/13/2020-05095/national-environmental-policy-act-implementing-procedures-for-the-bureau-of-land-management-516-dm>

¹¹ Bureau of Land Management Forest Management Decision Protest Process and Timber Sale Administration ("Protest rulemaking") <https://www.blm.gov/press-release/blm-proposes-modernizing-forest-management-rules>

¹² EO 13867, Issuance of Permits with Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States (April 10, 2019) https://ceq.doe.gov/laws-regulations/executive_orders.html

¹³ EO 13855, Promoting Active Management of America's Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk (December 21, 2018) <https://www.whitehouse.gov/presidential-actions/EO-promoting-active-management-americas-forests-rangelands-federal-lands-improve-conditions-reduce-wildfire-risk/>

¹⁴ EO 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure (August 15, 2017) https://ceq.doe.gov/laws-regulations/executive_orders.html

last several months have served as an important reminder that public lands are essential to our physical and mental health.

Undoubtedly, our country is confronting many shared challenges, including the pandemic, climate change, environmental and racial injustice, biodiversity loss, and the need for a more equitable society, but efforts to suppress the voice of the public, deliberately exclude disclosure of harm in environmental analyses, and limit access to the courts are the opposite of what our country needs right now. In this time of ongoing health, economic, and wildlife extinction crises, the administration is continuing to waive environmental regulations to benefit polluters and extractive interests over the public interest. Executive Order 13927, “Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities” was a disappointing and opportunistic re-iteration of the same anti-environmental efforts undertaken since the early days of this administration.¹⁵

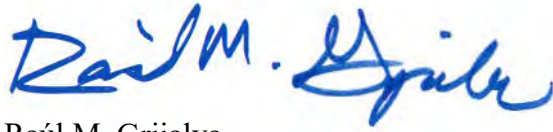
Congressional intent is important to the execution of the laws so let us be clear, we need stronger protections for public health, public lands, and the environment, not more industry carve outs. Contrary to your efforts, the House Natural Resources Committee in the 116th Congress has undertaken a historic collaborative effort to elevate environmental justice in federal policy. The introduction of the Environmental Justice for All Act by Rep. A. Donald McEachin and Chair Raúl M. Grijalva would update the National Environmental Policy Act to empower environmental justice communities. Representative Debbie Dingell has also introduced H.Con.Res.89 - Encouraging the Trump Administration to maintain protections under the National Environmental Policy Act and reverse ongoing administrative actions to weaken this landmark law and its protections for American communities.

We submit this letter as formal comment in opposition to the NEPA revisions proposed by this administration. We find them lacking in justification, driven by poor intentions, and legally indefensible. Because of their collective potential to fundamentally erode our laws and significantly impact our public lands, we urge you to immediately suspend implementation of all efforts intended to weaken NEPA.

The people of our nation are demanding to be heard at all levels of decision-making. Please don’t silence their voice.

¹⁵ Executive Order signed on June 4, 2020 titled, “EO on Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities”
<https://www.whitehouse.gov/presidential-actions/eo-accelerating-nations-economic-recovery-covid-19-emergency-expediting-infrastructure-investments-activities/>

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Debra Haaland
Vice Chair
House Committee on Natural Resources



Debbie Dingell
Member of Congress



Pramila Jayapal
Member of Congress



A. Donald McEachin
Member of Congress



Jamie Raskin
Member of Congress



Nanette Diaz Barragán
Member of Congress



Lisa Blunt Rochester
Member of Congress



Mike Levin
Member of Congress

Congressional Signatories:

Adam Smith	James P. McGovern
Adriano Espaillat	Jan Schakowsky
Alan Lowenthal	Jared Huffman
Albio Sires	Jimmy Panetta
Alcee L. Hastings	John P. Sarbanes
Alma S. Adams, Ph.D.	John Yarmuth
Ann McLane Kuster	José E. Serrano
Betty McCollum	Julia Brownley
Bill Foster	Kathy Castor
Bobby L. Rush	Linda T. Sánchez
Chellie Pingree	Maxine Waters
Danny K. Davis	Mike Thompson
Darren Soto	Nydia M. Velázquez
David Price	Peter Welch
Diana DeGette	Richard E. Neal
Dina Titus	Ro Khanna
Donald S. Beyer, Jr.	Robert C. “Bobby” Scott
Earl Blumenauer	Sean Casten
Ed Case	Stephen F. Lynch
Eleanor Holmes Norton	Steve Cohen
Eliot L. Engel	Steven Horsford
Gerald E. Connolly	Suzan K. DelBene
Grace F. Napolitano	Suzanne Bonamici
Gregorio Kilili Camacho Sablan	Thomas R. Suozzi
Ilhan Omar	Tom Malinowski
Jahana Hayes	Yvette D. Clarke

CC: Mr. William Perry Pendley
Deputy Director
Bureau of Land Management
U.S. Department of the Interior

Ms. Victoria Christiansen
Chief
U.S. Forest Service
U.S. Department of Agriculture



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction, Colorado 81506
<https://www.blm.gov>



September 15, 2020

The Honorable Deb Haaland
United States House of Representatives
Washington, DC 20515

Dear Representative Haaland:

Thank you for your letter dated August 26, 2020, regarding your request to pause indefinitely onsite inspections for applications for permit to drill (APDs) and the larger public process for the Farmington Mancos – Gallup Draft Resource Management Plan Amendment/Environmental Impact Statement (RMPA/EIS) until the COVID-19 pandemic has subsided. Secretary Bernhardt asked me to respond on his behalf.

Secretary Bernhardt extended the public comment period for the Draft RMPA/EIS until September 25, 2020, following meetings with leaders of the Navajo Nation and the All Pueblo Council of Governors. This extension has allowed Tribal leaders and members of the public a fuller opportunity to provide comments. In addition to the five virtual public meetings that took place in May 2020, the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) hosted four virtual open houses from August 26-29, 2020. The focus audience for the August 26 session was the Navajo Nation and Navajo Tribal members; the focus audience for the August 27 session was other Tribes and Pueblos; and the focus audience for the August 28 and 29 sessions was the general public. Additionally, on August 20, 2020, the BLM and BIA hosted a radio show on KDND radio, 960 AM, where listeners heard project information and asked questions about the project.

Meanwhile, during the pandemic, we have followed the advice of the Advisory Council on Historic Preservation (ACHP) and paused the Section 106 process of the National Historic Preservation Act (NHPA). Recently the ACHP suggested methods that allow consultations to be conducted safely, and we are beginning to re-initiate those efforts.

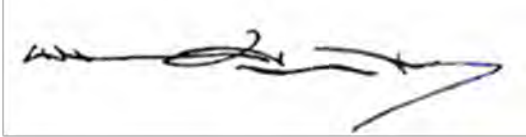
The BLM and BIA are currently considering several separate alternatives to resolve land use issues and resource management challenges. The decisions made will determine how to manage the public land, Navajo Tribal Trust land, and Navajo Indian allotments and resources within the planning area for the next 10 to 15 years. Of note, the BIA does not have an existing RMP. The development of this RMPA/EIS will support the BIA's future land management decisions. For these important reasons, completion of an RMPA/EIS is required at this time.

In your letter, you also ask that the BLM cease on-site inspections, and that we work with leaseholders to suspend leases until an unspecified future time when they may be resumed. Most operators in the San Juan Basin are smaller, independent L.L.C. companies that have continued to submit Notice of Staking (NOS) requests and are not interested in suspending their leases. As

you state, the oil and gas industry is important to the local economy. As a result, should the Farmington Field Office stop conducting on-site inspections, it will have a negative economic impact. On-site inspections have been conducted in full compliance with the requirements listed in the Public Health Orders (PHO) of the State of New Mexico. Therefore, during on-site inspections, the BLM limits the number of persons in attendance and staggers inspections if the number of attendees exceeds the PHO. Social distancing and the wearing of face masks are safety measures taken to protect those involved in the process and to reduce the spread of the virus.

Thank you again for writing regarding these important issues. If you have additional questions, please feel free to contact me in Grand Junction headquarters at (970) 256-4900, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 912-7429. A similar response has been sent to the cosigners of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Perry Pendley', with a long horizontal stroke extending to the right.

William Perry Pendley
Deputy Director, Policy and Programs
Exercising the Authority of the Director

Congress of the United States
Washington, DC 20510

September 15, 2020

Honorable David L. Bernhardt
Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to express our concern about the Lake Powell Pipeline project possibly moving forward in the federal review process despite remaining environmental and Tribal Nation concerns, and serious questions raised by New Mexico and other Basin States.

The demands on the Colorado River will continue to grow. Issues related to shrinking water supply will too, especially in light of increasing environmental stressors, including the climate crisis. It is critical that assessment of the Lake Powell Pipeline project fully analyze impacts to water supply and ecosystem health – not just now, but also for the future. Further, there should be thoughtful and full examination of water conservation and usage strategies through the assessment process.

The proposed Lake Powell Pipeline project raises interstate questions for the entire Colorado River Basin. The State of New Mexico, as well as Arizona, California, Nevada, Colorado, and Wyoming, have highlighted legal and operational concerns raised by the proposed Lake Powell Pipeline project that have yet to be resolved.

The Basin States and the Department of the Interior have worked for over two decades to manage the Colorado River built on collaboration and consensus, despite both multi-decade drought and significant population growth in the Basin. The need for judicious, science-based stewardship and consensus-development is just as critical now, and will only grow.

Sincerely,

/s/ Tom Udall
United States Senator

/s/ Martin Heinrich
United States Senator

/s/ Deb Haaland
United States Representative

/s/ Ben Ray Luján
United States Representative

/s/ Xochitl Torres Small
United States Representative

Congress of the United States
Washington, DC 20515

September 22, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

The Honorable Vicki Christiansen
Chief
U.S. Department of Agriculture Forest
Service
201 14th Street, S.W.
Washington, DC 20227

Dear Secretary Perdue and Chief Christiansen:

In light of the many challenges the COVID-19 national emergency is presenting to the public and to state, local and tribal governments, we request that the Department of the Agriculture and the U.S. Forest Service issue a 90-day extension to the public comment period and final determination for the nonessential proposed rule on Federal oil and gas resources on National Forest System lands (RIN 0596-AD33).

We recognize the significant impact of the COVID-19 pandemic on normal working and living conditions, impairing the ability of the general public, issue experts, governmental officials and others to conduct their daily routine, regular business, and weigh in on federal government actions affecting them. The country and the public's attention is focused on keeping families healthy and safe, making it more difficult for our governments and citizens to attend to nonessential land management decisions in relatively short, arbitrary timeframes. They are rightly focused on the extraordinary measures being implemented to contain and limit the spread of COVID-19.

It is noteworthy that administrative actions and public comment periods for other federal agency actions are being suspended or extended for "to be determined" amounts of time due to the national emergency.¹ Additionally, numerous Federal government entities, including the U.S. Supreme Court and the Internal Revenue Service, have announced extensions of normal filing deadlines because of the ongoing public health concerns related to COVID-19.

Consistent with the USDA Forest Service's mission to care for our national forests *and serve people*, and the National Environmental Policy Act's purpose to evaluate environmental consequences and inform the public, we urge you to recognize this trying time and request that you issue direction to extend public comment opportunities for the proposed rule on Federal oil and gas resources on National Forest System lands during the COVID-19 crisis. Such action

¹ E.g., DOI's Interior Board of Land Appeals extended all filing deadlines by 60 days in response to COVID-19; The Daniel Boone National Forest Supervisor sent a letter to relevant parties suspending the public objection period in light of COVID-19; U.S. Forest Service extended a public comment period for the Nantahala and Pisgah forest plan revision with the length of time to be determined. Available at: <https://www.fs.usda.gov/detail/nfsnc/home/?cid=stelprdb5397660>.

would not only be consistent with applicable law, but also lead to a more informed outcome for all stakeholders.

Sincerely,



MIKE LEVIN
Member of Congress



ALAN LOWENTHAL
Member of Congress

/s/

RAÚL M. GRIJALVA
Member of Congress

/s/

JARED HUFFMAN
Member of Congress

/s/

DONALD S. BEYER JR.
Member of Congress

/s/

EARL BLUMENAUER
Member of Congress

/s/

MICHAEL F.Q. SAN NICOLAS
Member of Congress

/s/

MIKE QUIGLEY
Member of Congress

/s/

JAMIE RASKIN
Member of Congress

/s/

JUAN VARGAS
Member of Congress

/s/

NYDIA M. VELÁZQUEZ
Member of Congress

/s/

GRACE F. NAPOLITANO
Member of Congress

/s/

MARK TAKANO
Member of Congress

/s/

DIANA DEGETTE
Member of Congress

/s/

CHRIS PAPPAS
Member of Congress

/s/

SALUD CARBAJAL
Member of Congress

/s/

SUZANNE BONAMICI
Member of Congress

/s/

DEB HAALAND
Member of Congress

/s/

ANN MCLANE KUSTER
Member of Congress

/s/

JULIA BROWNLEY
Member of Congress

/s/

SEAN CASTEN
Member of Congress

/s/

PETER WELCH
Member of Congress

/s/

NANETTE DIAZ BARRAGÁN
Member of Congress

/s/

DARREN SOTO
Member of Congress

/s/

BARBARA LEE
Member of Congress

/s/

GERALD E. CONNOLLY
Member of Congress

/s/

ROBERT C. “BOBBY” SCOTT
Member of Congress

/s/

RO KHANNA
Member of Congress

/s/

JIMMY PANETTA
Member of Congress

/s/

JAMES P. MCGOVERN
Member of Congress

/s/

HARLEY ROUDA
Member of Congress

Cc: David Bernhardt, Secretary of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 01 2020

The Honorable Raúl Grijalva
Chairman, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides the sixteenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on August 6, 2020.

Enclosed is a disc, labeled 00011691_0018, that contains 278 documents consisting of 2,416 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 01 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

Dear Chair Haaland:

This letter provides the sixteenth response to your March 1, 2019, letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on August 6, 2020.

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Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 24, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Bernhardt,

We write today to express significant concern about the precedent setting actions the Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (FWS) have proposed under the Northern Corridor Project near St. George, Utah. This proposal, through its preferred alternative, would allow the Utah Department of Transportation (DOT) to build a four-lane highway through the federally-protected Red Cliffs National Conservation Area (RCNCA), undermining the values for which that land was designated by Congress and imperiling federally-protected wildlife species, including the threatened Mojave Desert Tortoise.¹

Since this planning process was announced in mid-June, our concern has only grown as BLM and FWS have repeatedly issued planning documents and analyses which fail to recognize congressional intent.² The RCNCA was designated by Congress (P.L. 111-11) to protect some of the unique and exceptional resources of this region of Southwestern Utah. The purposes of that Act could not be clearer:

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

16 USC 460www.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and
(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

¹ Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11 § 1971, 123 Stat. 1075 (2009). Retrieved from https://www.blm.gov/sites/blm.gov/files/nationalconservationlandsdesignation_utah.pdf

² Bureau of Land Management. (2020, June 11). BLM and USFWS Invite the Public to Review and Comment on the Northern Corridor Draft Environmental Impact Statement and Proposed Washington County HCP [Press Release]. Retrieved from <https://www.blm.gov/press-release/public-review-and-comment-northern-corridor-deis>

The law goes on to state that the Secretary of the Interior “shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described,” in the purposes of that Act.³ This includes any and all lands added to the RCNCA after enactment.

It defies any form of statutory interpretation to suggest that building a four-lane highway could meet any of these quite explicit purposes. Any highway built through this highly sensitive landscape will only further threaten its unique resources, fragmenting habitats, disturbing soils, and increasing the likelihood of deadly human-wildlife interactions.

Furthermore, BLM and FWS have also failed to consider potential impacts this proposed plan might have on the resources RCNCA was designated to protect. In the summer of 2020, large fires burned through one quarter of RCNCA, degrading habitat and killing wildlife, including the threatened Mojave Desert Tortoise. Yet, BLM and USFS have not updated their planning documents to account for the impacts of these fires.⁴ The decision not to review the impacts of these fires is especially concerning given the findings of a recently released Tortoise Survey Mortality Report, which found that the fires will “likely have significant population level effects on tortoises within their respective burn areas.”⁵

In the rush to push this controversial plan forward, failure to consider these potential damages to wildlife and habitats is highly inappropriate and could have devastating consequences. Therefore, we request that no final decision be made, and no record of decision signed until a supplemental EIS is completed examining the compounding impacts this project would have on fire damaged habitats and populations.

Beyond these failures of interpretation and analysis, the plans proposed by BLM and FWS could have negative impacts on lands paid for and protected with taxpayer dollars through the Land and Water Conservation Fund (LWCF). We were surprised, given this administration’s recent efforts to tout LWCF as a major priority even after years of asking to defund these same programs, that agencies within the Department of the Interior (DOI) would seek to push through controversial plans that undermine the integrity of LWCF.

Since 1997, BLM has spent more than \$20 million in LWCF funds to purchase lands within the RCNCA. These purchases include perpetual easements on lands within the RCNCA, and some of these lands were acquired even after the original proposal to construct this highway, with \$7 million spent in RCNCA in 2019 alone. These lands, like all federal lands acquired under LWCF, were intended by Congress to be managed in perpetuity to protect exceptional landscapes and to enhance Americans’ access to outdoor recreation resources. That was clear in their original

³ Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11 § 1971, 123 Stat. 1075 (2009). Retrieved from https://www.blm.gov/sites/blm.gov/files/nationalconservationlandsdesignation_utah.pdf

⁴ Gross, S. (2020, July 22). Despite calls for pause after fires, BLM says Northern Corridor review will continue. *The Spectrum*. Retrieved from <https://www.thespectrum.com/story/news/2020/07/22/groups-demand-pause-fires-northern-corridor-review-continue/5483381002/>

⁵ Kellam, J. (2020). Cottonwood Trail Fire Tortoise Mortality Survey Report: Redcliff National Conservation Area, Bureau of Land Management. Retrieved from <https://naturalresources.house.gov/imo/media/doc/Cottonwood%20Trail%20Fire%20Tortoise%20Mortality%20Survey%20Report.pdf>

authorization and in each subsequent annual appropriation. Instead, this administration proposes turning these acquired lands into a highway right-of-way.

Unfortunately, this is not the only instance of the Trump administration attempting to undermine the integrity of LWCF. The U.S. Forest Service has supported efforts to allow for exploratory drilling and hard rock mining on lands near Mount St. Helens acquired with LWCF funds, despite requests by congressional Democrats to preserve these protected lands.⁶ For an administration claiming LWCF as a cornerstone piece of its environmental agenda, these repeated attempts to undermine the integrity of the law in favor of unfettered development raise serious questions. In both instances the law and common sense are clear: lands paid for and protected with public dollars for the purposes of permanent conservation and recreational access are not appropriate places for destructive development.

It would set a dangerous precedent for LWCF and for all National Conservation Areas if this Northern Corridor Proposal is allowed to go forward under its preferred alternative. Congress set out clear guidelines for how these lands ought to be managed; taking action in clear contravention of those management prescriptions risks the integrity of both laws. While we are confident that any such efforts to undermine these important conservation statutes would not hold up under judicial scrutiny, it would save taxpayer money, agency-staff time, and the people of Southwestern Utah consternation to pursue a course of action less legally precarious. BLM and FWS planning efforts found alternate highway routes that avoid lands in the RCNCA that could serve as perfectly acceptable locations for the proposed highway. These alternatives, alternatives 5 and 6 in the Draft Environmental Impact Statement, could successfully address the needs of stakeholders without undermining the integrity of multiple bedrock conservation laws.⁷

We appreciate your attention to these issues. If you have any questions regarding our concerns, please contact Committee staff at 202-225-6065.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Debra Haaland
Chair
Subcommittee on National Parks, Forests,
and Public Lands

⁶ U.S. Senate Committee on Energy and Natural Resources. (2016, March 21). Cantwell Asks Forest Service to Deny Hardrock Drilling Permits Near Mount St. Helens [Press Release]. Retrieved from <https://www.energy.senate.gov/public/index.cfm/2016/3/cantwell-asks-forest-service-to-deny-commercial-drilling-and-mining-permit-near-mount-st-helens>

⁷ Bureau of Land Management. (2020, June 11). Northern Corridor – Highway Right-of-Way, Issuance of an Incidental Take Permit Draft Environmental Impact Statement and Draft Resources Management Plan Amendments. Retrieved from <https://eplanning.blm.gov/eplanning-ui/project/1502103/570>



Alan Lowenthal

Chair

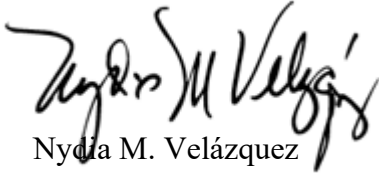
Subcommittee on Energy and Mineral
Resources



Jared Huffman

Chair

Subcommittee on Waters, Oceans, and
Wildlife



Nydia M. Velázquez
Member of Congress



Grace F. Napolitano
Member of Congress



Diana DeGette
Member of Congress



Jesús G. "Chuy" García
Member of Congress



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW
Washington, DC 20240

September 25, 2020

The Honorable Raúl Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter dated August 13, 2020, to Secretary of the Interior David Bernhardt regarding the Department of the Interior's (Department) phased expansion of access of our national parks. Secretary Bernhardt has asked that I respond on his behalf.

The Department's policy has always been consistent with the most current Centers for Disease Control and Prevention (CDC) guidance. The CDC recommends the use of cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain.

The Occupational Safety and Health Administration (OSHA) also maintains a similar recommendation for the workplace. Consistent with this CDC and OSHA guidance, the Department strongly recommends that all individuals (*i.e.*, federal employees, contractors, and visitors), while on property owned or leased by the Department, wear cloth face coverings when they cannot maintain six feet of physical distance from others.

The Department has purchased and distributed appropriate personal protective equipment (PPE) to all units of the National Park System. The Department is also closely monitoring local conditions and will adjust openings and closings as conditions warrant. I am also enclosing our Frequently Asked Questions on face coverings which further emphasizes the importance of social distancing and the value of facial coverings which we have made widely available to our employees.

The Department reiterates its earlier offer to discuss this request with you and again offers a briefing for the Committee staff at a mutually agreeable time.

Sincerely,

Margaret Everson
Counselor to the Secretary
Exercising the Delegated Authority of the Director

Enclosure

cc:

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources

The Honorable Debra Haaland
Chair
Subcommittee on National Parks, Forests
and Public Lands
House Committee on Natural Resources

The Honorable Jared Huffman
Chair
Subcommittee on Water, Oceans, and Wildlife
House Committee on Natural Resources

The Honorable Alan Lowenthal
Chair
Subcommittee on Energy and
Mineral Resources
House Committee on Natural Resources

The Honorable Nydia M. Velázquez
Member
House Committee on Natural Resources

The Honorable Diana DeGette
Member
House Committee on Natural Resources

The Honorable Anthony Brown
Member
House Committee on Natural Resources

The Honorable Diana DeGette
Member
House Committee on Natural Resources

The Honorable Jesús G. "Chuy" García
Member
House Committee on Natural Resources

1. Am I required to wear a face covering?

No. Due to fairness, enforcement, and prevailing health guidance, face coverings are voluntary, not mandatory. The Centers for Disease Control and Prevention (CDC) recommends wearing cloth face coverings in public settings where physical distancing measures are difficult to maintain. The Occupational Safety and Health Administration (OSHA) also maintains a similar recommendation for the workplace. Therefore, consistent with CDC and OSHA guidance, the Department strongly recommends that all individuals (i.e., federal employees, contractors, and visitors), while on DOI owned or leased property, wear cloth face coverings when they cannot maintain six feet of physical distance from others. The DOI will continue to implement measures consistent with relevant guidance to reduce the risks of the spread of COVID-19 and will continue to take precautions to ensure the health and wellbeing of our employees, contractors, and visitors.

2. Why is the Department recommending the use of face coverings?

The Department strongly recommends the use of face coverings in order to protect individuals on Department property from the asymptomatic transmission of COVID-19. The [CDC has announced](#) that a significant portion of individuals with coronavirus lack symptoms (are “asymptomatic”) and that even those who eventually develop symptoms (“pre-symptomatic”) can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. This is why it is important to wear a face covering, even if you do not currently feel sick. Based on the scientific research, [CDC recommends](#) employers advise the wearing of cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., high traffic areas, common areas, public-facing positions, etc.) especially in areas of significant community-based transmission. OSHA has issued guidance for employers that relies on similar information and recommends employers advise the wearing of face coverings where physical distancing measures are difficult to maintain.

3. How do I properly wear a face covering?

Face coverings should be worn over the nose and mouth, secure enough to protect the nose and mouth from particulate matter, but not so tight that the face covering restricts breathing. Individuals are encouraged to refer to [CDC guidelines](#) on how to properly wear a face covering. In short, when wearing a face covering, be sure to:

- a. Wash your hands before putting on your face covering;
- b. Put it over your nose and mouth and secure it under your chin;
- c. Try to fit it snugly against the sides of your face; and
- d. Make sure you can breathe easily.

4. Do face coverings offer complete protection against COVID-19?

No. The primary purpose of cloth face coverings is to contain respiratory droplets and help prevent them from traveling in the air and onto other people. The CDC states that face coverings may not protect the wearer, but may keep the wearer from spreading virus to others. The Department also strongly encourages individuals to maintain at least six feet of physical distance from others while in the workplace.

5. How should a supervisor respond to employees who choose not to wear a face covering and do not maintain social distance with other individuals?

Supervisors are reminded that an employee's refusal to wear a face covering, by itself, does not constitute grounds for discipline. The Department is not compelling people to wear face coverings, nor is it requiring supervisors to police physical distance between employees. The purpose of strongly encouraging people to wear face coverings is to promote the health and safety of all persons (supervisors, employees, contractors, visitors – all persons) at the Department. If an employee insists on not wearing a face covering or maintaining physical distance, the best response by a supervisor is to communicate clearly (preferably in writing), that, while face coverings are not mandatory, the reason the Department encourages their use along with physical distancing is to promote the health and safety of everyone in the Department, including the employee.

6. Could a supervisor compel individuals who must interact in close physical proximity to wear facial coverings? For example, if an individual comes to have a PIV card processed, can either employee (the PIV card processor and the PIV cardholder) be compelled to wear a face covering?

No. Under the Department's policy, face coverings are strongly encouraged, but not mandatory.

7. Could an employee in a single-occupancy office unilaterally require individuals to wear face coverings when visiting the employee's office?

No. Face coverings are voluntary, not mandatory. An employee may not compel another employee to wear a face covering when the Department has not required the use of face coverings.

An employee can certainly communicate his or her preferences and coordinate cooperatively with colleagues to promote the health and safety of the office. Employees may also explore alternative arrangements with their supervisor to fulfill their duties in such situations. Furthermore, virtual technology, such as Microsoft Teams, remains a viable option to facilitate workplace communication while minimizing the risk of COVID-19 transmission.

8. Where does the Agency recommend wearing a face covering?

While on DOI owned or leased property, DOI strongly recommends that all individuals wear cloth face coverings, when they cannot maintain six feet of physical distance, when individuals occupy common areas (e.g., kitchenettes (if open), hallways, stairwells, and elevators), and in

public-facing places (e.g., security checks, information booths, entrance/exits, etc.). This also applies to the wearing of facial coverings in workspaces, such as an office, if the individual is unable to maintain a physical distance of at least six feet away from others.

9. Are employees required to wear face coverings in buildings where their office is located but that are not owned by the Department or federal government and where the building owner requires that face coverings are worn in common areas?

The answer depends on what is in the leasing contract. If the lessor, under the lease agreement, retained a right to control the building's common areas, the relevant contract provisions may control. Absent such a provision, the lessor lacks authority to regulate the Department's employees' use of cloth face coverings in the workplace. Bureau offices should carefully review lease agreements to understand their obligation(s).

10. Are there any restrictions on what may appear on my face covering?

The Department will provide every employee with one face covering but employees may also choose to wear their own face covering. The general rules and practices that apply to how you dress for work also apply to face coverings. For example, just as the Hatch Act prohibits federal employees from wearing partisan political messages at work because the federal government should work to serve the American people without regard to political beliefs, the face covering should not include any partisan political messages that may undermine the professionalism of the federal service. Likewise, prints depicting graphic violence, sexually-explicit images/text, socially-demeaning images, or other images/text that may contribute to a hostile work environment may also be restricted in order to facilitate a healthy work environment. You may be subject to administrative action, including and up to removal from the federal service. In short, if you would not wear it to work, do not wear it on your face covering.

11. If an employee expresses discomfort about having to physically meet with a supervisor/leader who is not wearing a face covering, how should the employee respond?

The Department strongly encourages all employees to wear cloth face coverings to avoid this situation. When facing a concern about a supervisor/leader not wearing a face covering the employee can certainly communicate his or her preferences and the employee and supervisor are encouraged to work cooperatively on a mutually acceptable solution. Possible options include teleconferencing, Microsoft Teams meeting, etc. Employees can also reach out to the Office of Collaborative Action and Dispute Resolution (CADR) ombuds assigned to their Bureau or office to share their concern. The ombuds will help them explore options for addressing the concern and provide coaching and facilitation services, as appropriate. A listing of CADR ombuds is available here: <https://www.doi.gov/pmb/cadr/ombuds>.

12. As an office progresses past Phase I into Phase II and Phase III, may an employee's decision whether or not to wear a face covering factor into a decision by the

supervisor to grant the employee's request to extend COVID-19 HR flexibilities to allow that employee to continue to telework?

No. The grounds for allowing continued full-time telework as an HR flexibility in response to COVID-19 are provided for in the May 22, 2020, All Employee Memorandum, and in the bureau reopening plans. Those documents lay out the applicability of relevant telework and leave flexibilities as the Department proceeds through the reopening phases. Thus far, no Departmental policy has authorized the use of COVID-19 telework or leave flexibilities to respond to an employee's decision whether or not to wear a face covering or engage in physical distance.

13. As an office progresses past Phase I into Phase II and Phase III, may an employee's decision whether or not to wear a face covering factor into a decision by the supervisor to order the employee to continue to telework?

No. As of this time, maximum telework flexibilities remain available through Phase I, but are no longer mandatory. Therefore, in the absence of a change in policy, managers and supervisors lack unilateral authority to order an employee to telework.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 29 2020

The Honorable Raúl Grijalva
Chair, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chair Grijalva:

This letter provides the seventeenth response to your March 1, 2019 letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on September 1, 2020.

Enclosed is a disc, labeled 00011691_0019, that contains 157 documents consisting of 1,722 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 29 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

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Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515

October 6, 2020

The Honorable David Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are writing to follow up on previous letters regarding the Migratory Bird Treaty Act and the draft Environmental Impact Statement (EIS) and proposed regulation to codify the 2017 Solicitor's Opinion on incidental take. In light of a recent federal court ruling that vacated the Solicitor's Opinion, and the deep concerns raised by key stakeholders during the regulatory process, we urge you to abandon the effort to codify the Opinion, as the Department cannot lawfully codify an unlawful Solicitor's Opinion, and instead pursue a rulemaking that is consistent with the court decision and the MBTA.

On August 11, 2020, the U.S. District Court for the Southern District of New York vacated the Solicitor's Opinion. The court found that this interpretation and policy is "contrary to the plain meaning of the MBTA", "runs counter to the purpose of the MBTA", and concluded that the Opinion was "a solution in search of a problem". The decision unambiguously found that the legal rationale and the outcome of the Solicitor's Opinion does not align with the law that Congress passed and intended. Congress passed the MBTA, and the United States signed four bilateral migratory bird treaties, in order to broadly protect and conserve our nation's bird populations. Moving forward with a regulation that continues to avoid and undermine this obligation is not a viable path forward.

As demonstrated over recent months, there is deep and broad concern from across the country, and internationally, about the impacts of the policy and the process that the Department of the Interior has undertaken. Since issuing the proposed rule, representatives from more than 25 state governments have opposed the rule or requested another path forward. Numerous tribes have expressed opposition to the rule and requested government-to-government consultation on the regulation. The Government of Canada has submitted strong objections and concerns about how it impacts our bilateral treaty and shared migratory birds. Three flyway councils have continued to request that the Department of the Interior not move forward with the policy. And numerous individuals and organizations representing sportsmen, conservationists, and scientists have asked that you reverse course, joining more than 250,000 people in submitting comments against the regulation.

This is a significant moment for the history of this foundational conservation law, along with the billions of birds that it protects, and the recreation and tourist economy which rely on migratory bird populations. We believe that there is fundamentally a lack of legal and stakeholder support for the current policy. It is not a sustainable position for the law, or for our bird populations.

Fortunately, there is a better path forward. We do not have to choose between conservation or regulatory certainty. While we believe that the Fish and Wildlife Service (FWS) has struck a reasonable balance in implementing the law over the decades, FWS can pursue a framework for incidental take that aligns with the conservation intent and language of the MBTA, which provides additional legal certainty for entities.

We urge the Department of the Interior abandon its current rulemaking and consider an approach that not only regulates incidental take but establishes a general permitting framework to encourage the implementation and creation of best management practices by industry. Within the draft EIS, FWS listed such a framework under its “Alternatives Considered but Not Carried Forward for Further Review”. Further, the bipartisan Migratory Bird Protection Act of 2020 (H.R.5552) currently being considered in the House of Representatives, creates certainty for industry by building the framework for a general permitting program for industries as well as exempting industries with de minimis risk activities. All while providing greater protections for migratory birds and their habitat.

In light of the court decision and the draft EIS public comment concerns highlighted above, we request a response to the following questions by Friday, October 30, 2020:

- Will FWS rescind its guidance memo, issued April 11, 2018, which implements the now-vacated Solicitor’s Opinion?
- Will FWS rescind its memo, issued June 14, 2018, titled “Destruction and Relocation of Migratory Bird Nest Contents”, which relies on the now-vacated Solicitor’s Opinion?
- How is FWS responding to requests from tribes that it engage in government-to-government consultation before it advances a regulation any further?
- How will FWS acknowledge and respond to the objections raised by Canada, states, and flyway councils, among other stakeholders, in regard to its proposed rule and draft EIS?

Additionally, we request that this letter be posted to the rulemaking docket and included in the rulemaking record. Thank you for your attention to this matter and your prompt response to these questions.

Sincerely,



Alan Lowenthal
Member of Congress



Francis Rooney
Member of Congress



Brian Fitzpatrick
Member of Congress



Raúl M. Grijalva
Member of Congress

/S/

John Katko
Member of Congress

/S/

Adriano Espaillat
Member of Congress

/S/

Jan Schakowsky
Member of Congress

/S/

Deb Haaland
Member of Congress

/S/

Jared Huffman
Member of Congress

/S/

Peter A. DeFazio
Member of Congress

/S/

Nanette Diaz Barragán
Member of Congress

/S/

Gregorio Kilili Camacho Sablan
Member of Congress

/S/

Mark Takano
Member of Congress

/S/

Ed Case
Member of Congress

/S/

Ann Kirkpatrick
Member of Congress

/S/

Rick Larsen
Member of Congress

/S/

Gerald E. Connolly
Member of Congress

/S/

Eleanor Holmes Norton
Member of Congress

/S/

Barbara Lee
Member of Congress

/S/

Suzanne Bonamici
Member of Congress

/S/

Mike Thompson
Member of Congress

/S/

Mike Quigley
Member of Congress

/S/

Betty McCollum
Member of Congress

/S/

Frank Pallone, Jr.
Member of Congress

/S/

David N. Cicilline
Member of Congress

/S/

Diana DeGette
Member of Congress

/S/

Alcee L. Hastings
Member of Congress

/S/

Steve Cohen
Member of Congress

/S/

Kathy Castor
Member of Congress

/S/

Debbie Wasserman Schultz
Member of Congress

/S/

Ayanna Pressley
Member of Congress

/S/

Angie Craig
Member of Congress

/S/

Frederica S. Wilson
Member of Congress

/S/

David E. Price
Member of Congress

/S/

Carolyn B. Maloney
Member of Congress

/S/

TJ Cox
Member of Congress

/S/

Mark DeSaulnier
Member of Congress

/S/

Ro Khanna
Member of Congress

/S/

Jesús G. "Chuy" García
Member of Congress

/S/

Michael F.Q. San Nicolas
Member of Congress

/S/

Ann McLane Kuster
Member of Congress

/S/

Earl Blumenauer
Member of Congress

/S/

Tom Suozzi
Member of Congress

/S/

Nydia Velázquez
Member of Congress

/S/

Darren Soto
Member of Congress

/S/

Ted W. Lieu
Member of Congress

/S/

Bill Foster
Member of Congress

/S/

Debbie Dingell
Member of Congress

/S/

Daniel T. Kildee
Member of Congress

/S/

Suzan K. DelBene
Member of Congress

/S/

James P. McGovern
Member of Congress

/S/

Robert C. “Bobby” Scott
Member of Congress



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240



OCT 07 2020

IN REPLY REFER TO:

UCB-100
1.1.02

The Honorable Tom Udall
United States Senate
Washington, DC 20510

Dear Senator Udall:

Thank you for your letter of September 15, 2020 to Secretary of the Interior David Bernhardt concerning the proposed Lake Powell Pipeline Project (Project) in Utah and parts of Arizona.

The Department of the Interior is analyzing the Project under the National Environmental Policy Act (NEPA), and the comment period for the draft environmental impact statement for the Project closed on September 8. Throughout this process, the Department has encouraged robust public review and comment on draft documents for the Project. The Department is reviewing approximately 14,000 comments, including the comments you reference from the six Colorado River Basin States, individual comments from the State of New Mexico, and comments from affected Tribes. The Department will thoroughly review these comments as part of the NEPA process.

Thank you again for your continued interest in water resources management in the West. The Department will continue to follow a deliberative process in its analysis of the Project.

Sincerely,

Brenda Burman
Commissioner

Identical Letter Sent To:

Representative Xochitl Torres Small
U. S. House of Representatives
Washington, DC 20515

Senator Martin Heinrich
United States Senate
Washington, DC 20510

Representative Ben Luján
U.S. House of Representatives
Washington, DC 20515

Representative Deb Haaland
U.S. House of Representatives
Washington, DC 20515



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

The Honorable Jared Huffman
Chair, Subcommittee on Water, Oceans, and Wildlife,
House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Huffman:

Thank you for your letter of July 17, 2020, regarding the U.S. Fish and Wildlife Service's (Service) biological opinion developed for the Bureau of Land Management's (BLM) proposed oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge (Refuge).

The Tax Cuts and Jobs Act of 2017 directed the Secretary of the Interior to establish and administer a competitive oil and gas program in the Coastal Plain area within the Refuge. The Coastal Plain area comprises approximately 1.6 million acres of the 19.3-million-acre Refuge. The consultation process completed between the Service and BLM will help ensure the sensitive resources of the Refuge are protected while allowing responsible oil and gas development to occur.

The Service and BLM developed a framework programmatic consultation for this action and the activities which the BLM may authorize as a result of the lease sale. The biological opinion was developed in accordance with section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536 (a)(2)), associated implementing regulations (50 C.F.R. Part 402), and Service policies and guidance. The analysis and resulting document were prepared using the best available scientific information, including recent data concerning the coastal plain and its use by denning polar bears.

The framework programmatic consultation and resulting biological opinion identify project design criteria, or standards, that will be applicable to future projects implemented under the program. Through this analysis, we determined the proposed action is not likely to jeopardize the survival and recovery of polar bears or destroy or adversely modify their designated critical habitat.

Thank you for your interest in the conservation of polar bears and how they may be affected by oil and gas activities within the Coastal Plain of the Arctic National Wildlife Refuge. Please contact me or Mr. Gregory Siekaniec, the Service's Regional Director for the Alaska Region, at 907-786-3542, if you have any questions.

Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

The Honorable Raúl M. Grijalva
Chair, House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

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The Service and BLM developed a framework programmatic consultation for this action and the activities which the BLM may authorize as a result of the lease sale. The biological opinion was developed in accordance with section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536 (a)(2)), associated implementing regulations (50 C.F.R. Part 402), and Service policies and guidance. The analysis and resulting document were prepared using the best available scientific information, including recent data concerning the coastal plain and its use by denning polar bears.

The framework programmatic consultation and resulting biological opinion identify project design criteria, or standards, that will be applicable to future projects implemented under the program. Through this analysis, we determined the proposed action is not likely to jeopardize the survival and recovery of polar bears or destroy or adversely modify their designated critical habitat.

Thank you for your interest in the conservation of polar bears and how they may be affected by oil and gas activities within the Coastal Plain of the Arctic National Wildlife Refuge. Please contact me or Mr. Gregory Siekaniec, the Service's Regional Director for the Alaska Region, at 907-786-3542, if you have any questions.

Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

The Honorable Alan Lowenthal
Chair, Subcommittee on Energy and Mineral Resources,
House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Lowenthal:

Thank you for your letter of July 17, 2020, regarding the U.S. Fish and Wildlife Service's (Service) biological opinion developed for the Bureau of Land Management's (BLM) proposed oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge (Refuge).

The Tax Cuts and Jobs Act of 2017 directed the Secretary of the Interior to establish and administer a competitive oil and gas program in the Coastal Plain area within the Refuge. The Coastal Plain area comprises approximately 1.6 million acres of the 19.3-million-acre Refuge. The consultation process completed between the Service and BLM will help ensure the sensitive resources of the Refuge are protected while allowing responsible oil and gas development to occur.

The Service and BLM developed a framework programmatic consultation for this action and the activities which the BLM may authorize as a result of the lease sale. The biological opinion was developed in accordance with section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536 (a)(2)), associated implementing regulations (50 C.F.R. Part 402), and Service policies and guidance. The analysis and resulting document were prepared using the best available scientific information, including recent data concerning the coastal plain and its use by denning polar bears.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

The Honorable Ruben Gallego
Chair, Subcommittee for Indigenous Peoples
of the United States,
House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Gallego:

Thank you for your letter of July 17, 2020, regarding the U.S. Fish and Wildlife Service's (Service) biological opinion developed for the Bureau of Land Management's (BLM) proposed oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge (Refuge).

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

The Honorable Deb Haaland
Chair, Subcommittee on National Parks,
Forests, and Public Lands,
House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chair Haaland:

Thank you for your letter of July 17, 2020, regarding the U.S. Fish and Wildlife Service's (Service) biological opinion developed for the Bureau of Land Management's (BLM) proposed oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge (Refuge).

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 13 2020

The Honorable Earl Blumenauer
United States House of Representatives
Washington D.C. 20515

Dear Representative Blumenaurer:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

This Administration has made honoring the conservation legacy of our nation's hunters and anglers, as well as increasing recreational access to public lands, a top priority. Secretarial Orders 3347 and 3356 further this legacy, increasing outdoor recreation opportunities for all Americans and aligning Federal regulations with state regulations to reflect the unique requirements that may vary from state to state.

Specifically with regard to this proposal, the Service solicited information from the public during a 60-day review period, which ended August 10, 2020. In response to requests from the public to accommodate a public hearing, the Service will be re-opening an additional 30-day comment period to gain more input. The Service will continue to coordinate with the State, tribes, and other partners on management of public uses on Kenai Refuge to ensure the implementation of Secretarial Orders 3347 and 3356, to the extent practicable and consistent with federal law.

A similar response has been sent to the other signatories of your letter. If you have any additional questions or concerns, please contact me or Mr. Shaun Sanchez, Acting Chief, National Wildlife Refuge System, at (202) 208-5333.

Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 13 2020

The Honorable Brian Fitzpatrick
United States House of Representatives
Washington D.C. 20515

Dear Representative Fitzpatrick:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 18 2020

The Honorable Pramila Jayapal
United States House of Representatives
Washington D.C. 20515

Dear Representative Jayapal:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 13 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Ted W. Lieu
United States House of Representatives
Washington D.C. 20515

Dear Representative Lieu:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Steve Cohen
United States House of Representatives
Washington D.C. 20515

Dear Representative Cohen:


This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Mike Quigley
United States House of Representatives
Washington D.C. 20515

Dear Representative Quigley:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Betty McCollum
United States House of Representatives
Washington D.C. 20515

Dear Representative McCollum:

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The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Jared Huffman
United States House of Representatives
Washington D.C. 20515

Dear Representative Huffman:

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/TR11/073123

OCT 15 2020

The Honorable Joe Neguse
United States House of Representatives
Washington D.C. 20515

Dear Representative Neguse:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Peter DeFazio
United States House of Representatives
Washington D.C. 20515

Dear Representative DeFazio:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Dina Titus
United States House of Representatives
Washington D.C. 20515

Dear Representative Titus:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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A similar response has been sent to the other signatories of your letter. If you have any additional questions or concerns, please contact me or Mr. Shaun Sanchez, Acting Chief, National Wildlife Refuge System, at (202) 208-5333.

Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Suzanne Bonamici
United States House of Representatives
Washington D.C. 20515

Dear Representative Bonamici:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

This Administration has made honoring the conservation legacy of our nation's hunters and anglers, as well as increasing recreational access to public lands, a top priority. Secretarial Orders 3347 and 3356 further this legacy, increasing outdoor recreation opportunities for all Americans and aligning Federal regulations with state regulations to reflect the unique requirements that may vary from state to state.

Specifically with regard to this proposal, the Service solicited information from the public during a 60-day review period, which ended August 10, 2020. In response to requests from the public to accommodate a public hearing, the Service will be re-opening an additional 30-day comment period to gain more input. The Service will continue to coordinate with the State, tribes, and other partners on management of public uses on Kenai Refuge to ensure the implementation of Secretarial Orders 3347 and 3356, to the extent practicable and consistent with federal law.

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Eleanor Holmes Norton
United States House of Representatives
Washington D.C. 20515

Dear Representative Holmes Norton:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U. S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Susan Wild
United States House of Representatives
Washington D.C. 20515

Dear Representative Wild:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Raul Grijlava
United States House of Representatives
Washington D.C. 20515

Dear Representative Grijlava:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Nadia M. Velazquez
United States House of Representatives
Washington D.C. 20515

Dear Representative Velazquez:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Ro Khanna
United States House of Representatives
Washington D.C. 20515

Dear Representative Khanna:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Suzan DelBene
United States House of Representatives
Washington D.C. 20515

Dear Representative DelBene:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Nanette Diaz Barragan
United States House of Representatives
Washington D.C. 20515

Dear Representative Barragan:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable James P. McGovern
United States House of Representatives
Washington D.C. 20515

Dear Representative McGovern:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Madeleine Dean
United States House of Representatives
Washington D.C. 20515

Dear Representative Dean:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Susan Davis
United States House of Representatives
Washington D.C. 20515

Dear Representative Davis:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Tulsi Gabbard
United States House of Representatives
Washington D.C. 20515

Dear Representative Gabbard:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington D.C. 20240

OCT 15 2020



In Response Reply To:
FWS/IR11/073123

The Honorable Mark Pocan
United States House of Representatives
Washington D.C. 20515

Dear Representative Pocan:

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Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Zoe Lofgren
United States House of Representatives
Washington D.C. 20515

Dear Representative Lofgren:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Diana DeGette
United States House of Representatives
Washington D.C. 20515

Dear Representative DeGette:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and economy. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

This Administration has made honoring the conservation legacy of our nation's hunters and anglers, as well as increasing recreational access to public lands, a top priority. Secretarial Orders 3347 and 3356 further this legacy, increasing outdoor recreation opportunities for all Americans and aligning Federal regulations with state regulations to reflect the unique requirements that may vary from state to state.

Specifically with regard to this proposal, the Service solicited information from the public during a 60-day review period, which ended August 10, 2020. In response to requests from the public to accommodate a public hearing, the Service will be re-opening an additional 30-day comment period to gain more input. The Service will continue to coordinate with the State, tribes, and other partners on management of public uses on Kenai Refuge to ensure the implementation of Secretarial Orders 3347 and 3356, to the extent practicable and consistent with federal law.

A similar response has been sent to the other signatories of your letter. If you have any additional questions or concerns, please contact me or Mr. Shaun Sanchez, Acting Chief, National Wildlife Refuge System, at (202) 208-5333.

Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Grace F. Napolitano
United States House of Representatives
Washington D.C. 20515

Dear Representative Napolitano:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/TR11/073123

OCT 15 2020

The Honorable Alcee L. Hastings
United States House of Representatives
Washington D.C. 20515

Dear Representative Hastings:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

The proposed changes to the Kenai Refuge public use regulations increase access and opportunities for hunting, fishing, trapping, and bicycling. Many of these changes are in direct response to requests made by the State of Alaska and reflect the unique statutory requirements that are present in Alaska. For example, the Alaska National Interest Lands Conservation Act of 1980 (P. L. 96-487) (ANILCA) authorizes traditional activities such as subsistence; the exercise of valid commercial fishing rights; and hunting, fishing, and trapping in accordance with State and federal laws. The U.S. Fish and Wildlife Service (Service) recognizes that these activities are rich traditions essential to Alaska's culture and. The Service also acknowledges that the management of game animals is a function reserved for state wildlife management agencies, who have a demonstrated record of success.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Brendan F. Boyle
United States House of Representatives
Washington D.C. 20515

Dear Representative Boyle:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Deb Haaland
United States House of Representatives
Washington D.C. 20515

Dear Representative Haaland:

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply To:
FWS/IR11/073123

OCT 15 2020

The Honorable Bill Foster
United States House of Representatives
Washington D.C. 20515

Dear Representative Foster:

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Barbara Lee
United States House of Representatives
Washington D.C. 20515

Dear Representative Lee:

This is in response to your August 10, 2020, letter to Secretary of the Interior David Bernhardt requesting the withdrawal of the Kenai National Wildlife Refuge (Kenai Refuge) Public Use Proposed Rule, published on June 11, 2020. Secretary Bernhardt has asked that I respond on his behalf.

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



OCT 15 2020

In Response Reply To:
FWS/IR11/073123

The Honorable Derck Kilmer
United States House of Representatives
Washington D.C. 20515

Dear Representative Kilmer:

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Sincerely,

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service

Congress of the United States
Washington, DC 20515

November 19, 2020

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

Dear Secretary Bernhardt,

We are writing to express our concerns with the Bureau of Land Management's (BLM) latest plan to employ controversial surgical sterilization methods on federally protected horses in the Confusion Herd Management Area (HMA) in Utah (DOI-BLM-UT-W020-2018-015-EA). The Environmental Assessment (EA) for this HMA, which encompasses more than 235,000 acres and is home to approximately 551 wild horses, marks the agency's fifth attempt to ovariectomize wild horses despite significant opposition and concerns from federal lawmakers, the American public, veterinarians, and the National Academy of Sciences (NAS).

The primary surgical procedure in question – ovariectomy via colpotomy – involves the manual insertion of a metal rod to blindly locate and sever the ovaries of wild mares. In general, ovariectomies via colpotomy are infrequently performed on horses as the risks can be serious – e.g., evisceration, hemorrhaging, infection, and even death. Other forms of ovariectomy have been employed on domestic horses and may be safer under certain controlled conditions, but performing these often complicated and invasive procedures on ungentled, wild horses poses significant welfare risk. From a broader perspective, the BLM's insistence on ovariectomizing wild horses seems futile at best given that such surgeries cannot practicably or safely be widely implemented on the range in what would likely be non-sterile conditions.

As you are aware, two major academic institutions, Oregon State University and Colorado State University, withdrew their support from the BLM's prior efforts to assess the outcomes of performing ovariectomies on horses in the Warm Springs HMA in Oregon.¹ In November of 2018, a federal court enjoined the BLM from proceeding with its plan to ovariectomize mares, citing concerns about the lack of independent observation and the lack of inquiry into whether the sterilization procedure was “socially acceptable”, a factor the agency previously identified as integral to its efforts.²

In the NAS's “Using Science to Improve the BLM Wild Horse and Burro Program”, the comprehensive report on management strategies commissioned by the BLM, experts directly

¹ As the July 17, 2019 letter signed by eight Senators noted, “[T]he rather troubling and unusual history of the ovariectomy experiments raises serious questions about the validity and merit of pursuing this project...Once OSU and CSU dropped out, rather than seek another research institution with experts in equine behavior and veterinary care, the BLM unilaterally decided to proceed alone, essentially asking the public to take the agency's word for it that it would provide an unbiased assessment of the outcome.”

² *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

advised against employing ovariectomies. As the NAS noted, “the possibility that ovariectomy may be followed by prolonged bleeding or Peritoneal infection makes it inadvisable for field application.” Indeed, numerous equine veterinarians have criticized the procedure given the risks of pain to the horses subjected to these ovariectomies, the need for lengthy and careful post-operative monitoring, the possibility of severing other organs due to the blind nature of the colpotomy insertion, and the subsequent risks of infection, trauma, or death.³

With the proposed Warm Springs experiments, the BLM had sought to quantify the rate of mortality and morbidity from conducting these surgeries on wild horses, an apparent recognition of the significant welfare risks to these federally protected animals. While the BLM previously deemed a research study essential to its efforts to employ ovariectomies more broadly (i.e., in order to gauge the safety, efficacy, and complications of a procedure that has never been studied on wild horses), the agency is evidently abandoning the experimental route altogether – without explanation – in order to integrate ovariectomies directly into its management plans.

As indicated above, we, along with many of our colleagues in both the House and Senate, previously weighed in on this issue, urging the BLM to abandon its plans to ovariectomize mares and instead pursue scientifically supported fertility control projects, namely the use of humane immunocontraceptive vaccines.⁴ Similarly, the Fiscal Year 2020 Senate Interior Appropriations report delineated that “any population growth suppression strategies” employed by the BLM “must be proven, safe, and humane” (S. Rept. 116-123). Ovariectomizing wild mares would almost certainly fail to meet that bar. For Fiscal Year 2021, the House of Representatives overwhelmingly passed an amendment to the appropriations package directing the BLM to spend a significant portion of its funding on the safe and proven Porcine Zona Pellucida (PZP) vaccine which has been used successfully for decades to manage herds, but which the BLM to date has not implemented widely.

With respect to the Confusion HMA management plan, the EA specifically notes that “as the surgery would be conducted at a private facility, public observation of the surgical procedure would not be allowed.” A federal court previously found that the BLM’s restrictions on public observation of the procedures likely violated the plaintiffs’ First Amendment rights. While the BLM evidently might grant one non-BLM affiliated veterinarian the opportunity to observe the ovariectomies, questions remain as to whether observations will actually be allowed and if so, how the single observer would be selected. As such, the BLM’s plan again impedes meaningful independent observation given that the BLM is unambiguously seeking to carry out surgical sterilizations away from public view.

The Confusion HMA management plan also appears to constitute a decision to proceed with this surgical procedure in disregard of the fact that the public, including many equine veterinarians, consider it to be inhumane. The BLM has received thousands of comments opposing the surgical sterilizations – many of which have called for the agency to implement fertility control options that enjoy broad support, such as PZP. Moreover, polling shows that an overwhelming majority

³ October 28, 2019 letter to the Department of Interior signed by eighty veterinarians, and November 13, 2019 letter signed by 27 veterinarians to the House and Senate Appropriations Committees.

⁴ June 21, 2019 letter to the Department of the Interior signed by thirty Representatives and July 17, 2019 letter signed by eight Senators.

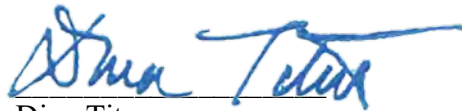
of Americans, nearly eighty percent, oppose the use of ovariectomies to “manage” wild horses.⁵ In 2018, a federal court found that the BLM’s proposal to experiment on this procedure without any effort to consider whether it is “socially acceptable” was likely unlawful, given that the BLM previously stressed this was a critical inquiry. The BLM’s current plan again disregards this inquiry, claiming, without explanation, that the agency is not required to consider “social acceptability.”

Wild horses are protected under the landmark Wild Free-Roaming Horses and Burros Act and the BLM must take seriously its charge to protect these icons from “harassment or death.” That the agency would attempt to expend taxpayer dollars to push through highly controversial and unsafe surgeries that could result in injuries and infections to, or even the death of, horses under its authority may ultimately contravene its mandate under the law.

We urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically supported immunocontraceptive vaccines, which enjoy broad support and pose significantly less risk of harm to the welfare of federally protected wild horses.

Thank you for your prompt attention to this matter and we look forward to your response.

Sincerely,



Dina Titus
Member of Congress



Cory A. Booker
United States Senator

s/ Donald S. Beyer Jr.
Member of Congress

s/ Earl Blumenauer
Member of Congress

s/ Thomas R. Carper
United States Senator

s/ Julia Brownley
Member of Congress

s/ Vern Buchanan
Member of Congress

s/ Christopher A. Coons
United States Senator

s/ David N. Cicilline
Member of Congress

s/ Steve Cohen
Member of Congress

s/ Dianne Feinstein
United States Senator

s/ Gerald E. Connolly
Member of Congress

s/ J. Luis Correa
Member of Congress

s/ Edward J. Markey
United States Senator

⁵ An October 2019 national survey conducted by The Harris Poll found that seventy-seven percent of Americans were opposed to the BLM’s proposed ovariectomy experiments. An October 2019 Public Policy Polling survey found that seventy-nine percent of Americans oppose the surgical sterilization of wild mares via procedures to remove their ovaries.

s/ Peter A. DeFazio
Member of Congress

s/ Ted Deutch
Member of Congress

s/ Robert Menendez
United States Senator

s/ Brian K. Fitzpatrick
Member of Congress

s/ Jesús G. "Chuy" García
Member of Congress

s/ Tom Udall
United States Senator

s/ Raúl M. Grijalva
Member of Congress

s/ Deb Haaland
Member of Congress

s/ Chris Van Hollen
United States Senator

s/ Alcee L. Hastings
Member of Congress

s/ Pramila Jayapal
Member of Congress

s/ Marcy Kaptur
Member of Congress

s/ John Katko
Member of Congress

s/ Ro Khanna
Member of Congress

s/ Peter T. King
Member of Congress

s/ Raja Krishnamoorthi
Member of Congress

s/ Ann McLane Kuster
Member of Congress

s/ James R. Langevin
Member of Congress

s/ Barbara Lee
Member of Congress

s/ Andy Levin
Member of Congress

s/ Ted W. Lieu
Member of Congress

s/ Alan Lowenthal
Member of Congress

s/ Carolyn B. Maloney
Member of Congress

s/ Sean Patrick Maloney
Member of Congress

s/ James P. McGovern
Member of Congress

s/ Grace Meng
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s/ Grace F. Napolitano
Member of Congress

s/ Joe Neguse
Member of Congress

s/ Eleanor Holmes Norton
Member of Congress

s/ Katie Porter
Member of Congress

s/ David E. Price
Member of Congress

s/ Mike Quigley
Member of Congress

s/ Jamie Raskin
Member of Congress

s/ Lucille Roybal-Allard
Member of Congress

s/ Jan Schakowsky
Member of Congress

s/ David Schweikert
Member of Congress

s/ Adam Smith
Member of Congress

s/ Thomas R. Suozzi
Member of Congress

s/ Norma J. Torres
Member of Congress

s/ Nydia M. Velázquez
Member of Congress

s/ Bonnie Watson Coleman
Member of Congress

s/ Susan Wild
Member of Congress

s/ Derek Kilmer
Member of Congress

s/ Catherine Cortez Masto
United States Senator



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 20 2020

The Honorable Raúl Grijalva
Chair, House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chair Grijalva:

This letter provides the nineteenth response to your March 1, 2019 letter to Secretary of the Interior David Bernhardt seeking information related to the Department's review of national monuments in accordance with Executive Order 13792, Review of Designations Under the Antiquities Act. Our last response was transmitted to the Committee on October 27, 2020.

Enclosed is a disc, labeled 00011691_0021, that contains 203 documents consisting of 1,943 pages.

A similar letter has been transmitted to Representative Debra Haaland, Chair of the National Parks, Forests, and Public Lands Subcommittee, who cosigned your letter.

We remain committed to providing a complete response to the Committee and our team is working diligently to achieve that goal. If you or your staff needs any additional assistance regarding this production, please contact Hubbel Relat at hubbel.relat@sol.doi.gov or by phone at (202) 208-4423.

Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 20 2020

The Honorable Debra Haaland
Chair, House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, DC 20515

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Sincerely,

Cole Rojewski
Director
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources

The Honorable Don Young
Ranking Member, Subcommittee on
National Parks, Forests, and Public Lands
Committee on Natural Resources

Congress of the United States
Washington, DC 20515

December 10, 2020

The Honorable David Bernhardt
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are writing in regard to recent troubling lease sales by the Bureau of Land Management (BLM) to individuals with no apparent previous experience or history in energy development.¹ We have been deeply concerned that the Department of Interior has prioritized oil and gas lease sales in the middle of the COVID-19 pandemic and at a time when prices and demand have been at record lows. However, these concerns are heightened in light of recent reports that nearly half of the leases sold at recent BLM lease sales have been acquired by individuals who may be unqualified oil and gas speculators.

According to BLM records, beginning in August 2020, over 130 federal oil, gas, and geothermal leases across twelve states have been successfully bid and purchased by individuals in their own name. Several aspects of these recent activities are troubling and potentially unlawful. First and foremost, there is no prior record of these individuals, or a corporation they may be affiliated with, ever purchasing, owning, or operating a federal oil and gas lease. At least one of these individuals has publicly acknowledged that she has “no experience drilling for oil, isn’t working with partners and isn’t yet sure she can ever develop the leases”.² In the past, BLM has refused to issue leases to individuals who were unwilling or unable to develop leased tracts.³ Further, there are indications that some of these individuals may be foreign nationals. The Mineral Leasing Act (MLA) disqualifies non-US citizens from owning federal oil, gas, and geothermal leases in their own name.

It appears that the Department of Interior’s current process is not properly designed to identify and deter potentially unlawful or unqualified bids on federal oil and gas leasing. The Department of Interior must not move forward with future oil and gas lease sales unless it can guarantee that the entities and individuals successfully acquiring federal oil, gas, and geothermal leases are not speculators and are lawfully eligible to do so under the MLA. These lands belong to the American people and they are entitled to a fair return on the sales and development of these lands. Depressed oil prices and growing bankruptcies in the oil and gas industry have resulted in minimal returns to the American taxpayer from recent sales. For these reasons, we would strongly encourage you to reconsider moving forward with upcoming sales.

¹ Brian Maffly, *Who is Levi Sap Nei Thang and why is she buying up hundreds of oil and gas leases in Utah and across the West?*, Salt Lake Trib. (Oct. 12, 2020).

² Bobby Magill, *Desert Wildcatters Dream of Riches After Years of Dry Holes*, Bloomberg Law (Sept. 30, 2020).

³ Brian Maffly, *BLM pulls back oil and gas leases bought by Utah activist, author Terry Tempest Williams*, Salt Lake Trib. (Oct. 20, 2016).

In light of the concerns highlighted above, we request a response to the following questions by Thursday, December 31, 2020:

- What policies and procedures does BLM have in place to evaluate bidders and ensure that they are in compliance with the law, as well as with BLM's rules and policies?
Specifically, does BLM have rules and policies in place that require some form of pre-screening of bidders and potential lessees to determine that they are not speculators and are able and willing to develop leased tracts?
- Has BLM independently investigated whether individual bidders who have successfully bid on leases in their own name since August 2020 are technically and economically capable of diligently developing their leases?
- Has BLM determined that all individual bidders who had successfully bid on leases in their own name since August 2020 are US citizens? Has BLM declined to issue leases to any of these individuals?
- Does BLM plan to conduct an audit of leases purchased by individual bidders and/or issued to determine if any or all of those leases should not be issued or cancelled, if already issued?

Thank you for your attention to this matter and your prompt response to these questions.

Sincerely,



Alan Lowenthal
Member of Congress

/s/	/s/	/s/
Nanette Diaz Barragán	Kathy Castor	Salud Carbajal
Member of Congress	Member of Congress	Member of Congress
/s/	/s/	/s/
Steve Cohen	Gerald E. Connolly	Diana DeGette
Member of Congress	Member of Congress	Member of Congress
/s/	/s/	/s/
Jesús G. “Chuy” García	Deb Haaland	Jared Huffman
Member of Congress	Member of Congress	Member of Congress
/s/	/s/	/s/
Mike Levin	A. Donald McEachin	James P. McGovern
Member of Congress	Member of Congress	Member of Congress
/s/	/s/	/s/
Grace F. Napolitano	Katie Porter	Nydia M. Velázquez
Member of Congress	Member of Congress	Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Alan Lowenthal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lowenthal:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

The codification of M-37050 will bring regulatory certainty to the public by clarifying that the criminal scope of the MBTA only reaches to conduct that intentionally injures birds. We conducted this rulemaking process to make sure our rules and regulations implementing the MBTA are clear advance the goal of migratory bird conservation. The final regulation will address the August 2020 U.S. District Court for the Southern District of New York opinion. The U.S. Fish and Wildlife Service (Service) will continue to work collaboratively with states, cities, conservation groups, industries, trade associations and citizens to ensure that best practices are followed to minimize unintended harm to birds and their habitats.

In addition, the Service has and will continue to be responsive to government-to-government requests for consultation from Tribes and the Government of Canada. Responses to these and all other stakeholder comments and concerns will be included in the final rule and final EIS.

Thank you for your continued interest in, and commitment to, migratory bird conservation. Please contact Mr. Jerome Ford, the Service's Assistant Director for Migratory Birds, at jerome_ford@fws.gov or 202-208-1050 if you have any other questions or concerns regarding migratory bird management.

Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Francis Rooney
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rooney:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

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Washington, DC 20240

DEC 15 2020

The Honorable Brian Fitzpatrick
U.S. House of Representatives
Washington, DC 20515

Dear Representative Fitzpatrick:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Raul M. Grijalva
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable John Katko
U.S. House of Representatives
Washington, DC 20515

Dear Representative Katko:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Adriano Espaillat
U.S. House of Representatives
Washington, DC 20515

Dear Representative Espaillat:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Jan Schakowsky
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schakowsky:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

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Washington, DC 20240

DEC 15 2020

The Honorable Jared Huffman
U.S. House of Representatives
Washington, DC 20515

Dear Representative Huffman:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

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Washington, DC 20240

DEC 15 2020

The Honorable Deb Haaland
U.S. House of Representatives
Washington, DC 20515

Dear Representative Haaland:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Peter A. DeFazio
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative DeFazio:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Nanette Diaz Barragan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Barragan:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Gregorio Kilili Camacho Sablan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Sablan:

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Sincerely,

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Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Mark Takano
U.S. House of Representatives
Washington, DC 20515

Dear Representative Takano:

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Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Ed Case
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Case:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Ann Kirkpatrick
U.S. House of Representatives
Washington, DC 20515

Dear Representative Kirkpatrick:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Rick Larsen
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Larsen:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Gerald E. Connolly
U.S. House of Representatives
Washington, DC 20515

Dear Representative Connolly:

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Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Eleanor Holmes Norton
U.S. House of Representatives
Washington, DC 20515

Dear Representative Norton:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

The codification of M-37050 will bring regulatory certainty to the public by clarifying that the criminal scope of the MBTA only reaches to conduct that intentionally injures birds. We conducted this rulemaking process to make sure our rules and regulations implementing the MBTA are clear advance the goal of migratory bird conservation. The final regulation will address the August 2020 U.S. District Court for the Southern District of New York opinion. The U.S. Fish and Wildlife Service (Service) will continue to work collaboratively with states, cities, conservation groups, industries, trade associations and citizens to ensure that best practices are followed to minimize unintended harm to birds and their habitats.

In addition, the Service has and will continue to be responsive to government-to-government requests for consultation from Tribes and the Government of Canada. Responses to these and all other stakeholder comments and concerns will be included in the final rule and final EIS.

Thank you for your continued interest in, and commitment to, migratory bird conservation. Please contact Mr. Jerome Ford, the Service's Assistant Director for Migratory Birds, at jerome_ford@fws.gov or 202-208-1050 if you have any other questions or concerns regarding migratory bird management.

Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Barbara Lee
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Lee:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Suzanne Bonamici
U.S. House of Representatives
Washington, DC 20515

Dear Representative Bonamici:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Mike Thompson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Thompson:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Mike Quigley
U.S. House of Representatives
Washington, DC 20515

Dear Representative Quigley:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Betty McCollum
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative McCollum:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Frank Pallone, Jr.
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Pallone, Jr.:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable David N. Cicilline
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Cicilline:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Diana DeGette
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative DeGette:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Alcee L. Hastings
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Hastings:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Steve Cohen
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Cohen:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Kathy Castor
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castor:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Debbie Wasserman Schultz
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schultz:

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and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Ayanna Pressley
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pressley:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Angie Craig
U.S. House of Representatives
Washington, DC 20515

Dear Representative Craig:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Frederica S. Wilson
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Wilson:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable David E. Price
U.S. House of Representatives
Washington, DC 20515

Dear Representative Price:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Carolyn B. Maloney
U.S. House of Representatives
Washington, DC 20515

Dear Representative Maloney:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable TJ Cox
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Cox:

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Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Mark DeSaulnier
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeSaulnier:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Ro Khanna
U.S. House of Representatives
Washington, DC 20515

Dear Representative Khanna:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Jesus G. "Chuy" Garcia DEC 15 2020
U.S. House of Representatives
Washington, DC 20515

Dear Representative Garcia:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Michael F.Q. San Nicolas
U.S. House of Representatives
Washington, DC 20515

Dear Representative Nicolas:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Ann McLane Kuster
U.S. House of Representatives
Washington, DC 20515

Dear Representative Kuster:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Earl Blumenauer
U.S. House of Representatives
Washington, DC 20515

Dear Representative Blumenauer:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Tom Suozzi
U.S. House of Representatives
Washington, DC 20515

Dear Representative Suozzi:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Nydia Velazquez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Velazquez:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Darren Soto
U.S. House of Representatives
Washington, DC 20515

Dear Representative Soto:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Ted W. Lieu
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Lieu:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Bill Foster
U.S. House of Representatives
Washington, DC 20515

Dear Representative Foster:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Debbie Dingell
U.S. House of Representatives
Washington, DC 20515

Dear Representative Dingell:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Daniel T. Kildee
U.S. House of Representatives
Washington, DC 20515

DEC 15 2020

Dear Representative Kildee:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable James P. McGovern
U.S. House of Representatives
Washington, DC 20515

Dear Representative McGovern:

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Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Suzan K. DelBene
U.S. House of Representatives
Washington, DC 20515

Dear Representative DelBene:

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 15 2020

The Honorable Robert C. "Bobby" Scott
U.S. House of Representatives
Washington, DC 20515

Dear Representative Scott:

Thank you for your letter of October 06, 2020, regarding the status of the Migratory Bird Treaty Act (MBTA) Environmental Impact Statement (EIS) and proposed regulation to codify the Solicitor's legal opinion M-Opinion 37050 (M-37050). I have been asked to respond on behalf of the Secretary

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Sincerely,

Rob Wallace
Assistant Secretary for Fish and Wildlife
and Parks



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction, Colorado 81506
<https://www.blm.gov>



December 14, 2020

The Honorable Debra Haaland
Chair
House Subcommittee on National Parks, Forests, and Public Lands
United States House of Representatives
Washington, DC 20515

Dear Representative Haaland:

Thank you for your letter of September 24, 2020, to Secretary of the Interior David Bernhardt regarding the proposed Northern Corridor Project near St. George, Utah. The Secretary asked me to respond on his behalf.

The Department of the Interior (Department), Bureau of Land Management (BLM), and U.S. Fish and Wildlife Service are committed to the responsible management of the Red Cliffs National Conservation Area (NCA) and its resources. The Department is confident that consideration of the proposed project is within the BLM's legal authority. Although your letter cites to section 1974 of the Omnibus Public Land Management Act of 2009, it does not include a reference to section 1977, which requires BLM to identify one or more alternatives for a northern transportation route in Washington County. The BLM is committed to adhering to all applicable laws, including applicable sections of the Omnibus Public Land Management Act.

Regarding the recent wildland fires within the NCA, it is not an unforeseen or an unusual circumstance that fire would arise, as fire cycles have shortened in recent decades due to the establishment of invasive cheatgrass. There have been large fires in the area over the past thirty years. These fire risks are known conditions of the area and are addressed in the existing 2016 Red Cliffs Resource Management Plan and discussed in the Northern Corridor Highway Right-of-Way, Issuance of an Incidental Take Permit Draft Environmental Impact Statement (EIS) and Draft Resource Management Plan Amendments. The Final EIS, released on November 13, 2020, further addresses these fires and includes any relevant new information received during the public comment period.

Finally, in the Draft EIS, the BLM identified some lands within the analyzed alternatives that were acquired with Land and Water Conservation Fund appropriations. The BLM received public comments on this issue. We processed these comments and addressed them in the Final EIS.

Please let me know if you have additional questions, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 631-6346. A similar response has been sent to the cosigners of your letter.

Sincerely,

William Perry Pendley
Deputy Director, Policy and Programs