

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

37. Congress has recently considered legislation related to Reclamation's Lease of Power Privilege Program (i.e., the process by which Reclamation awards contractual rights to a non-federal entity to use a Reclamation Facility for electric power generation).

Please provide updated information on Reclamation's Lease of Power Privilege Program.

How many Formal Requests for Lease of Power Privilege have been received by Reclamation since the latest directive and standard for this process was issued?

Where have these requests been located?

Response: I understand that Reclamation has worked with the hydropower industry and other stakeholders to improve this process. I have been advised that Reclamation has not had any formal requests for new leases since the revised directive and standard was issued in September.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

38. Reclamation, with the Colorado River basin states and in collaboration with tribes and other stakeholders, produced the Colorado River Basin Water Supply & Demand Study in December 2012.

Given the current drought conditions and rising water demands by the energy sector, what actions, if any, identified in the report do you see as priorities for the Department of the Interior?

Response: There is no silver bullet to solving the imbalance between the demand for water and the supply in the Colorado River Basin. It is going to take diligent planning and collaboration from all stakeholders to identify and move forward with practical solutions. If confirmed, I look forward to working with Congress and Basin stakeholders, and using the Colorado River Basin Study, to explore actions we can take toward a sustainable water future.

Questions from Senator Murkowski

39. Ten years ago the Department of the Interior produced a diagram showing the potential water supply conflict hotspots.

What did DOI learn in the last 10 years about how to successfully and cost-effectively manage these conflicts?

Today's map could potentially have even more areas identified. What is going to be the DOI strategy to address both emerging and persistent water hot spots?

Are there plans for undertaking basin studies in areas of emerging water conflicts?

Response: While I am not familiar with the diagram produced ten years ago, I understand that the Department has been working hard to address potential water supply conflict hotspots. For example, the Department has been working cooperatively with the Colorado River Basin states on many issues in that stressed watershed. More generally, I understand that the WaterSMART Basin Studies Program provides for collaborative planning to understand the water supply and demand imbalances in a watershed and to identify approaches to address water shortages. And, of course, I have been impressed with the progress that the Administration has made, working with Congress, in resolving a number of major, long-standing cases involving water rights of American Indian tribes and their non-Indian neighbors. I will look forward to continuing to find collaborative ways to successfully and cost-effectively manage water supply conflicts.

Questions from Senator Murkowski

40. In 2003, the GAO released the results of its survey of U.S. states on water supply issues. GAO found that 26 states anticipate water shortages in the next 10 years. The states told GAO that the federal actions that would be most helpful were: (1) financial assistance to increase storage and distribution capacity; (2) water data from more locations; and (3) more flexibility in complying with or administering federal environmental laws; (4) better coordinated federal participation in water-management arrangements; and (5) more consultation with states on federal or tribal use of water rights. In 2012 at its worst more than 80% of the United States was in drought.

What has DOI done in the last 10 years to address the states' request for assistance, and what is the DOI agenda for addressing the states' request in the next 10 years while remaining sensitive to the current federal fiscal budget constraints?

In particular, what actions can the Department of the Interior do to promote state-level actions to promote more efficient use of water and drought preparedness?

Response: I understand the importance of water supply issues to the states, local communities and tribes, and I am committed to working with them on these issues. I have been advised that Interior's WaterSMART Program provides federal leadership and resources to promote the more efficient use of water and drought preparedness. If confirmed, I am committed to continuing these efforts.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

41. What do you see as the role of the Department of the Interior in programs to augment water supplies, such as research and projects related to water reuse, desalination, water efficiency, water banking?

Response: The Department of the Interior, through the Bureau of Reclamation, aims to promote certainty, sustainability, and resiliency for those who use and rely on water resources in the West. I am told that Reclamation's mission has expanded since its founding more than a century ago to reflect the complexities of water resource development. Aside from fulfilling water delivery obligations, Reclamation places great emphasis on water efficiency and conservation, fish and wildlife conservation, water recycling and reuse, desalination and water banking, in order to address the competing needs for the nation's limited water resources. If confirmed, I also plan to rely on the U.S. Geological Survey, the nation's largest provider of water information, to provide nationally consistent data to guide these efforts.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

42. In recent years, Reclamation's expenditures under general or "programmatic" authorities (i.e., expenditures not authorized at the project level) have accounted for 20-30% of Reclamation's Water & Related Resources account. In many cases, Reclamation cites multiple authorities for these expenditures.

What are the opportunities for Congress to streamline Reclamation's authorities?

Are there areas where Reclamation currently cites multiple authorities where a single, consolidated authority would be more efficient and/or transparent?

Response: It is my understanding that Congress has traditionally enacted specific authorities for specific Reclamation projects and programs in lieu of an organic act, depending on project beneficiaries, water rights, cost shares, grants, etc. However, some programs are authorized under an umbrella authority like the SECURE Water Act. I will work with Reclamation to further evaluate this issue if I am confirmed.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

43. Reclamation regularly cites a construction backlog but has provided limited information on it.

What is the total backlog (in dollars) of authorized but not constructed Reclamation projects?

If this figure is not available, why is that the case?

If it is available, please provide any relevant backup information with the response, including project-level data.

What portion of the aforementioned authorized but not constructed backlog figure does Reclamation attribute to “inactive” projects?

If such a figure is available, please clarify how Reclamation defines “inactive.”

Response: I understand that the Bureau of Reclamation is challenged to address all of the demands for authorized projects, water settlements, and conservation. I am not familiar with the specifics of projects that have been authorized but not constructed, but I understand their importance to their communities and their constituents. If confirmed, I will work to better understand this issue.

Questions from Senator Murkowski

44. The U.S. Drought Monitor is becoming a popular and useful tool for displaying current drought conditions across the United States. Currently, the Drought Monitor is better at predicting the continuation of drought than it is at identifying that a drought is developing. Predicting the onset of drought can be particularly helpful for private individuals and public entities making water-dependent investments and decisions.

What are your plans for ensuring that Interior agencies are collecting, analyzing, and communicating accurate drought-related information, such as stream flow data, so that the Drought Monitor is accurate and useful to its many users?

Are there efforts within the Department of the Interior to target its research and data efforts to improve the Drought Monitor's ability to predict drought onset?

Response: Drought is a serious issue facing the Department of the Interior and other state, local and Federal land managers. It is an issue that requires collaboration to find solutions, adaptive land management and thoughtful science-based approaches. While I am not familiar with the specific efforts ongoing within the Department related to the U.S. Drought Monitor, which is primarily within the purview of NOAA and the Department of Agriculture, I understand that information from DOI bureaus, such as from USGS's streamgages, is critical to drought monitoring. If confirmed for this position, I look forward to tapping the vast scientific resources of the Department and working with other federal agencies to cooperate to better understand, prepare for and manage drought.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

45. When droughts strike the United States, especially multi-year droughts, farmers and ranchers often rely on groundwater supplies to make up for the diminished supplies of surface water.

What is Interior doing, and what does the Department plan to do, to assess the effects of multiyear drought on the nation's groundwater supplies?

Response: I understand that USGS provides information about the Nation's groundwater resources and is developing a nationwide groundwater monitoring network to help guide decisions regarding this valuable resource. If confirmed, I look forward to learning more about this important issue and the steps being taken to address it.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

46. NASA recently launched a new Landsat satellite into orbit, and the U.S. Geological Survey will be operating it shortly.

What are Interior's plans for using data collected by the new satellite to assist the nation in preparing for and responding to drought?

If Landsat 8 is an important tool in assessing the nation's natural resources and in assessing stress caused by drought, does Interior plan to continue the Landsat program after Landsat 8?

If so, what will the Department do to plan for the next Landsat and what are its expected costs to build and operate?

Response: I understand that USGS makes all Landsat data freely available to all users. I also understand that many governmental entities, a number of states and other stakeholders use Landsat data to monitor and manage water use. I know that the Department relies on the Landsat program for a variety of natural resource management needs. If confirmed, I am committed to working closely with the other federal agencies, Congress and other stakeholders to plan for a sustained Landsat program.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

47. When droughts occur they are always compared to droughts that occurred previously in terms of their severity, their costs, and their impacts to the nation's resources.

What programs and activities are ongoing and what is Interior planning to do to help establish criteria to compare future droughts against past droughts, so that Congress can assess whether federal drought mitigation programs are successful or not?

Response: It is my understanding that the Department's drought activities build upon lessons learned from prior droughts and utilize expertise developed from over 100 years of standardized monitoring and other efforts in this area. It is my understanding that the Department's water conservation priorities include building on the ongoing WaterSMART Program's activities focused on conservation and reuse of water.

Questions from Senator Murkowski

48. More than twenty years ago, a program was proposed to reuse and augment water supplies in the western United States. The program was subsequently authorized by Congress in Title XVI of the 1992 Omnibus Reclamation Projects Authorization and Adjustment Act (P.L. 102-575).

In financial terms, what has been the success of the Title XVI program? (What bang for the buck?)

What has been the range of costs for water produced under the Title XVI program? (i.e, total cost per acre-foot? Cost per acre-foot for federal investment?)

What success has Reclamation had in reducing the backlog of authorized projects in recent years?

Are the recent program criteria improving the efficiency of the program? Is there a need to review the effectiveness of the selection criteria?

It was projected that another 230 thousand acre-feet would be produced under the WaterSMART program by the end of 2013. How much of this was to be done under the Title XVI program?

Has progress on Title XVI since the overview report was written met expectations?

Does Reclamation expect to reach this goal by the end of this year?

What have we learned from 20 years of experience with this program? Should it be replicated? Extended nationwide? Phased out? Is it duplicative?

Response: If confirmed, I intend to continue the Department of the Interior's support for the Title XVI Program. Title XVI is a key component of the Department's efforts to address the serious water challenges facing the West. Water reuse and water conservation are vital to any attempt to meet increased demands for water and energy in the face of growing populations, environmental requirements, and the potential for decreased supplies due to drought and climate change.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

49. Former Commissioner of Reclamation, John W. Keys, noted that wastewater represented the last untapped river, or water supply.

Do you agree with this statement?

If so, what would you do to promote capture of this resource?

Response: Identifying and investigating opportunities to reclaim and reuse wastewater and naturally impaired ground and surface water is a valuable tool to stretch limited water supplies. I understand that through the Department's Title XVI program, reclaimed water can be used for a variety of purposes such as environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, or recreation. Water reuse is an essential tool in stretching our limited water supplies. If confirmed, I will look into opportunities to use this as a tool for additional water conservation.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

50. What river basin studies are underway and what is their status?

What priorities would you have for these studies?

What would you propose happen next with the river basin studies? For example: What is to be done with the information gathered? Should DOI make recommendations to the Congress based on these studies? What administrative actions do you see coming out of these studies?

Response: I understand that since the program was initiated in 2009, a total of 17 Basin Studies have been selected for funding, and three studies have been completed (Colorado, Yakima and Milk River). Four more studies are expected to be completed by the end of 2013. In general, each study takes 2-3 years to complete.

If I am confirmed, basin studies will continue to be a priority because they bring together basin stakeholders to proactively build collaborative solutions to imbalances between water supply and demand. I would envision that the Department will continue to take a strong role in working with its partners to collaboratively develop basin-scale solutions based on a rigorous analysis of options and sound science.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

51. What is the status of the Water Census?

What progress has been made on developing tools for estimating water consumption rates?

Has DOI received feedback from states and localities re: the usefulness of new tools for projecting stream flow and water use and evaporation?

What direction do you see this program element taking?

What is the priority for this program given the uncertainty in fiscal resources and vis-a-vis other competing programs?

Response: Those of us in the West, in particular, know the value of water and also know the value of an accurate accounting of water use and water flows. I am not familiar with the specifics of progress of the USGS Water Census, but I believe that this program assesses water availability and use and is an essential step in understanding and managing this vital natural resource. I am committed to relying on the sound science developed by USGS through the Water Census as we make resource decisions. If confirmed, I will evaluate the priority and resources for this program.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

52. Please provide an update of the Administration's involvement in the Bay Delta Conservation Plan.

Response: I am aware that the Administration strongly supports efforts to provide a more reliable means of transporting water through California's Bay Delta while, at the same time, meeting the State's "co-equal" goal of protecting, restoring, and enhancing threatened and endangered species and the overall quality of the Bay-Delta environment. I understand that the status quo in the Bay Delta is unsustainable. The Department, working in tandem with other federal agencies, is partnering with the State of California to develop the Bay Delta Conservation Plan as a workable solution for water providers, farmers, conservation interests, and the surrounding communities.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

53. Several parties to the Klamath Basin Restoration Agreements have recently withdrawn their support for the agreements.

What is the Administration's current position on the agreements?

Under what circumstances would the Administration reevaluate its position?

Response: It is my understanding that the Klamath Agreements represent an opportunity to restore the basin and move past the ongoing crises driven by water scarcity in this over-allocated basin. I understand that these agreements were developed by those who live, work, and fish in the basin and have been the most affected by water shortages, fish die-offs, and fishery restrictions. I have been advised that all parties to the restoration agreement agreed to extend it through 2014, and that since that time, only one party, Klamath County, has sought to withdraw from the agreements. I am also aware that while the Department has evaluated a broad range of alternatives, it remains open to exploring other options.

Questions from Senator Murkowski

54. What is your overall view of the need for water desalination (both seawater and brackish water) in the U.S.?

What are the current and projected capacities of seawater and brackish water desalination operations in the U.S. by end user types (e.g., municipal, industrial, agricultural, and others)?

Is there a need to expand desalination activities in the U.S. given recent droughts and on-going water shortages around the country, especially in the southwest states?

If yes, how would you meet these needs?

What federal resources are allocated to assist and expand on desalination activities around the country? Please be specific on type of activities and locations.

What coordination has DOI been conducting with other agencies (federal and state) in planning and carrying out desalination activities?

What technologies are being used for seawater and brackish water desalination operations in the U.S., and are these technologies considered state of the art or “best practice” in your opinion?

Does DOI maintain an active database on desalination operations?

What is the current status of federally-funded R&D activities in desalination technologies, and do you have knowledge of other similar state and locally funded activities?

Response: I am aware that the Bureau of Reclamation supports water desalination and advanced water treatment research through several programs, including a state-of-the-art facility in Yuma, Arizona, and that as water desalination facilities become more efficient, reliable and less expensive to operate, the Department is well positioned to support these projects in order to facilitate the identification and use of additional sources of potable water. I understand that water desalination is not a panacea to address the nation's growing water needs, but it is a valuable tool that is available to many areas of the country that lack alternatives. If confirmed, I will ensure coordination with other agencies as part of the Administration's overall efforts to deal with this and related issues.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

55. Due to increasing receipts and flat/declining appropriations, the Reclamation Fund has a growing surplus. According to the FY2013 Budget, as of the beginning of FY2013, the Reclamation Fund was expected to have a balance of approximately \$10.7 billion.

Does Reclamation or the Administration have a position on potential uses of surplus balances in the Reclamation Fund?

Would you support use of future surplus balances of the Reclamation Fund for other water storage?

Do you support use of these funds on specific project types or in specific geographic areas?

Please provide an updated balance of the Reclamation Fund.

Assuming current levels of appropriations and receipts, what would be the expected balance of the Reclamation Fund in the year 2020? 2030?

Please provide a state-by-state breakdown of the receipts from mineral royalties going to the Reclamation Fund over each of the last five fiscal years.

Response: While I am not currently at the Department and cannot address these specific issues, if confirmed I look forward to learning more about the Reclamation Fund. I have forwarded to the Office of Natural Resources Revenue your request for a state-by-state breakdown of the receipts from mineral royalties going to the Reclamation Fund over the last five fiscal years.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

56. Under Title X of P.L. 111-11, the Reclamation Indian Water Settlements Fund is to receive \$1.2 billion in mandatory appropriations from FY2020-FY2029, and is to use these funds on a number of priority Indian water settlement projects. The Cobell Settlement (P.L. 111-291) provided additional mandatory funding over the FY2011-FY2016 period for several of the settlements originally prioritized for funding P.L. 111-11. Additionally, several of the water settlement projects have also received discretionary funding.

Please provide an update, including any relevant backup information, on the projects expected to receive priority funding from the Reclamation Water Settlements Fund.

What is DOI's plan for how it would utilize funding in the Reclamation Water Settlements fund if it were not required for the projects mentioned in P.L. 111-11?

Does the mandatory funding for individual settlements in P.L. 111-291 increase the likelihood that some of the projects originally prioritized for funding under P.L. 111-11 will not require their full mandatory funding allocations?

If so, how much of this "surplus" funding may be available based on current expected funding levels?

Response: I am told that adequate and timely funding for Indian water rights settlements has been and continues to be an ongoing challenge for the Department.

I have been informed that at this time, projects clearly anticipated to receive PL 111-11 funds would include the Navajo-Gallup Pipeline project; the Aamodt Regional water supply project; and the Crow project. PL 111-291 provided partial funding for White Mountain Apache, Taos Pueblo, the Aamodt settlement and the Crow projects. There are other settlements contemplated that could be eligible for Reclamation Water Settlements Fund funding.

If confirmed, I will be reviewing the details of settlements to understand the funding and use of the fund.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

57. Congress has recently considered legislation related to Reclamation's Lease of Power Privilege Program, the process by which Reclamation awards contractual rights to a non-federal entity to use a Reclamation Facility for electric power generation. Please provide updated information on Reclamation's Lease of Power Privilege Program.

How many Formal Requests for Lease of Power Privilege have been received by Reclamation since the latest directive and standard for this process was issued?

Where have these requests been located?

Response: I understand that Reclamation has worked with the hydropower industry and other stakeholders to improve the Lease of Power Privilege process. I have been advised that Reclamation has not had any formal requests for new leases since the revised directive and standard was issued in September, 2012. However, I am told that Reclamation has had several informal discussions on several sites in Colorado where developers are in the beginning stages of expressing interest.

Questions from Senator Murkowski

58. Recreational shooting is among the most beneficial of the multiple-uses of BLM public lands. In addition to benefitting local economies, recreational shooting accounts for the majority of the revenue generated for conservation efforts through Pittman-Robertson excise taxes. For these reasons, it is concerning that BLM has recently prohibited recreational shooting in a number of areas it manages.

As Secretary, what actions would you take to ensure the availability of enhanced and expanded shooting opportunities on BLM lands?

Efforts to ban or restrict the use of traditional ammunition and tackle containing lead components are underway across the country. In the vast majority of cases, there is little or no credible scientific information pointing to beneficial impacts to wildlife that would result from the bans. Bans on traditional ammunition exponentially increase the price of hunting, fishing and shooting which results in the loss of jobs, less hunters and anglers and declines in conservation funding.

What is your position on the use of traditional ammunition and tackle (containing lead) for hunting, angling and recreational shooting on federal lands?

Response: I know that these activities are a critical part of many Americans' family traditions and heritage. If confirmed, I will strongly support the goal of promoting opportunities for outdoor recreation, including hunting and recreational shooting, on our public lands. It is my understanding that over 95 percent of the BLM's 245 million acres of public land are already open to recreational shooting, and that, on public lands managed by the BLM, hunting is allowed virtually everywhere the individual states allow it. If confirmed for this position, I look forward to using my experience to convene people from a variety of viewpoints and recreational interests to find common ground in the balance of public safety, resource management, and multiple uses of public lands.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

59. As Secretary of the Interior, you will be charged with ensuring the Department's implementation and compliance with the Endangered Species Act.

Will you commit that, during your tenure at the Department, you will direct and ensure that the U.S. Fish and Wildlife Service (FWS) actively engages and cooperates with State and local governments, private citizens and businesses on Endangered Species Act (ESA) decisions that will affect them?

Response: As I described in my confirmation hearing, I want to better understand the issues and to make implementation of ESA less complex, less contentious, and more effective. If confirmed, I commit to working closely with members of this Committee and stakeholders to find common sense ways for the ESA to work for landowners while ensuring that ESA listing decisions are made based on the best available science and that statutory and regulatory standards are met.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

60. President Obama has recognized the need to streamline federal regulations and permitting programs. The ESA Section 7 consultations process has been criticized as being too cumbersome with unenforceable deadlines and can result in significant delays for projects that can otherwise provide needed jobs to meet our nation's infrastructure needs.

Will you commit to ensure that USFWS works with State and local governments, businesses, individuals and all organizations to identify ways to improve and streamline the ESA Section 7 consultation process?

Will you commit that the Department will end its practice of closed-door settlements between environmental plaintiffs on ESA listing matters?

Will you fully consider proposals (including regulatory or legislative efforts) that ensure that parties do not use the judicial system to usurp the effective administration of the ESA, including improvements to the management and deadlines for listing and critical habitat determinations under the ESA?

Response: As I noted above, I commit to working closely with members of this Committee and stakeholders to find common sense ways for the ESA to work for landowners while ensuring that ESA listing decisions are made based on the best available science and that statutory and regulatory standards are met. As a general matter, I am sensitive to the concerns of farmers, ranchers, industry, private landowners and other stakeholders with regard to proposed ESA decisions. I believe that in order to understand the issues, appreciate their complexities and find common ground, it is key to bring multiple stakeholders to the table to work together. If confirmed, I commit to bringing that kind of approach to the Department.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

61. Numerous courts have determined that recovery plans for endangered and threatened species are nonbinding guidance—namely, that they do not impose requirements on federal agencies. Fund for Animals v. Rice, 863 F.3d. 535 (11th Cir. 1996); Oregon Natural Resources Council v. Turner, 863 F.Supp. 1277 (D. Or. 1994); Defenders of Wildlife v. Lujan, 792 F.Supp. 834 (D.D.C. 1992) National Wildlife Federation v. National Park Service, 669 F.Supp. 384 (D. Wyo. 1987).

How will you ensure that your Department’s implementation of the ESA continues to implement recovery plans as guidance only and does not seek to impose recovery plan measures as mandatory actions through such measures as reasonable and prudent alternatives under a section 7 biological opinion or as required terms in the development of a habitat conservation plan?

Response: My understanding is that because a recovery plan is nonbinding guidance, it cannot be used to impose requirements on federal agencies or direct federal agencies to take actions. If confirmed, I will ensure that recovery plans will be used by FWS as prescribed by the ESA.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

62. The purpose of the Endangered Species Act is to protect and conserve endangered and threatened species. Certain environmental groups continue to attempt to use the ESA to pursue and require the reduction of greenhouse gas emissions.

How will you ensure that, consistent with your obligation to carry out the purposes of the ESA, the Department of the Interior does not allow parties to use the ESA as a back-door mechanism to force the debate or choice of federal statutory or regulatory actions regarding responses to climate change or any regulation of greenhouse gas emissions?

Response: This Administration has made it clear that it does not consider the ESA to be an appropriate tool to regulate greenhouse gas emissions. I share this position.

Questions from Senator Murkowski

63. The Department of Interior has an “environmental justice” policy that requires the Department to manage resources in a “manner that is sustainable, equitable, accessible, and inclusive of all populations”. Alaska has areas with very high unemployment rates, Aleutians East Borough is 28.6%, Hoonah-Angoon is 22.7%, Wade Hampton is 18.9% with many more residents not even counted in the rate because they have given up actively seeking work. These same areas often have very high fuel and food costs and no road access. Where a decision is controlled by Interior, if that opportunity is taken away, it has impacts. Also, rural boroughs, equivalent of counties, may receive the bulk of their property taxes for schools or other uses from resource development projects. The opportunity for these jobs for a family may only come around once in a generation.

Do you understand that high paying jobs tied to development of natural resources in Alaska and shift work like 2 weeks on and 2 weeks off at the Red Dog mine allows Alaskan rural residents, often Alaska natives, to survive where they live and follow their traditional lifestyle?

Response: As I mentioned when we met in your office, my experiences working as a natural resources banker for Alaskan interests have given me an appreciation for the uniqueness of life in Alaska. I appreciate that the economic conditions experienced by Alaskans are unique in many ways.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

64. Would you agree being allowed to earn a good living, raise a family, and stay in your traditional village area and live a subsistence lifestyle is a form of environmental justice?

Would you pledge to consider health and life impacts on Alaskans and their communities from not developing resources and not creating jobs in your decision making?

Response: I appreciate that the economic conditions experienced by Alaskans are unique in many ways, and I commit not to lose sight of that reality if confirmed as Secretary.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

65. Currently the Alaska Regional Director's position is open at the Bureau of Indian Affairs. The agency has recently circulated two candidates for comment by Alaska tribes. Both of the candidates are not from Alaska or from the Alaska Native community, although one of the two has served in Alaska as a forester and an inventory specialist at the BIA.

What is your general policy regarding appointments for Interior agency leadership personnel?

What will your appointment or pre-appointment policy regarding recruiting and vetting agency officials before affected user groups before hiring or promotion?

Response: I plan to bring energy and commitment to the Department of the Interior consistent with the environment I supported at REI and in other leadership roles. If confirmed, I will seek candidates for leadership positions that understand the needs and interests of the groups they serve as well as bring an understanding of agency policies and programs where possible.

Questions from Senator Murkowski

66. One of the challenges with renewable electricity, particularly in the West, is the need to build electric transmission lines on federal lands in order to link areas with abundant resources to areas of high demand.

What are your thoughts on siting and building transmission generally?

Are there anything specific federal lands on which you plan to promote to build more interstate transmission lines?

What is the status of Secretary Salazar's selected high priority transmission lines? Have any of these lines been completed? If not, what is the timeframe for completion?

What roadblocks, if any, have the Department faced? What roadblocks, if any, does the Department currently face?

One common criticism is that the BLM districts often have different requirements – even if the districts are located within the same state. Is this accurate?

If so, why aren't BLM's requirements for transmission lines across federal lands harmonized and what is being done to remedy duplicative or inconsistent requirements for the same transmission line among different BLM districts?

Response: As I stated during the hearing, I support the President's "all-of-the-above" energy strategy, and that includes continued, significant emphasis on building transmission lines to support energy development. If confirmed, I will support the appropriate siting and building of transmission lines on federal lands while balancing the need for additional transmission capacity with other uses of federal lands. I understand that under Secretary Salazar's leadership, the Department of the Interior and the BLM have prioritized processing right-of-way applications for transmission projects to support sound energy development. While I do not know the current status of each project, if confirmed, I look forward to continuing this emphasis on needed transmission projects that promote our nation's energy development. I am also aware of the increasing complexity of new transmission projects given the many existing uses and values on federal, state, tribal and private lands and commit to using sound science to guide these decisions. If confirmed, I look forward to working with Congress and stakeholders to develop common-sense solutions to these complex challenges.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

67. We still do not have any off-shore wind electricity production in this country even though the Cape Wind project has been under development for over a decade.

What is your position on the Cape Wind project?

Do you support expedited judicial review for offshore renewable projects that have been approved by DOI? Please explain.

Response: Offshore wind is an important component of the Administration's all-of-the-above energy strategy. I am told by the Bureau of Ocean Energy Management that the Department has granted Cape Wind's developer all of the approvals it needs to begin construction, and Cape Wind has power purchase agreements for most of its power generation. If confirmed, I would ensure that the decisions the Department makes with regard to wind power development, as with any offshore energy development, are based on sound science, and that we continue intensive stakeholder engagement with other federal agencies, states and local communities, the offshore wind industry, tribes, the maritime and fishing industries, environmental groups and others that is designed to address and minimize conflicts early in the process and minimizes the risk of judicial challenges.

Questions from Senator Murkowski

68. Under Section 1110(b) of ANILCA, the Secretary of the Interior is required to give the owner of any lands effectively surrounded by one or more conservation system units (CSUs), “such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land” (16 U.S.C. §3170(b)). That grant of rights is “subject to reasonable regulations issued by the Secretary to protect natural and other values of such lands.” (Id). ANILCA’s implementing regulations define “adequate and feasible access” to mean “a route and method of access that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant on the applicant’s nonfederal land or occupancy interest” (43 C.F.R. §36.10(a)(1)).

The regulations go on to explain when an agency can deny or modify a route or means of access across a CSU proposed by an applicant. Under these regulations, an agency “shall specify in a right-of-way permit the route(s) and method(s) of access across the area(s) desired by the applicant, unless” the agency makes one of four specified determinations (43 C.F.R. §36.10(e)(1)):

- i The route or method of access would cause significant adverse impacts on natural or other values of the area and adequate and feasible access otherwise exists; or**
- ii The route or method of access would jeopardize public health and safety and adequate and feasible access otherwise exists; or**
- iii The route or method is inconsistent with the management plan(s) for the area or purposes for which the area was established and adequate and feasible access otherwise exists; or**
- iv The method is unnecessary to accomplish the applicant’s land use objective.**

The U.S. Fish and Wildlife Service (USFWS) recently issued a Draft Environmental Impact Statement (DEIS) for the Shadura Natural Gas Development Project. This project is located on ANILCA lands owned by one of the ANCSA Regional Corporations. Based upon certain statements made in the DEIS, it seems the USFWS has misinterpreted its limited authority under Section 1110(b) of ANILCA and the agency’s regulations at 43 C.F.R. §36.10 to reject an applicant’s proposed

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

access route in favor of a different alternative. In the DEIS, the USFWS represents that its responsibility is to “decide on the best alternative to access natural gas leases beneath the Refuge and what stipulations will be required.” This statement fundamentally misrepresents the USFWS’s responsibility under ANILCA and its implementing regulations.

The Shadura Natural Gas Development Project is just one of many potential economic development projects located on ANILCA lands that require access across CSUs.

Will you commit to continue to enforce the laws and regulations as provided under Title XI of ANILCA?

Response: I am not familiar with the specifics of your question. However, should I be confirmed, I commit to working with my colleagues in the Administration to ensure that all laws and regulations that fall under my purview are adhered to, including ANILCA. I look forward to working with you to examine and better understand this issue to appropriately address your concerns.

Questions from Senator Murkowski

69. All federal decisions regarding energy exploration and production on the OCS must be made in consultation with affected states. However, in recent years, the federal government has taken significant actions affecting OCS energy development with little consultation with the states. One of the core missions of the OCS Governors Coalition is to promote a constructive dialogue with federal policy makers on decisions affecting offshore development. Yet, prior to release of the proposed Final Outer Continental Shelf Oil and Natural Gas Leasing Program for 2012-2017, the State of Alaska was not consulted on the Department of the Interior's decision to postpone lease sales off Alaska one year from the initial timeframe. Moreover, President Obama canceled Lease Sale 220 off Virginia in December 2010, without sufficient consultation with the Commonwealth of Virginia. The bipartisan leadership in Virginia has clearly indicated multiple times that it supports a leasing program in the Atlantic, and Governor McDonnell has addressed the Administration's concerns about safety and spill containment infrastructure and coordination with military operations in the area.

Understanding the multiple stakeholder conversations that go into planning a leasing program, please discuss the legal and otherwise appropriate role for the input of state governments.

What actions would you take to ensure sufficient and ongoing input from the states?

Response: I strongly support transparent decision-making processes that include coastal states that have a strong interest in safe and responsible offshore energy development. If confirmed, I will work with the Bureau of Ocean Energy Management and others to ensure that the Department actively seeks and considers coastal states' interests as we conduct the balancing of the full range of criteria that underlies leasing decisions under the Outer Continental Shelf Lands Act.

Questions from Senator Murkowski

70. A second priority for the OCS Governors Coalition is the pace of permitting for OCS oil and natural gas operators. Following the temporary deepwater-drilling moratorium in 2010, operators experienced significant delays in plan and permitting approval. Even though operators in the Gulf of Mexico are starting to return to pre-Macondo operation levels, several concerns with the inefficient and inconsistent regulatory regime for offshore operators remain.

What measures can be taken by the Department of the Interior to ensure a more timely and consistent regulatory framework for all operators without sacrificing environmental safety?

The Bureau of Ocean Energy Management is finalizing its evaluation of the impact of seismic activity in the Atlantic, a critical first step in assessing the resource base in the area. Can you please discuss your thoughts on reissuing a lease sale in the Atlantic now and including additional leasing opportunities in the Department's 2017-2022 leasing plan?

Response: I understand that both the Bureau of Safety and Environmental Enforcement and the Bureau of Ocean Energy Management have worked diligently to ensure compliance with the heightened drilling safety and environmental protection standards implemented following the *Deepwater Horizon* oil spill, while also ensuring that the regulatory process is transparent and efficient. I understand, as a business person, the importance to industry of regulatory certainty and clarity. To the extent possible under constrained budgets, if I am confirmed I will work to ensure those bureaus have the resources to efficiently conduct the plan review and permitting process, and that they continue to work with industry to maintain efficient and responsive regulatory processes under the strengthened standards.

I am also told that the existing seismic data for oil and gas resource potential in the Mid- and South Atlantic is not well understood because it is more than 25 years old and was collected with outdated technology. BOEM is taking action to address this, including finalizing an environmental review that is necessary to support environmentally responsible seismic surveys, working with the Department of Defense, coastal states, and other stakeholders to address complex space-use conflicts, and working to consider long-range planning for the infrastructure that would be necessary to support exploration and development activity in this region. If confirmed, I would ensure that this process moves forward expeditiously.

Questions from Senator Murkowski

71. Ongoing budget constraints and cuts to the Department of the Interior's budget will undoubtedly affect the ability of federal regulators to develop and execute leasing plans, process permits and plans, and move forward on new programs for renewable offshore energy. At the same time, the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement are continuing to institute reform efforts following the restructuring of the Minerals Management Service. Parts of these efforts focus on improving the quality and number of regulators.

How would you mitigate the impact that budget cuts could have on the ability of the Department of the Interior to issue permits and execute environmental studies and leasing programs in a timely manner?

Further, what measures can you institute, as a former business executive, to attract talented and experienced regulators?

Response: I understand the 2013 President's budget included additional resources to enable BOEM and BSEE to implement program improvements in conventional and renewable energy programs, and funding the needed capacity for BOEM and BSEE as independent entities to adequately oversee offshore conventional and renewable energy development. If confirmed, I will work with the bureaus to examine the impacts of operations under the continuing resolution and the sequester, but I understand that severe budget cuts will likely slow the core operations, like review of plans and permits.

As the CEO of a \$2 billion company, ranked by Fortune magazine as one of the best places to work in America, I understand how important it is to find, recruit, train, develop, and keep talented and hard working people. Should I be confirmed as Secretary, I look forward to working with the Administration and the Congress to utilize strategies to provide working conditions that will make the Department of the Interior an attractive place to work.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

72. The Department recently finalized a new land plan for the National Petroleum Reserve-Alaska which officials have said will allow oil and gas pipelines carrying potential Chukchi and Beaufort Sea hydrocarbon discoveries back to the Trans-Alaska Pipeline System, to cross rivers in NPRA that the plan intends to manage similar to River and Scenic Rivers.

As Secretary do you commit to do everything necessary to uphold that commitment, in the event of legal challenges of such pipelines crossing areas that the Department is designating as special areas and issuing special management criteria as part of the land plan?

Response: I support the intent of the plan to allow for the potential construction of pipelines carrying oil or gas from operations in the Chukchi and Beaufort Seas through the NPR-A. I appreciate the important role that Alaska plays in developing our domestic energy resources. If confirmed, I will commit to reviewing this issue further and working with you and members of the Committee.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

73. While major North Slope gas producers have currently suspended actions to build a 48-inch natural gas pipeline through Alaska and Canada to deliver 4 billion cubic feet of gas a day to the Lower 48 states, such a pipeline route if it is reactivated will need to cross about one mile of the Tetlin National Wildlife Refuge. The sponsors have been seeking Department approval of a land exchange to clear the right-of-way for such a pipeline, a land exchange that the U.S. Fish and Wildlife Service recently said it likely will not support.

What is your view of the permitting a pipeline to carry natural gas from Alaska to the continental U.S. to cross the refuge and would you support a right of way permit for such a crossing, or a land exchange that would adjust refuge boundaries to allow a gas line project to proceed?

Response: I am not familiar with this specific request. However, if confirmed, I commit to working with FWS and stakeholders to better understand the issue with the goal of finding reasonable solutions in accordance with applicable laws, regulations, and Administration policy and the best available science.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

74. The State of Alaska for more than a decade has been seeking to claim an expanded portion of the corridor that contains the Trans-Alaska Oil Pipeline has it moves south from Prudhoe Bay to Valdez, Alaska.

As Secretary would you have an opinion on whether to support or the Department oppose an expansion of the state's control over portions of the corridor, especially along northern segments of the 800-mile pipeline, north of Paxson, Alaska toward the Dalton Highway?

Response: As I mentioned in our meeting, I first learned of the complexities of the Trans-Alaska Oil Pipeline in the mid-1970s when I worked on its development. I am not familiar with the specific interests of the State of Alaska with respect to portions of the Trans-Alaska Oil Pipeline corridor north of Paxson, Alaska. However, if confirmed, I commit to working with the State to understand the State's perspective on this matter.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Murkowski

75. For the budding ocean energy/marine hydrokinetic industry to advance, it will require Department agencies to permit leasing of offshore waters farther than 3 miles from U.S. coasts to permit off-shore platforms for potential current, wave and ocean thermal conversion technology equipment placement.

What will you do to simplifying the current red tape that is complicating permitting decision for this form of renewable energy development to proceed?

Response: I support the President's all-of-the-above energy strategy, and offshore renewable energy is an important part of that plan. Unlike the case of offshore wind, I understand that the jurisdiction for offshore current and wave energy on the OCS is shared – the Department of the Interior and the Federal Energy Regulatory Commission (FERC). I am told that the two agencies have worked well together to create a process for review and approval of such projects and, if confirmed, I will ensure that BOEM continues to work with FERC, industry, the states, and other stakeholders to make this process as efficient, cooperative and transparent as possible.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Risch

76. Role of States in the Endangered Species Act (ESA). In administering the Act, how will you engage the states as critical partners—not as mere stakeholders—in this process?

Response: I believe that states are important players in preventing the extinction of species, recovering endangered species, and keeping other species off the threatened and endangered list. As a nominee, I have learned of some impressive and successful partnerships with states in recovering listed species and preventing the need to list species. If confirmed, I will make sure we continue to engage states early and often with regard to administering the ESA.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Risch

77. Success in the ESA. How do you define success under the Act? Does the amount of species listed constitute success or is success achieved when a common sense plan is developed that precludes the need to list while also maintaining predictable levels of land use?

Response: I believe the record shows that the ESA has saved hundreds of species from extinction and has promoted a more sustainable management of our nation's vital natural resources. I am aware that the Department and the FWS have worked to develop policies and pursue actions like voluntary conservation agreements that serve to preclude the need to list or that facilitate recovery and provide landowners and businesses welcome predictability. If confirmed, I commit to implementing the law based on the best available science, with a goal of working with land managers to prevent the need for listing through thoughtful advance planning and action.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Risch

78. Application of NEPA to Indian Lands. One barrier to reservation employment and economic development is the application of the National Environmental Policy Act (NEPA) to Indian lands. Its application to Indian reservations raises some concerns. Indian reservations are actual homes to communities of American Indians: they are not preserves. The application of NEPA to Indian lands imposes significant costs and regulatory burdens that have served to all but stifle housing and infrastructure development, energy development, and business development on Indian lands. Can you please share with the Committee your thoughts on NEPA's obstruction to economic and infrastructure development on Indian lands?

Response: NEPA requires disclosure of the environmental impacts of certain federal actions, including certain activities that take place on Indian lands, such as housing and economic development activities and energy development activities that require federal agency approval. I understand that the recently enacted HEARTH Act and the Department's leasing regulations will make energy development and other economic activity on tribal lands more efficient. If confirmed, I look forward to identifying potential efficiencies to facilitate economic development on Indian lands.

Questions from Senator Risch

79. Multiple Use. The Department of Interior manages lands for a number of different purposes. Many of these lands are managed for particular dedicated purposes, such as national parks. Others are managed for multiple use. Please describe your understanding of the term “multiple use” and how this understanding will guide your administration of the Department should you be confirmed as Secretary?

Response: I understand that the term “multiple use” is defined in the Federal Land Policy and Management Act. I mentioned at my confirmation hearing that I believe we must take a balanced approach to determining the multiple uses of our public lands. Throughout my business career my approach has been to bring people who have different interests in an issue together to help them work out those differences. With regard to the use of public lands, regardless of whether it is hunters or anglers, mountain bikers, OHVers, oil and gas development companies or others, it is important that different parties work together to find common ground. If confirmed as Secretary, I commit to bringing that attitude and approach to the Department of the Interior.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Risch

80. Collaborative Conservation. Myself, along with Senator Crapo, would like to know more about your philosophy as it relates to collaborative problem-solving at the Department of the Interior and specifically in the Bureau of Land Management. The Idaho Office of the Bureau of Land Management is at minimum slowing down, and perhaps seeking to eliminate, funding for the Tribal Cultural Resources Protection Program, which is a key element of the Owyhee Initiative (Public Law 111-11). This program is of extraordinary importance to the Shoshone-Paiute Tribes of southwestern Idaho. Can I have your assurance that you will review this important funding mechanism and get back to me as soon as possible with regard to how the Department can assure resources continue to make it to this critical program?

Response: If confirmed, I will become familiar with this program, and I will be happy to work with you, Senator Crapo, and the members of this Committee.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Risch

81. Scientific Review. The Owyhee Initiative (Public Law 111-11), among many other features, has commenced a “science review” process wherein range management experts review any given allotment and make specific science-based recommendations on the management regime for that specific allotment. However, the Idaho Office of the Bureau of Land Management, in response to a decade-old lawsuit, continues to recommend management plans that clearly conflict with the best available science as determined by the “science review” process. Senator Crapo and I would like to know what is your view of the role of the external experts offering their input for science-based management plans?

Response: Although I am not familiar with this specific issue, I understand that the Department of the Interior and the BLM are often faced with complex multiple-use issues when developing management plans. Throughout my career as a business person, my general approach has been to bring different parties together to address complex problems. If I am confirmed, I will also bring that attitude and approach to the job and will work to ensure that decisions are made using the best available science, including listening to external experts.

Questions from Senator Manchin

82.

- **In West Virginia, the Land and Water Conservation Fund (LWCF) has helped maintain and expand access to some of our State's natural treasures for the benefit of all.**

- **Access projects funded by LWCF, in places like the Monongahela National Forest, Canaan Valley, and the Gauley River, not only keep public lands public for sportsmen, but also promote West Virginia's thriving and growing outdoor recreation economy—an economy that supports 81,600 direct jobs and contributes about \$9.6 billion annually to my State's economy.**

- **I have been a supporter of the LWCF because it is an important program that ensures that residents and visitors are able to continue to hunt, fish, hike, and participate in other outdoor activities in West Virginia.**

- **If confirmed as Secretary, what will you do to ensure that sportsmen's access projects, though sometimes small, are priorities for LWCF funding?**

Response: As a former petroleum engineer, CEO and outdoor enthusiast, I recognize the value of being a good steward of our natural resources and its intrinsic connection to job creation and economic progress. I also understand the importance of the Land and Water Conservation Fund. Conservation of our natural resources, both wildlife and the protection of important lands, and our outdoor heritage, including hunting and fishing, remains essential to Americans' quality of life and to our economy. As I stated at my confirmation hearing, I believe that the Land and Water Conservation Fund has been critical across the country in bringing resources to bear for public lands for recreation and conservation. Should I be confirmed, these important interests will be in the forefront as I balance the critical missions of this Department.

Questions from Senator Manchin

83.

- **Recently, access to fishing and recreational boating has been restricted on some federal lands and waters—Cape Hatteras National Seashore and Biscayne National Park serve as examples.**
- **As an avid angler and sportsman, I strongly support access on public lands and waters for fishing and boating.**
- **If confirmed as Secretary, how would you work with anglers, sportsmen, boat enthusiasts, and local communities to promote and enhance better access to public lands and waters for fishing and recreational boating?**

Response: I understand the importance of access to public lands and waters, and the importance of seeking early input from impacted communities and other stakeholders. Throughout my business career, I have brought different parties together and tried to reach agreement on difficult issues. If confirmed, I will strongly support the goal of promoting opportunities for outdoor recreation, including fishing and boating, on America's public lands and waters.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

Atlantic Outer Continental Shelf

84. What is your view of expanding offshore oil and natural gas exploration into areas that have not been explored in decades such as the Atlantic Outer Continental Shelf (OCS) and the Eastern Gulf of Mexico?

Response: As discussed at my confirmation hearing, I am committed to the President's "all-of-the-above" energy strategy to increase domestic production and reduce dependence on foreign oil. This includes exploring new frontiers and technologies to develop both conventional and unconventional sources of energy, including renewables.

With respect to the Atlantic, I understand that the Department's efforts are focused on better understanding resources potential, including conducting an environmental review to support environmentally responsible seismic surveys; working with the Department of Defense, coastal states, and other stakeholders to address complex space-use conflicts, and working to consider long-range planning for the infrastructure that would be necessary to support exploration and development activity in this region. With regard to the Eastern Gulf of Mexico, I understand that the Administration's plan makes available for leasing those portions of the Eastern Gulf that are not subject to Congressional moratorium.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

85. The Obama administration's 2012-2017 leasing plan excludes the Pacific and Atlantic OCS. How would you approach the next leasing plan with respect to the waters off South Carolina and other states?

Response: I appreciate the critical importance of the five-year plan in ensuring the responsible development of the Outer Continental Shelf. The 2018-2023 plan should reflect new information generated by the efforts I referenced in my response to the previous question.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

86. If the governor of a state expresses interest in allowing offshore oil and gas development off its coast as part of the 5-year OCS leasing plan development process, what value or weight would you give to the input from democratically elected governors? Would you honor that request and schedule a lease sale?

Response: As a general matter, I believe that when we look at developing energy sources it is essential to bring parties, including representatives from affected states, localities and tribes to the table and try to reach agreement on difficult issues. I understand that with respect to the development of the Five Year OCS Oil and Gas Leasing Program, consideration of the position of affected states is specifically required by the Outer Continental Shelf Lands Act. If confirmed, I will look forward to bringing parties together, including governors from affected states, to discuss the different points of view and to determine where we can find common ground.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

87. Resource estimates of the Atlantic OCS are hindered by a lack of data, especially the newer seismic exploration technologies that the industry has developed. Current undiscovered, technically recoverable resources estimate for Atlantic OCS is 3.3 billion barrels of oil and 31.3 trillion cubic feet of natural gas. Do you support allowing the collection of seismic data in these areas, particularly in the Atlantic OCS?

Response: As I described in my confirmation hearing, I appreciate that to effectively lease public lands, one must have a good idea of the resources that are there. I have been advised that BOEM is taking action to address this, including conducting an environmental review for the mid- and South Atlantic that is necessary to support environmentally responsible seismic surveys; working with the Department of Defense, coastal states, and other stakeholders to address complex space-use conflicts; and working to consider long-range planning for the infrastructure that would be necessary to support exploration and development activity in this region. If confirmed, I would ensure these efforts move forward expeditiously.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

88. Drilling off of states' coasts and allowing them a larger share of the revenue would encourage more state involvement in drilling decisions. Offshore drilling would promote state and local government participation in allocating funds as well, whether closing a state's deficit or coastal restoration and conservation. What is your position on revenue sharing with states from offshore production?

Response: I believe that the Department, as steward of our public lands and waters and through rigorous dialogue with stakeholders, must strike the right balance of meeting the interests of local communities and the public owners of these resources as we advance the President's all-of-the-above energy strategy. I have heard from a number of Senators about this issue. Should I be confirmed, I look forward to better understanding the intricacies of the issues involved.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

Migratory Bird Treaty Act

89. Do you think it's time that laws like the Migratory Bird Treaty Act, which today protect non-endangered bird populations, are updated to be more in line with and less punitive than the laws we have in place to protect endangered species?

Response: My understanding is that the Migratory Bird Treaty Act is the implementing legislation for several longstanding international treaties with Canada, Mexico, Japan, and Russia that recognize the international cooperation required to conserve hundreds of species of birds. I believe that, as with all laws, the MBTA should be periodically reviewed in order to ensure that the U.S. continues to fulfill its obligations. It is also important that enforcement practices be consistent and effective.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Scott

90. The energy industry has experienced operational issues with certain common migratory birds leading to non-compliance enforcement under the Migratory Bird Treaty Act. The threshold for non-compliance enforcement starts as a criminal act when most environmental regulatory enforcement starts as a civil act. What are your thoughts on regulatory and/or legal reforms needed for the enforcement of the Migratory Bird Treaty Act for a non-compliance event from an otherwise lawful commercial activity such as operation and maintenance of power lines or wind turbines?

Response: If confirmed, I look forward to learning more about the specifics of how MBTA enforcement decisions are made within the Administration. It is my general view that government should work with industry to develop and implement best management practices and reasonable recommendations to minimize the take of migratory birds.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Cantwell

91. I would like to raise an issue that has people in Southwest Washington concerned: a dispute over National Park Service lands at the Fort Vancouver National Historic Site. Since the mid 1990's, the City of Vancouver and the National Park Service had worked together under a cooperative agreement to make the Pearson Air Museum, which sits on the Historic Site, into a real asset for the local community. I have personally had the opportunity to see the impressive educational programs run at the Air Museum.

Unfortunately, that agreement has now been terminated and negotiations on a new one have stalled. The situation there continues to escalate to the point where the Air Museum is being run by the Park Service without any air exhibits. And the old air exhibits are being stored nearby in a hanger. The local community feels that the Park Service has taken away a valuable asset, in which the community made significant investments.

I would like to be able to call on you, if necessary, to engage in negotiations between the Park Service and the City of Vancouver. Are you willing to work with me to help resolve this issue?

Response: If confirmed, I would certainly work with you to address these concerns, as appropriate.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Cantwell

92. I have been working to pass legislation to compensate the Spokane tribe for the harm done to them by the construction of the Grand Coulee dam for over 10 years. The tribe has only received \$4,700 for the loss of land, villages and access to salmon due to the dam's construction. I am sure that you would agree that \$4,700 was not just and equitable compensation, especially compared to the roughly \$300 million that the Confederated Tribes of the Colville Reservation received from its settlement legislation for similar damage that passed in 1994.

Since I started working on this issue I have been willing to make and have made many changes to satisfy the Department of Interior, its constituent agencies and the Department of Justice, but the Department of Interior has yet to engage in a real dialogue about what needs to be done to gain the support of this Administration. The Department of Interior has continually said it would like to help but have only told me what they oppose, not what it could support.

In 2008 the Department said, "that negotiations to correct several serious issues should continue." And last year Deputy Assistant Secretary Del Laverdure's written testimony stated that "we would be pleased to work with the committee on substitute language or amendments."

Are you able to provide an assurance that the Department of Interior, at the highest levels, will constructively engage with my office and the tribe to find legislative language that is mutually acceptable to the tribe and the Department?

Response: I am aware that the Administration has made a commitment to resolving longstanding disputes with Indian Tribes in a nation-to-nation capacity. If confirmed, I commit that high-level officials at the Department will work with you and the Spokane Tribe on this issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Cantwell

93. As you know, the Land and Water Conservation Fund (LWCF) is a critical program that provides money for many of the Department's acquisitions of federal lands for public parks and outdoor recreational use.

Since former Washington state Senator, and Chairman of this Committee, Scoop Jackson, created the fund in 1965, my state has received over 72 million dollars in LWCF grants.

Money from the LWCF's Stateside Grants Program has been essential in helping states and municipalities secure parks and green space in the rapidly urbanizing west. I've heard from many of my municipalities that the small amounts of money awarded in the Stateside Grants Program go a long way in leveraging dollars to permanently protect places that can be enjoyed by local citizens.

As you know, the Land and Water Conservation Fund has been underfunded throughout its nearly 50-year existence. I appreciate the President's commitment to this program and your own longstanding support of full and reliable LWCF funding for our nation's pressing conservation and outdoor recreation needs.

Many of my colleagues and I have been working hard to secure dedicated, reliable, long-term funding for this critical program.

- a If confirmed, will you work with the Administration and with Congress to secure the long-term health of LWCF and to ensure that revenues to the Fund are spent for its intended purposes?**
- b What do you believe the full consequences of underfunding LWCF have been for our nation's public lands and national parks?**

Response: As I stated at my confirmation hearing, I believe that the Land and Water Conservation Fund has been critical across the country in terms of bringing resources to bear for conservation and recreation. Conservation of our natural resources -- both wildlife and the protection of important lands -- and our outdoor heritage, including hunting and fishing, remains essential to Americans' quality of life and to our economy. If confirmed, I look forward to working with you and other members of Congress on this important issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

LWCF

94. As Secretary, you would be responsible for the full spectrum of issues, from energy production to wildlife conservation, which the Department addresses across the country. In Ohio, the most visible facet of the Department's presence is the experience provided at the Cuyahoga Valley National Park, located South of Cleveland, Ohio. The park is host to over 2 million visitors annually, making it one of America's ten most visited national parks. It would not exist without the Land and Water Conservation Fund, which for nearly 50 years has used federal energy revenues to secure key parklands here and across America. In fact, Ohio recently relied on to preserve sensitive land adjacent to the Cuyahoga Valley National Park.

If confirmed, what would you do to ensure the future of LWCF?

Response: I noted at my confirmation hearing that I believe that the Land and Water Conservation Fund has been critical across the country in terms of bringing resources to bear for conservation and recreation. Conservation of our natural resources -- both wildlife and the protection of important lands -- and our outdoor heritage, including hunting and fishing, remains essential to Americans' quality of life and to our economy. If confirmed, I look forward to working with you and other members of Congress on this important issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

NHA

95. National Heritage Areas are key components of the National Park Service since they export the ethic of resource conservation outside the boundaries of traditional park units at a fraction of the cost. The National Park Service was directed to conduct evaluations of 9 National Heritage Areas which sunset on September 30th, 2012 and report back to Congress with recommendations on their future involvement and re-authorization three years ago. If confirmed, will you determine the status of the National Heritage Area evaluations and set a deadline for completing the reports?

Response: I agree that National Heritage Areas play a vital role in resource conservation at a relatively small cost. If confirmed, I will look into the status of the evaluations of the nine National Heritage Areas that you referred to and determine if there are any issues with completing the reports.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

96. National Park Service Director Jon Jarvis has been very supportive of National Heritage Areas and advocated for the establishment of a legislative program to make them a permanent part of the National Park Service, what is your position on the role of National Heritage Areas and their relationship to the National Park Service and Department of Interior?

Response: National Heritage Areas play an important role in the preservation and interpretation of resources that represent our nation's natural and cultural heritage. If confirmed, I look forward to learning more about how the National Park Service and the Department support these areas, and what the National Park Service might be able to do to strengthen and enhance that support.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

Internet Leasing

97. In 2009, the Bureau of Land Management (BLM), pursuant to the FY09 Interior Appropriations Act, conducted a study and pilot project of on-line Internet auctions for onshore oil and gas leases on Federal lands entitled the Oil and Gas Lease Internet Auction Pilot (OGLIAP). If confirmed, will you work with Congress to provide BLM permanent authority to conduct Internet auctions for onshore Federal oil and gas leases?

Response: If confirmed, I look forward to learning more about the pilot project and to capitalizing on any lessons learned from these efforts. You have my commitment to work with you and the members of this committee on broadly applying any lessons learned in the pilot project as appropriate.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

Permitting

98. Concerns about the Office of Surface Mining’s stream buffer zone rule have been raised by numerous stakeholders, including regulatory agencies in eight coal mining States, the Interstate Mining Compact Commission, and the Western Governors Association. The stakeholders argue that they were given just a few business days to comment on hundreds of pages of material, and when they did provide comments, that their comments were ignored. One state said: “It is as if the comment process has been purposefully designed to avoid a thorough, hard look at the matters being considered.” If confirmed, will you commit to genuine and meaningful input from all stakeholders, including the States, in this process?

Response: As I noted at my confirmation hearing, I have over the course of my career been committed to bringing people together to find common solutions to difficult issues. If confirmed, I commit to working with stakeholders and tribes to ensure that the Department is carrying out its mission in a transparent fashion.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

99. During your confirmation hearing, you testified that you were committed to finding safe and efficient means to producing natural gas on federal lands. Yes or no, in your opinion, is the Department of Interior currently overseeing natural gas production on federal lands in a safe and efficient manner?

Response: I think the question presents an issue that is more complex than a simple yes or no response. I believe that in human endeavors, it is always possible to try harder, and it is often possible to do better. New technologies emerge and become more widespread; old technologies fall by the wayside. If confirmed as Secretary, I will commit to you that I will work to make "Can we do better?" a part of the daily dialogue at the Department of the Interior.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

100. The United States ranks 17th in the world in the time it takes to get a government green light for development – one of ten International Monetary Fund metrics for the “ease of doing business.” According to BLM data, it takes on average, 307 days to receive a drilling permit on federal land. And the average time it takes to receive a renewable energy permit is not much better. If confirmed, would you work with Congress to examine DOI’s permitting process for energy projects and institute policies to enhance transparency and provide deadline-setting for decisions?

Response: Coming from the private sector, I understand that businesses need clarity and certainty to operate efficiently. And with on-the-ground experience with oil and gas operations, I agree with this Administration that the energy resources that the oil and gas industry helps to produce are vital to our nation’s economy. I also agree that it is important that development of our nation’s energy resources is conducted in a safe and environmentally responsible manner. I understand the BLM is undertaking efforts to reduce permitting times for both conventional and renewable energy development. If confirmed, I will continue to strive toward maximizing program efficiency and to ensure the best business practices are implemented.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Portman

101. If confirmed, will you work with your colleagues at EPA, Commerce and USDA to reduce the duplicative nature of pesticide reviews?

Response: If confirmed, I will commit to working with my colleagues at the Environmental Protection Agency, the Department of Commerce, and the U.S. Department of Agriculture to ensure that we are implementing our respective authorities as efficiently as possible and explore potential opportunities to increase efficiencies.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Landrieu

RESTORE Act Implementation:

102. As Secretary of the Interior, you would sit on the Gulf Coast Ecosystem Restoration Council, which was established by Congress in the RESTORE Act as included in last year's transportation bill (P.L. 112-141). That Council is tasked with creating a comprehensive plan for ecosystem restoration in the Gulf. What role do you intend to play on this Council and in the development of the comprehensive plan, and what other ideas do you have about the Department of the Interior's role in the sustained Gulf Coast restoration effort?

Response: I certainly recognize and appreciate the devastating impacts the *Deepwater Horizon* oil spill had on the state of Louisiana and on the Gulf Coast region, at large. The Department manages significant public assets in the Gulf of Mexico region. Should I be confirmed, I look forward to serving as a member of the RESTORE Council and commit to ensuring that, together with other members of the Council, a strong comprehensive plan is developed with stakeholder engagement that invests RESTORE funds wisely to achieve long-lasting, meaningful restoration. I commit to working along with the states, the affected communities, other agencies, and the Congress in these efforts.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Landrieu

Rigs to Reefs

103. Following the useful life of an oil and natural gas platform, operators are required by law under the terms of their leasing agreements with the federal government to remove platforms that are no longer producing. Leaving idle platforms in place puts them at risk for loss which potentially compromises the safety of the marine environment for all users and poses risks to navigation and surrounding infrastructure. The oil and natural gas industry helped develop the existing “Rigs-to-Reefs” programs as a tool for preserving and maintaining valuable habitat. Under this program the industry has reefed over 400 Gulf of Mexico platforms over the past 25 years. Several stakeholders in the Gulf of Mexico have called attention to the permitting process, the number of and location of reef planning areas and reefing sites among other things. As a result, several workshops and roundtables have taken place to identify stakeholders’ concerns. Will the Interior Department continue to work with stakeholders to make the needed improvements to the Rigs to Reefs program to ensure its continued use as a tool for the safe decommissioning of idle platforms?

Response: I understand that the Department is and will remain committed to state and stakeholder engagement on the Rigs-to-Reefs issue to reconcile multiple uses on the Outer Continental Shelf while protecting the environment, reducing risks, and ensuring companies meet their statutory and contractual obligations. If confirmed, I look forward to working with you on this issue.

Questions from Senator Landrieu

Offshore Access

104. The most recent Five Year plan (2012-2017) excluded any new areas of the Outer Continental Shelf (OCS) and instead only has leases in those areas that have been explored and produced for decades. What is your view of expanding offshore oil and natural gas exploration into areas that have not been explored in decades such as the Atlantic OCS and the Eastern Gulf of Mexico? Do you support allowing the collection of seismic data in these areas, particularly in the Atlantic OCS where the data is several decades old and during that time technology has improved? If a governor of a state expresses interest in allowing offshore oil and natural gas development off its coast as part of the 5-year OCS leasing plan development process, would you honor that request and schedule a lease sale?

Response: As discussed at my confirmation hearing, I have a commitment to the president's "all of the above" energy strategy, increasing our nation's production -- of both traditional and renewable sources of energy on our public lands, implementing innovative technologies and new frontiers, onshore and offshore, encouraging safe and responsible development of our resources.

I am supportive of the Department's work to do a more thorough assessment than has been done on the resources of the Atlantic OCS so that we understand those resources and can work alongside both states and federal OCS lands to explore their development, if appropriate. I'm not familiar on a state by state basis with the issues surrounding OCS lands, but I do understand from speaking with the people at the Department that there is work planned to better understand the resources off the Atlantic coast, so that the next time a five-year plan is considered, that they could possibly be considered within that new plan. With regard to the Eastern Gulf of Mexico, I understand that an act of Congress may be needed before exploration or development activities could occur there.

As a general matter, I believe that when we look at developing energy sources it is essential to bring parties, including representatives from affected states, localities and tribes to the table and try to reach agreement on difficult issues. And, if confirmed, I will look forward to bringing parties together to discuss the different points of view and to determine where we can find common ground.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Landrieu

105. The president as you may know signed an Executive Order in 2010 outlining a new National Ocean Policy. How do your duties/powers under the OCS Lands Act work in relation to the National Ocean Policy which seems to put more power in the hands of regional ocean management bodies that will produce coastal and marine spatial plans that by Executive Order, you as the Interior Secretary are instructed to follow?

Response: It is my understanding that nothing in the National Ocean Policy changes existing federal laws or regulations. Rather, the policy is designed to improve agency decision-making, reduce delays and save taxpayer dollars consistent with existing agency missions and authorities. If confirmed, I look forward to working with my colleagues within the Department and the Administration to ensure that the implementation of the National Ocean Policy is consistent with the responsibilities provided to the Secretary of the Interior under the Outer Continental Shelf Lands Act and other applicable laws.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Landrieu

Conservation Corps

106. Under authority of the Public Lands Corps Act of 1993 and other statutory authorities, the Administration has taken direct action to establish the National Council for the 21st Century Conservation Service Corps. The Senate ENR Committee is working on amendments to the Public Lands Service Corps Act that are complementary to that action. Given these actions as well as the recent NPS study showing that partnering with Conservation Corps to get projects done results in more than a 50% cost savings, what do you think (from both Interior point of view and an economic point of view) on expanding opportunities for youth to accomplish necessary work on public lands through partnerships with conservation corps programs?

Response: I support the Administration's position on the importance of expanding opportunities for youth to work in our national parks, national wildlife refuges, and public lands. If confirmed, I look forward to working with you and members of Congress on this important issue.

Questions from Senator Landrieu

Wild Horses:

107. In the past, the Bureau of Land Management (BLM) has consistently failed to live up to its own management goals to place the agency's Wild Horse and Burro program onto a sustainable fiscal course. The agency continues to place animals into costly holding facilities and has come short on its own goals with the number of mares treated with immunocontraception, which would present a less expensive and more cost-effective alternative to holding facilities. Moving forward, how do you plan to ensure that the BLM is on the right fiscal path in reducing the number of animals in holding facilities and meeting its goals with on-the-range management techniques like immunocontraception?

Response: Although I am not familiar with the details of the BLM's holding facilities or on-the-range management techniques, I know this is an issue about which you feel passionate. I have been told that the program's costs have increased over the years to address management needs and that the BLM is continuing research to find effective on-the-range population control techniques. I am also committed to exploring other strategies to control population and reduce holding costs. If confirmed, I look forward to working with you on cost effective and ecologically sustainable strategies for maintaining healthy herds and rangelands.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Schatz

108. Native Hawaiians are the only federally-recognized Native peoples without a government-to-government relationship with the United States. I appreciate the preliminary discussions we have had on this issue, including how we might work together with the Hawaii Congressional Delegation, Native Hawaiian leadership, and other stakeholders to address this lack of parity. Can Native Hawaiians count on your support should you be confirmed as Secretary of Interior to provide a true avenue for reconciliation?

Response: I know that this Administration supports a legislative solution to recognize a Native Hawaiian governing entity. If confirmed, I look forward to working with you, the members of the Hawaii Congressional Delegation, Native Hawaiian leadership, and other stakeholders to find a thoughtful and reasonable approach to recognize a Native Hawaiian governing entity.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Schatz

109. National parks, wildlife refuges, and other conservation lands are significant to our nation – environmentally, culturally, and historically. With that in mind, I support Chairman Wyden’s plan to advance a parks bill this Congress. I know you have firsthand knowledge of public lands across the nation including those in my home state. Can you please address why Hawaii’s public lands are important to both local and national interests.

Response: The Hawaiian Islands contain a wealth of natural resources, including the well-known geological features and plant and animal species found nowhere else in the world and cultural resources important to native Hawaiians, as well as others. The lands managed by federal agencies help protect and preserve these resources. Hawaiians benefit from the preservation of their own natural and cultural heritage and from the tourism these protected lands attract. All Americans benefit from ensuring that these nationally significant resources will be available to future generations.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Schatz

110. Following World War II, Micronesia, the Marshall Islands, and Palau were placed under the trusteeship of the United States, and within the last thirty years, entered into Compacts of Free Association with the United States. This allows migrants to travel to the United States without obtaining visas and benefit from various domestic programs including health care services. Medicaid reimbursements for Compact immigrants ended with the passage of the 1996 welfare reform bill, resulting in strained state budgets working to cover uncompensated health costs. Hawaii bears much of the cost of health services given our state's proximity to the COFA States. The state spent approximately \$114 million on all services offered to Compact migrants in 2010, including health care benefits.

As Lieutenant Governor, I worked on this issue and received commitments from Secretaries Salazar, Clinton, and Napolitano to work together to mitigate this unfair burden on my state. Will you commit to partnering with me to address this issue to ensure that the Federal government meets the commitment it made to Compact migrants?

Response: I am aware that this is an important issue for the State of Hawaii, and I look forward to learning more about it. If confirmed, I will work with you, other members of the Hawaiian Congressional Delegation, other federal agencies, affected areas, and the freely associated states to mitigate Compact impacts.

Questions from Senator Heller

111. It is estimated that outdoor recreation is responsible for \$646 billion of economic contribution, but we don't hear much about how roughly 40% of those dollars are generated by motorized recreation. Motorized recreation obviously relies heavily on access to trails and roads on public lands. In 2006 you lent support to the Governor of Washington State's efforts to oppose flexibility for the Roadless Area Conservation Rule. What, exactly, was your concern with the Bush Administration's proposal to give states more input in how public lands are managed, particularly as it relates to roads and trails?

Response: The Outdoor Industry Association engaged with the motorized outdoor recreation industry to include motorized recreation's important contributions to the economic impact of outdoor recreation in our country. Last year, I joined with leaders of the motorized community in announcing the results of this report at a meeting of the Western Governors Association. In 2006, when I joined Washington's governor at an event discussing the Roadless Rule, it was my understanding that this did not change existing allowed motorized access to these lands. As with all decisions regarding the multiple uses of our public lands, decisions must be made where motorized recreation should and should not be allowed on a case-by-case basis.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

112. As we have discussed, the mining industry is very important not only for Nevada, but for our nation. Mining provides key materials critical to U.S. manufacturing and economic growth. Unfortunately, the length of time it takes to get a permit to mine on federal land in this country is generally twice as long as in other major mining countries with similar environmental standards—it can take up to ten years. This puts us at a competitive disadvantage when trying to attract domestic investment and it increases our reliance on foreign sources of the building blocks necessary to our economy. Will you commit to reviewing the mine permit process and take steps to make permitting more efficient and the US mining industry more competitive?

Response: As I mentioned at the confirmation hearing, coming from the private sector, I understand that businesses need clarity and certainty - particularly certainty about what the rules are. If confirmed, I will work to ensure that mining permits are processed in a manner that follows legal requirements, including those set out in the National Environmental Policy Act, and that maximizes interagency efficiencies.

Questions from Senator Heller

113. Mining companies in my state say that DOI's clearance process for notices adds roughly a year to the already cumbersome permitting process that, as mentioned above, can already take up to ten years. In Nevada we can point to instances where mining project notices have waited over a year for Washington DOI staff to complete notice reviews—only to have no changes made between transmittal from the BLM state office to publication in the Federal Register. The delays and other uncertainties regarding the permitting process have contributed to an all-time low amount of mineral exploration dollars being invested in the United States and increased reliance on foreign supplies of minerals. For context, one mining company indicated that, for each month of delay, the company loses over \$1 million in net present value. We need to limit bureaucracy and end delays that result in lost federal, state and local revenues, fewer jobs, and lost opportunities. I have authored legislation to address this problem that would give DOI 45 days to complete the Washington review. If the review is not completed within the timeframe, the notice is deemed approved and the State BLM Office will send it directly to the Federal Register for publication. Will you commit to reviewing and improving this process, either by supporting my legislative proposal, returning the authority for these approvals to state BLM offices, or finding another mechanism to end needless and lengthy red-tape to the permitting process on public lands?

Response: As I mentioned in the response to the previous question and at my confirmation hearing, I believe clarity and certainty are important for efficient business operation. If confirmed, I look forward to working with the BLM to maximize program efficiency and will work to ensure the best business practices are implemented.

Questions from Senator Heller

114. The federal mineral estate comprises over 700 mineral acres, much of which is managed by the Department of the Interior. A key component of DOI's mission and strategic plan is to provide America with access to energy and minerals to promote responsible use and sustain our economy. Yet, despite the energy- and mineral-rich potential of our federal lands, approximately half of the federal mineral estate is either off-limits or under restrictions for mineral development. If you become Secretary of the Interior, how do you intend to ensure the department meets this particular goal?

Response: As I mentioned at my confirmation hearing, I believe we must take a balanced approach to all of the multiple uses of our public lands. Throughout my business career, my approach has been to bring together people who have different interests in an issue to help work out those differences. With regard to the use of public lands, regardless of whether it is hunters or anglers, mountain bikers, OHVers, mineral companies or others, it is important to get people to the table to work together to find common ground. If confirmed as Secretary, I commit to bringing that attitude and approach to the Department of the Interior.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

115. To follow up on our discussion yesterday regarding sage grouse habitat and wildfires, if you are confirmed, will you prioritize efforts to restore ecosystems and prevent wildfires? Will you actively support the treatment of public lands both to protect important habitat before and after wildfires start? Would you support giving Nevadans the tools to prevent the spread of fire to important sage grouse habitat, such as allowing a rancher to put out a fire on an allotment before it spreads out of control?

Response: As I noted at the hearing, I have not yet had the opportunity to become familiar with all of the details about wildfire management, including the BLM rules to which you referred at the hearing. However, you have my commitment that, if confirmed, I will look into this issue. I look forward to working with you and other members of Congress on addressing the issue in the future.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

116. As it relates to our previous discussions regarding the sage grouse, can I have a commitment from you that you will work with us to make sure that home-grown Nevada solutions will be used to prevent an ESA listing for the sage grouse in Nevada?

Response: If confirmed, I am committed to supporting both the conservation of Western wildlife and development of economic opportunities by supporting the Administration's ongoing work with the affected states, tribes, industry and other stakeholders. In general, I am sensitive to the concerns of farmers, ranchers, industry, private landowners, and other stakeholders with regard to proposed ESA listings and I believe that voluntary conservation agreements can help provide for species and habitat protection while giving stakeholders the flexibility needed to operate and reduce costs. If confirmed, I commit to working with states, tribes and other stakeholders to find ways to protect key wildlife habitat while ensuring that this and all ESA listing decisions are made based on the best available science.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

117. In Nevada, and across the country, the cost to permit events and activities on public lands has skyrocketed. For example, events hosted by non-profit organizations are being charged tens of thousands of dollars for permits that used to cost hundreds of dollars. This clearly discourages recreation on public lands. As a recreation advocate, do you think policies like excessive cost-recovery fees are good or bad for encouraging use and enjoyment of our public lands? Do you think we should have policies in place that encourage a variety of recreational uses of our public lands? What role do you see the expiration of Federal Lands Recreation Enhancement Act playing in issues surrounding the cost of recreating on public lands?

Response: As I mentioned at my confirmation hearing, I support multiple use of our federal lands and agree with you that policies should encourage recreational use of federal lands. While I am not familiar with the specific programs, I am aware that Interior agencies collect funds from permittees and others for certain recreational activities on federal lands. I understand that a majority of recreation fees are reinvested for the benefit of visitors at the collection site. If confirmed, I look forward to learning more about these programs and working with you and members of Congress on these important issues.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

118. Lake Mead is infested by quagga and zebra mussels. Given the consequences of infestation of these invasive species, what do you think the National Park Service can do to stop the proliferation of quagga and zebra mussels, particularly from moored watercraft without negatively impacting concessionaires?

Response: I know that invasive species are a growing problem in some of our Western waterways. I have been advised that the National Park Service currently carries out a multi-pronged effort to curb the spread of quagga mussels, including working to ensure inspection and cleaning of boats, outreach efforts, and better cooperation with state regulatory authorities. I am also aware that the NPS is working with the Nevada Department of Wildlife, the Arizona Game and Fish Department, other Departmental bureaus, universities, and private companies to identify the best control methods, improve monitoring techniques, improve information management operations, and secure resources to support these efforts. If confirmed, I will ensure that the NPS and other bureaus within the Department continue to focus on these important efforts.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

119. Last year, the Nevada Association of Counties wrote to Department of the Interior leadership regarding wild horses. They never received a response. Will you, please, see to it that they get a response in a timely fashion?

Response: Yes. If confirmed I will see to it that a response is provided.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

120. In the past, what criteria have you used to determine what activities are a threat to what you believe are special places?

Response: As a retailer with a broad array of customers who frequently share different opinions on issues and enjoy a wide-range of activities, REI respects that “special places” are defined differently by different people. On occasion, where activity conflicts have arisen, REI has acted as a convener, bringing people together to build a common understanding of each other’s positions to work towards a solution that respects differing points of view. If confirmed, I will bring that same inclusive philosophy to the Department of the Interior.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

121. Do you believe that the BLM does a good job at managing/protecting public lands? If so, what is the necessity of designating an area as a National Monument? Land managers already have the necessary tools available to protect and preserve our public lands, and are required to work with all stakeholders as they develop management plans. Do you think it is the wisest use of federal time and resources to undercut existing processes by using Administrative action to functionally take management tools away from managers and to forgo engaging the public?

Response: Both Republican and Democratic presidents have designated over 130 National Monuments in order to protect and conserve objects of historic or scenic interest at some of America's most special places. If confirmed, I am committed to continuing this Administration's public engagement and the involvement of local communities as an important part of considering any new designation.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Heller

122. DOI has made a habit of holding what are referred to as “public meetings,” that do not represent the broad array of stakeholders. Will you commit that, if confirmed, you and your staff will make every practical effort – which includes reaching out to relevant local officials – to engage a true representation of stakeholders for any public meeting that you or your staff arrange and hold?

Response: If confirmed, I commit to engaging with a broad array of stakeholders in the decision-making process.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

123. Please provide a list of all policy positions, legal actions or threats of legal action, press releases, policy analyses, public statements, or public comments (including but not limited to public comments submitted during any rulemaking or environmental review process) made by the National Parks Conservation Association (NPCA) during the time you served as a member of the board of trustees with which you disagreed or took an opposing view.

Response: The NPCA was established in 1919, just three years after the creation of the National Park Service. I joined the NPCA board because I believe in its overall mission: To protect and enhance America's National Parks for present and future generations. As a general policy, the roughly thirty bipartisan members of the NPCA board do not vote on or approve each policy position, legal action, press release, public statement, or public comment. Therefore, it would not be possible for me to say that I completely agreed or disagreed with every such activity by the NPCA.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

124. Please provide a short explanation of what action you took as a member of the board, if any, to articulate your disagreement with the policy positions, legal actions, press releases, policy analyses, public statements, or public comments (including but not limited to public comments submitted during any rulemaking or environmental review process) made by NPCA or officials with NPCA.

Response: As mentioned in my previous answer to Question 1, as a general policy, the roughly thirty bipartisan members of the NPCA board do not vote on or approve each policy position, legal action, press release, policy analyses, or public comment. Therefore, it would not be possible for me to say that I completely agreed or disagreed with every such activity by the NPCA.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

125. Please provide a list of all policy positions, legal actions or threats of legal action, press releases, policy analyses, public statements, or public comments (including but not limited to public comments submitted during any rulemaking or environmental review process) made by NPCA during the time you served as a member of the board of trustees with which you now disagree or oppose.

Response: As mentioned in my previous answers, as a general policy, the roughly thirty bipartisan members of the NPCA board do not vote on or approve each policy position, legal action, press release, public statement, or public comment. Therefore, it would not be possible for me to say that I completely agree or disagree with every such activity by the NPCA.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

126. In his State of the Union Address, President Obama said that his “administration will keep cutting red tape and speeding up new oil and gas permits.” If confirmed, what would you do to speed up oil and gas permitting on Federal public lands? Please address whether you would: (1) expedite the leasing process; (2) expand the use of categorical exclusions under NEPA; (3) eliminate the requirement for Master Leasing Plans; and (4) deploy “strike teams,” such as those used in North Dakota, to reduce permitting backlogs.

Response: Coming from the private sector, I understand that businesses need certainty. From my on-the-ground experience with oil and gas operations, I agree with this Administration that the energy resources that the oil and gas industry helps to produce are vital to our nation’s economy. I also agree that development of our nation’s energy resources must be conducted in a safe and environmentally responsible manner. I understand that at the President’s direction, Secretary Salazar has instituted reforms to the BLM’s oil and gas leasing programs, and that leasing reforms have included an improved methodology for permit processing. If confirmed, I will continue to strive toward maximizing program efficiency to ensure that best business practices are implemented to efficiently process pending permit applications consistent with safety and environmental requirements.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

127. BLM prepares a separate environmental impact statement (EIS) for uranium production that duplicates the EIS prepared by the Nuclear Regulatory Commission (NRC), acting as the lead agency, and BLM, acting (at least ostensibly) as a cooperating agency. A. Is it a reasonable use of BLM's financial and human resources to prepare duplicative EISs when there is a memorandum of understanding that clearly defines BLM as a cooperating agency for an EIS prepared by the NRC? B. If confirmed, will you end the practice of BLM preparing duplicative EISs and direct BLM to fully engage the NRC in the preparation of its EIS? If not, why not?

Response: While I do not know the specifics of this issue, my experience in business has been to try to increase efficiencies in processes that save both time and money. If confirmed, I would seek to do this at the Department of the Interior and its bureaus. I would also work with others in the Administration to streamline processes, within statutory and regulatory requirements, with other federal agencies.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

128. Over the last few years, the Department has expedited environmental impact statements under NEPA for a number of large scale renewable energy projects on Federal public lands. If confirmed, what steps, if any, would you take to expedite environmental impact statements for large scale coal, oil and gas, and uranium projects on Federal public lands.

Response: As I stated in response to the previous question, I would seek efficiencies to processes that save both time and money, streamline processes both at the Department of the Interior and its bureaus and with other federal agencies. I understand the importance of providing certainty when it comes to making land management decisions that affect the private sector and the public. If confirmed, I will work within the public processes of the National Environmental Policy Act and fully engage elected officials, industry, and all of the many and varied users of the public lands to address the need for robust domestic energy production.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

129. Do you support the production of oil from oil shale on Federal public lands, such as those in the Green River Valley in the States of Wyoming, Utah, and Colorado? If so, what steps, if any, will you take to encourage research, development, and demonstration of new oil shale production technologies on Federal public lands?

Response: I am hopeful that the current research, development and demonstration leases issued by the Department will help to answer questions that remain about commercial scale oil shale development. If confirmed as Secretary, I would work to ensure that lessons learned from the existing RD&D leases are fully incorporated into any decisions about the future of the oil shale program.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

130. What role, if any, do you believe low-sulfur coal from the Powder River Basin should play in our nation's energy portfolio?

131. What role, if any, do you believe low-sulfur coal from the Powder River Basin should play in the world's energy portfolio?

Response to 130 and 131: I support the President's "all of the above" energy strategy and that the continued development of conventional energy sources, including coal, remains an integral part of that mix. If confirmed, I pledge to ensure the responsible development of our nation's coal resources while protecting the environment on which our communities depend for their health, safety and way of life.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

132. Delays in publishing notices in the Federal Register has discouraged investment and job creation on Federal public lands. This is particularly true in the context of coal and hardrock mineral production. These delays are a result of an existing administrative requirement that BLM State, District and Field Offices obtain approval from the BLM Washington Office before submitting notices for publication. If confirmed, what steps, if any, will you take to ensure notices are published in the Federal Register in a timely manner?

Response: As I have mentioned previously, I believe clarity and certainty is important for efficient business operation. If confirmed, I look forward to working with the BLM to maximize program efficiency and will ensure that best business practices are being utilized.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

133. If confirmed, will you merge the Office of Surface Mining and the Bureau of Land Management? If so, please explain in detail the costs incurred as well as the savings expected in merging the two agencies. Please also explain the impacts, if any, to the Abandoned Mine Land program.

Response: It is my understanding that the Department has no plan to merge OSM and BLM, but is working to maximize administrative efficiencies between the agencies. If confirmed, I will ensure that the Department will keep you informed.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

134. On January 19, 2013, the following public comment was submitted to the U.S. Army Corps of Engineers on the proposed Gateway Pacific Terminal/Custer Spur: “We are members of Grand View Beach Water Association, the first residential community downwind and downshore from Cherry Point, on Point Whitehorn. Our domestic water well, 112 feet deep, has served us, currently 15 families, great water over many decades. We are concerned about the negative impacts of a huge coal terminal and the fugitive toxic coal dust it will spread to our well area. We are also concerned about ground water intrusion carrying toxic pollution from the millions of gallons of water that would be used to water down the coal piles. The elevation of the coal piles would be only 30 to 40 feet above the level of our water source. Please study the impacts of the potential ground water pollution of our water source. Thank you. President Scott Slagle, Diane Slagle, Sec. Rick Hann, Sally Jewell, Lynne and Brian Thompson, Kristen Ginchereau, Sharon Bridges, Bruce and Lynne Shelton, and others.” Are you the Sally Jewell referenced in this public comment? (If so, I reserve the right to ask additional questions on matters related to coal export terminals.)

Response: No. I have no knowledge of this organization.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

135. As Secretary you will oversee the Bureau of Land Management. The BLM has a multiple use mission as set forth in the Federal Land Policy and Management Act of 1976 to manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting. What actions are you going to take as Secretary to ensure that the BLM meets this statutory multiple use mandate?

Response: As I noted at my hearing, I believe we must take a balanced approach to all of the multiple uses of our public lands. Throughout my business career, my approach has been to bring people who have different interests in an issue together to help work out those differences. With regard to the use of public lands, regardless of whether it is hunters or anglers, mountain bikers, OHVers, oil and gas development companies, or others, it is important to get people to the table to work together to find any common ground. If confirmed as Secretary, I commit to bringing that attitude and approach to the Department of the Interior.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

136. Do you perceive uses of public lands have an order of priority? Please describe your philosophy regarding your congressionally mandated responsibility to manage for multiple-uses on public lands.

Response: I am aware that the Federal Land Policy and Management Act of 1976 (FLPMA) directs the BLM to manage the nation's public lands on the basis of multiple use and sustained yield so that they are utilized in ways that best meet the present and future needs of the American people. If confirmed as Secretary of the Interior, I intend to fully carry out the direction in FLPMA. As I indicated during my confirmation hearing, in exercising my authority on these matters I think that it is important to look at issues on a case-by-case basis and to understand and appreciate the multiple uses of the lands involved and their value to the users, the local communities, the region, and our nation.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

137. Multiple use clearly means use (such as ranching, mining, oil and gas development, timber production, all forms of recreation, etc.) in addition to scenic and conservation purposes. How do you define multiple use and sustained yield beyond the statutory definition?

Response: I am aware that FLPMA defines multiple use management on federal lands to allow for management in perpetuity for the benefit of present and future generations. Millions of acres are managed under FLPMA for varied uses that reflect local, regional, and national interests. Each area has a unique set of resources and relationship with the American people, and some areas are subject to further direction by Congress, the President, or the Courts. If confirmed, I look forward to applying my varied career experiences to ensure that we meet the challenges and promise of multiple-use management on our nation's public lands.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

138. What role do you believe state and local governments play in defining the appropriate multiple use and sustained yield standard within their jurisdictions?

Response: As I mentioned during my confirmation hearing, I am committed to public engagement and connecting with state and local communities. The Department of the Interior and the BLM seek and welcome input from cooperating agencies, such as state, tribal and local governments, during the land-use planning process and in the course of evaluating other land use and resource management decisions. If confirmed, I look forward to working with a variety of partners in the management of the nation's public lands.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

139. Do you believe we are moving away from multiple use to single use management of our public lands?

Response: As I noted in response to a previous question, millions of acres are managed under FLPMA for varied uses that reflect local, regional, and national interests. Each area has a unique set of resources and relationship with the American people, and some areas are subject to further direction by Congress, the President, or the courts. If confirmed, I look forward to applying my varied career experiences to ensure that we meet the challenges and promise of multiple-use management on our nation's public lands.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

140. BLM managers undertook a review of Wilderness Study Areas and found many of these areas unsuitable for designation as wilderness; however, these lands continue to be managed in a restrictive fashion as WSAs. As Secretary, would you support the clear direction and recommendations of BLM officials to release these areas to allow for suitable management for multiple uses?

Response: It is my understanding that only Congress can resolve the status of Wilderness Study Areas (WSAs). If confirmed, I would welcome the opportunity to work cooperatively with Congress toward a thoughtful, constructive resolution of wilderness designation and WSA release that reflects current local conditions, community interests, and national priorities.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

141. On December 23, 2010, Secretary Salazar announced Secretarial Order 3310 in front of REI's flagship store in Denver. This order created the Wild Lands policy which would restrict multiple-use access to Federal public lands. Congress has since defunded the Order. However, the Order is still on the books. If confirmed, will you commit to officially withdrawing the defunded Secretarial Order?

Response: I understand that, in response to the congressional action, Secretary Salazar confirmed that the BLM will not designate any lands as Wild Lands under Secretarial Order 3310, and that the provisions in that order regarding the designation of Wild Lands are not operative and cannot be implemented. I intend to uphold Congress' direction with respect to this Secretarial Order.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

142. On May 24 of last year, Interior Secretary Salazar signed Secretarial Order 3321 establishing the “National Blueways System.” This system, according to the Secretarial Order would –

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

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

Do you support the use of Secretarial Orders to create new land and water designations?

If confirmed, will you commit to immediately repeal Secretarial Order 3321?

If confirmed, will you in the future bring such proposals to Congress that create new land and water designations so that we may consider them through the normal committee process and with public transparency?

Response: As I stated at my hearing, if confirmed, I commit to bringing multiple stakeholders to the table, and to ensuring that the actions I take are well informed, transparent, fair, and accountable.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

143. Federal law is commonly viewed under this hierarchy: (1) the U.S. Constitution, (2) federal statutes, (3) executive orders, and (4) agency rules and regulations. However, a fifth general classification has come to exist and permeate the executive branch: guidance documents. Guidance documents include Secretarial memorandums, Secretarial orders, manuals, handbooks, policy initiatives, legal counsel opinions and legal interpretations, and other similar documents. What are your viewpoints with regard to this hierarchy, specifically the role of Congress to establish policy, and the role of agency guidance?

Response: I understand that agency guidance documents serve a necessary, but limited function addressing technical issues or providing additional context regarding statutory or regulatory issues. Guidance documents can frequently provide certainty and clarity for industry and other interested parties. Used properly, guidance documents can help channel the discretion of agency employees, increase efficiency, and enhance fairness by providing the public clear notice of agency policy while ensuring equal treatment of similarly situated parties. If confirmed, I would follow applicable standards for the development of guidance documents that are well informed, transparent, fair, and accountable.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

144. It has been reported you personally contacted Senators and asked for full funding for the Land and Water Conservation Fund (LWCF). As originally enacted, the LWCF required that 60 percent of annual appropriated funds be directed to the states to address local recreation needs and support state parks. Unfortunately, over the last 25 years, the stateside account has received an annual average of only 11 percent of LWCF funding. Would you support an equitable distribution of at least 40% of LWCF funds to the stateside account?

Response: I believe the Administration and Congress should work together to adequately fund the programs in the Land and Water Conservation Fund with a balance of funding for federal, state and local engagement and collaborative efforts to achieve conservation goals. In recent years, funding for the program has declined, reducing opportunities to secure a conservation legacy on local, state, and federal lands for future generations as intended by this visionary legislation enacted by Congress in 1965.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

145. The LWCF Act will be up for reauthorization in 2015. Will you pledge to work with Congress and state and local parks and recreation officials to make appropriate changes to the Act to restore the original intent of the fund?

Response: As I stated at my confirmation hearing, I believe that the Land and Water Conservation Fund has been a critical tool in making resources available for recreation. Conservation of our natural resources -- both wildlife and the protection of important lands -- and our outdoor heritage, including hunting and fishing, remains essential to Americans' quality of life and to our economy. If confirmed, I look forward to working with you and other members of Congress on this important issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

146. Do you support the current BLM efforts to round up excessive wild horse populations to prevent environmental damage and overgrazing?

Will you support renewal of the consent decree between the State of Wyoming and the BLM? If not, why?

Response: While I understand that the Wild Horse and Burro Act requires BLM to use gathers to remove excess horses from the range and to ensure a thriving ecological balance on the lands in question, I believe healthy western landscapes include those that support wild horses and burros, grazing, wildlife, recreation, and other activities. If confirmed, I look forward to working with you and bringing a variety of stakeholders to the table to promote the responsible management of public rangelands. Regarding the consent decree mentioned in your question, I am not familiar with its details, but if confirmed I commit to learning more about this issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

147. What are your thoughts on administrative or policy changes that would improve the implementation of the 1971 Wild Horse and Burro Act to reduce cost and improve compliance with Appropriate Management Levels in the west?

Response: I am aware that the Wild Horse and Burro program at the BLM poses unique challenges. I understand the BLM is continuing to develop and implement targeted policy changes and is working to find ways to make the program sustainable within the existing statutory framework. If confirmed, I look forward to working with you to better understand the issues and complexities surrounding the program in order to strengthen and improve implementation of the Wild Horse and Burro program.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

148. Do you support the disposal of federal lands identified for such in the BLM's Resource Management Plans?

Response: I am informed that the BLM preliminarily identifies lands for disposal through its land use planning process, but that additional review, appraisals, surveys, and public participation are necessary before these lands can be sold or exchanged. If confirmed, I look forward to working with the BLM to ensure that these processes work for the benefit of the public, stakeholders and interested parties.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

149. During these times of fiscal limitations, do you believe the Interior Department should prioritize the maintenance and safety of existing land holdings or the acquisition of new land?

Response: I understand that there are many competing priorities for limited resources. And importantly, acquisitions are often done for management efficiency reasons, helping to secure public land in-holdings, or consolidating land holdings to make management easier and cost less. I also understand that the funding proposed by the Administration for federal land acquisition is part of a strategy that reflects the President's agenda to protect America's great outdoors, including acquisitions to improve access, and demonstrates a sustained commitment to a 21st century conservation agenda. There is a balance between addressing the most urgent needs for recreation; species and habitat conservation; and the preservation of landscapes and historic and cultural resources, and addressing the deferred maintenance backlog. Should I be confirmed as Secretary, I look forward to working with you and other members of Congress to address this important issue.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

150. The USFWS made a determination that the Shoshone NF is “occupied” lynx habitat based on one “potential” track in the snow in 2008-2009 and one confirmed track in the winter of 2004-2005. The effect of that determination is that 597,000 acres of the Shoshone NF are managed as lynx habitat, with restrictions on precommercial thinning and other forest management. Would you commit to a FWS review of that determination?

Response: I am not familiar with this specific issue, but if confirmed, I commit to reviewing it with the FWS.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

151. The USFS amended most of the forest plans in Wyoming through the Northern Rockies Lynx Amendment and the Southern Rockies Lynx Amendment as a result of the USFWS listing of lynx under the ESA. One of the specific effects has been to restrict precommercial thinning of young, regenerated stands because they would potentially provide snowshoe hare habitat, which is a primary prey for lynx. That was intended to be short-term direction, but neither the FS or FWS plan have shown any intent to review that direction. Would you commit to the FWS working with the FS on a plan to review that direction?

Response: As noted in the response to the previous question, if confirmed, I commit to reviewing this issue with the FWS.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

152. The Bureau of Land Management (BLM) Public Domain (PD) lands include approximately 58 million acres of forests and woodlands. The President's FY 2013 Budget proposed a significant reduction in the BLM PD Forestry Program, including the following (comparisons from FY 12 enacted to FY 13 President's Budget):

funding from \$9.7 million to \$6.3 million -woody biomass sold from 110,000 green tons to 55,000 green tons -timber products sold from 30 million board feet to 12 million board feet -FTEs from 84 to 50 -stewardship contracts from 35 to 7 - restoration treatments through sales from 21,700 acres to 5,500 acres -fuelwood and non-timber permits from 23,000 to 12,000 -treatment acres from 16,000 to 4,000 - timber-related economic activity from \$266 million (2010) to \$180 million

The effects would include lost jobs in forest products companies, reduction of economic outputs from local businesses, increased susceptibility to insects, disease and wildfires, and potentially increased costs of fire suppression and environmental effects. Would you agree that reducing the BLM's PD forestry program should be reviewed and reconsidered?

Response: I am not aware of the specific details of the 2013 budget request for the Public Domain (PD) Forestry Program in the Bureau of Land Management. I appreciate your concern over the potential impacts to economic output and environmental consequences associated with a budget reduction. If confirmed, I will investigate the status of the PD forestry program and evaluate the status of this and other BLM programs.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

153. Do you agree that the delisting of the wolf in Wyoming, Idaho and Montana was a success story for the Endangered Species Act?

Response: Yes, I believe that the delisting and the return of healthy populations of the wolf to the Northern Rocky Mountains is a success story, and one that I believe is a positive result of the cooperation of states, tribes, and many partners to bring about the recovery of this species.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

154. Do you agree that Wyoming's delisting deserves the same legal protections from judicial challenges that Idaho and Montana already have?

Response: I am told by the FWS that the successful recovery of the species is a reflection of outstanding cooperative work among the states of Wyoming, Idaho, and Montana, tribes, many partners, and the federal government. I understand that the FWS has full confidence that the Wyoming management plan is legally defensible and that the states' plan will ensure the sustained recovery of the species.

Written Questions
Jewell Confirmation Hearing
Senate Energy and Natural Resources Committee
March 7, 2013

Questions from Senator Barrasso

155. Do you believe a species should be listed as endangered or threatened under the Endangered Species Act if the only reason the species is in decline is a finding that the species is under threat due to anthropogenic, man-made climate change?

If so, and since the ESA is a U.S. statute, what measures can the U.S. do unilaterally that will guarantee the recovery of that species?

If U.S. action alone cannot guarantee the recovery of a species, why should such a listing occur if there are communities and families that will be negatively impacted by that species designation in terms of job losses or public safety concerns?

Response: I understand from the FWS that the statute does not differentiate threats on this basis when it comes to listing decisions, but requires that a species be listed as endangered, if the FWS determines that a species is in danger of extinction throughout all or a significant portion of its range. It is to be listed as threatened if the FWS finds the species is likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range. While the Department and the FWS must fully implement all applicable federal laws to protect listed species, the recovery of any listed species cannot be guaranteed. If confirmed, I will commit to ensuring that all Endangered Species Act decisions continue to reflect the best available science.