

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Chairman Wyden

**1. The rules of the Senate require this and other committees to review and study, on an ongoing basis, the performance of agencies, the administration of existing laws, and the need for additional legislation within the each committee's jurisdiction. The effective performance of the Committee's legislative and oversight functions requires a timely flow of information from the agencies under its jurisdiction in response to its questions and document requests. Unfortunately, the Department has not always responded as promptly as it could to the Committee's needs. For example, the Department has yet to respond to questions stemming from its hearing on revenue sharing last July. In addition, I am enclosing a letter from Senator Markey identifying two requests from over a year ago. If confirmed, will you ensure that our questions are promptly answered?**

**Response:** I understand the importance of the Committee's oversight role and the Department's relationship with the Committee. If confirmed, I will work to ensure that the Department promptly responds to the Committee's requests.

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**2. Through the Department's WaterSMART Program and the SECURE Water Act, DOI partners with local governments and non-governmental organizations to strengthen our scientific understanding of water availability while working to secure and stretch water supplies for the future. As you know, water is needed to develop and generate energy, and energy is needed to transport, treat and heat water. While the programs I mentioned recognize that water and energy are inextricably linked, their scope is limited to DOI. What can we do to integrate water and energy policies on a larger scale-- both within the federal government and with state, local and tribal governments as well as the private sector?**

**Response:** Energy and water issues are intersecting with more frequency and intensity across a range of Interior activities, including hydropower generation, energy extraction, thermoelectric cooling; and water management, distribution, and treatment. Accordingly, energy and water issues are at the core of Interior's responsibilities and priorities and we continue to make progress in developing policies that account for this linkage. Further, Interior stands ready to work with other agencies on energy-water nexus issues where mission responsibilities overlap to leverage federal resources for science and technology development, developing best practices, and promoting data sharing across both the government and the private sector. In my view, one particular area of focus should be water availability and associated data gaps; better data on water availability is needed in order to assess the trends and potential vulnerabilities associated with water use for energy development.

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**3. In your opinion, what are key institutions that are involved in policy making on the energy, water nexus?**

**Response:** At the federal level, the Department, the Department of Energy, and other federal agencies such as the Environmental Protection Agency and Army Corps of Engineers are key institutions. States have lead control over water allocation and use and energy development on non-federal lands. Private enterprise is responsible for most energy development and electric generation, but local, tribal, and private entities are key partners. The Council on Environmental Quality encourages coordination and participation by both public and private entities. The Department also works with other agencies on an issue-specific basis to coordinate on energy-water initiatives. The 2010 MOU among Interior, Energy, and the Army Corps of Engineers on hydropower and non-hydro renewable energy is an example of collaboration and shared resources to better integrate federal programs and policies and facilitate private renewable energy development.

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**4. Federal Trust Responsibility to Native Americans – The federal government’s commitment to tribal sovereignty and the individual well-being of Native Americans, combined with the obligation to manage Indian lands and funds, is commonly referred to as the federal trust responsibility.**

**a. What is your understanding of the federal trust responsibility to Native Americans? Specifically, how far do you think this trust responsibility extends with respect to the overall welfare of tribal members?**

**Response:** With an extensive background in Federal Indian law, I understand that the government’s trust responsibility is a moral and legal obligation to protect tribal rights, lands, assets, and resources as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska native tribes and villages. I also understand that, while the United States’ trust responsibility is government-wide, the Department is often the primary agency charged by law with meeting the trust responsibility to Native Americans and Alaska Natives.

**b. How would you ensure that tribal interests and the Indian Trust responsibility are not sacrificed in favor of competing priorities within the Department?**

**Response:** Both President Obama and Secretary Jewell have pledged to Indian Country that in this Administration, American Indians and Alaska Natives will have an important voice in the policy and decision making affecting Indian Country. If confirmed, I plan to continue their good work and ensure that the Department upholds this trust responsibility and continues to make it a priority.

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**5. Arctic Development – The Department is currently working on several proposals that would impact oil and gas development in the Arctic including broad-based Arctic-specific standards, updated air program regulations, and a joint effort with NMFS to support incidental harassment authorizations.**

**a. What is your position with respect to oil and gas development in the Arctic?**

**b. What role do you envision playing in oil and gas development in the Arctic, if confirmed?**

**c. What is the status of the pending lease sales in the Arctic – in 2016 and 2017 – and how would you manage them?**

**Response:** I am fully supportive of the Administration's commitment to facilitating a targeted, comprehensive, science-based approach to energy policy in the rapidly changing Arctic. If confirmed, I look forward to working with Secretary Jewell and our team at Interior to continue to implement this principle with decisions informed by the best available science and developed with wide and sustained stakeholder engagement and public input. Transparency and accountability are paramount to achieving outcomes that reflect the interests of those most affected by our actions in the Arctic and in all of our decision-making. I would look forward to a strong partnership with you and this Committee to those ends. I am not familiar with the specific status of future lease sales in the Arctic, but I am aware that they are being planned pursuant to the current 5-year plan. If confirmed I would be happy to work with my colleagues in the Bureau of Ocean Energy Management to address your concerns.

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**6. Revenue-Sharing – Senator Landrieu and I introduced the FAIR Act earlier this year to extend revenue sharing to all coastal states with energy development off their shores. This includes renewable energy, and our bill would also include renewable energy in the existing onshore revenue sharing program.**

**a. Please describe the Administration’s position on the concept of revenue sharing for coastal energy-producing states.**

**b. At a legislative hearing on the FAIR Act earlier this year, the written testimony of the Administration witness – from the Department of the Interior – noted that the Administration “cannot support the bill.” Please describe the type of revenue sharing legislation the Administration would be willing to support.**

**c. If confirmed, will you work with us to advance the FAIR Act?**

**Response:** I know that the Administration is mindful of the long-held view that coastal states should share the benefits of energy development that takes place offshore and currently implements statutory revenue sharing under existing law. With respect to future legislation, the Administration’s testimony on the FAIR Act outlines several principles that are key to any potential agreement on how to proceed. I know this is an issue that you care deeply about and, if confirmed, I commit to meeting with you in an effort to find any common ground that may exist and to work toward a path forward.

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**7. Alaska Native Claims Settlements – In 1971 Congress passed the Alaska Native Claims Settlement Act that promised Natives 45 million acres of lands in return for extinguishment of their aboriginal land claims. Currently, BLM still needs to convey 1.9 million acres of those lands by interim conveyance and survey and patent nearly 13 million more to complete the settlement. In addition, BLM still owes the State of Alaska 5.1 million (interim conveyance) of its 104 million acres promised at Statehood in 1959, and needs to finish surveying and patent on 43 million of those acres. The Department in recent years has proposed to cut funding for these land conveyances.**

**a. What is your view of the Department’s role in completing these land conveyances?**

**b. How will you address the budgeting for the work?**

**Response:** The Department is committed to completing the transfer of lands to Alaska Natives, Corporations, and the State as required by ANSCA. To accomplish this, I understand that the Bureau of Land Management is implementing improvements in how it manages the Alaska conveyance program to reduce costs. If confirmed, I commit to working with BLM to ensure that completion of these land exchanges moves forward as quickly as possible.

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**8. ANWR / 1002 – The State of Alaska has submitted a comprehensive exploration plan for seismic surveys in the 1002 area of ANWR to the USFWS. This kind of exploration is badly needed to update our understanding of the country’s natural resources, and the State has shown that it is willing to take the lead on financing and driving the effort. Despite the advanced technology and extremely minimal impact on the environment detailed in the plan, the USFWS has not even reviewed the substance of the plan, but instead claimed the clear language authorizing these plans in ANILCA Section 1002(e) is expired.**

**a. Why hasn’t the USFWS considered an interpretation of the law that would allow for more scientific information to be gathered for the benefit of the nation as a whole?**

**b. Can you commit to partnering with the State to collect up-to-date information about the natural resources in ANWR to better inform Congress about its value to the nation?**

**Response:** While I am not intimately familiar with this issue, I understand that, based on long-standing legal interpretation, the FWS has found that the underlying statute and its 1983-84 implementing regulations bar it from considering the exploration plan and permit application. Should I be confirmed, I commit to maintaining the strong interagency and intergovernmental partnerships that the Department and its bureaus have established to share vital information about the resources we manage on behalf of the American public.

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**9. Legacy Well Cleanup – The federal government between 1944 and 1981 drilled 137 exploration oil and gas wells in northern Alaska, most in the National Petroleum Reserve-Alaska. There are over 100 legacy wells drilled in the NPR-A by the federal government that are un-remediated and in need of clean-up. The government, however, has properly plugged, capped and cleaned contaminated soils from around just 18 of those wells. If these wells had been drilled by the private sector, companies would owe the State of Alaska approximately \$40 billion in fines. This winter the Administration, as part of its budget proposal, sought to take back Alaska’s 50 percent share of oil and gas revenues for use to pay for cleanup. That is totally unacceptable to Alaska. The federal government has a responsibility to complete this remediation.**

**a. Will you work within the Department to properly budget for the cleanup of these wells and keep this work on schedule?**

**b. Can you commit to prioritizing legacy well clean-up using federal funds to meet this federal obligation?**

**c. Would you be willing to work with the EPA to explore common sense solutions to these wells, including potentially through the use of Clean Water Act compensatory mitigation programs?**

**Response:** Yes, if confirmed I will work with BLM to ensure that there is appropriate budgeting for the cleanup of these wells. I understand that BLM has developed a multi-year strategic plan for the clean-up and that implementation of the plan will be addressed using federal funds. If confirmed, I would be willing to work with the EPA to look at solutions for clean-up of these wells.

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**10. Interagency Working Group on Alaska Energy – Deputy Secretary Hayes was intimately involved in the Interagency Working Group on Alaska Energy. This group is vital to bringing the appropriate parties to the table to move large infrastructure and development projects forward. The group will also be important to any national Arctic strategy efforts. Despite this group’s exclusive focus on Alaska, state officials and experts have had to push for their involvement and input in the past.**

- a. What are the Department’s plans for this group’s work product in the future?**
- b. If confirmed, what level of involvement will you have with the Group?**
- c. Will you commit to consulting with the State of Alaska so that those who are most experienced and affected by the working group’s decisions can directly participate?**

**Response:** The Department is actively engaged in efforts to support the Administration’s commitment to facilitating a comprehensive, science-based approach to energy policy in the rapidly changing Arctic. I know that the Interagency Working Group on Alaska Energy was established by Executive Order to coordinate federal agencies responsible for overseeing the safe, responsible, and efficient development of onshore and offshore energy in Alaska with a focus on interagency coordination, information sharing, science-driven long-term planning and stakeholder engagement. If confirmed as deputy secretary, I will serve as Chair of the Working Group.

I believe that it is imperative for the exploration and development of Alaska’s immense natural resources to be rooted in strong federal, state and Native partnerships, robust public input and inclusive and transparent planning. If confirmed, I will work with Secretary Jewell and our team at Interior to build upon the good work of my predecessor, David Hayes, in promoting resource management decisions in the Arctic that integrate science-based, cultural, environmental, and economic factors, as well as consultation with the State and all interested stakeholders. Further, our efforts will align with the related efforts in developing the National Strategy for the Arctic Region and ensure that these resources are explored and developed safely and responsibly and in a manner that respects traditional knowledge of Native communities and benefits local communities without compromising the region’s rich and fragile ecosystems.

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**11. BLM Land Use in Alaska – The Bureau of Land Management has undertaken a variety of troubling actions that are increasingly limiting uses on the enormous amount of “multiple-use” BLM lands in Alaska. These lands are to be managed for the public so that the people of the country can use the lands in a variety of ways.**

**a. Can you commit to expanding rather than restricting the rights of Alaskans to access and use their federal lands?**

**Response:** I am committed to working closely with stakeholders in the State to maintain legal access to public lands for multiple uses and expand that access where appropriate. It is the responsibility of the Department of the Interior to sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of current and future generations. This is especially true in Alaska, where a large percentage of the land is managed by the federal government and the resources are so vital to the economy of the State and to the people, including Alaska Natives.

**b. In this same vein, BLM has recently claimed that access cannot be granted to state-selected BLM lands for mining exploration. This reverses thirty years of existing policy and limits both private businesses and the State from delineating valuable natural resources on these lands. Can you commit to addressing this access problem and supporting the State’s interests in mineral exploration?**

**Response:** If confirmed, I will work closely with the Department’s Solicitor’s Office and the BLM to expedite review of the Secretary’s authority to issue permits on State-selected lands.

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**12. EPA Raid – The most troubling example of federal overreach is the recent raid on Alaskan miners led by the EPA’s environmental crimes unit.**

**a. What role did DOI have in this raid, including information sharing or planning assistance?**

**Response:** While I am not familiar with this issue, I am told that the EPA-led Fortymile River initiative was a joint federal-State effort to identify and investigate reported mining-related water quality violations in the Fortymile Mining District. Participating agencies were the EPA; the Alaska Department of Environmental Conservation, Environmental Crimes Unit; and the Alaska Department of Law, Office of Special Prosecutions; the BLM; and U.S. Attorney’s Office for the District of Alaska. I am advised that four BLM law enforcement officers participated in the operation. The BLM’s field station in Chicken, Alaska, served as a staging area and a BLM fixed-wing aircraft was used to fly over the area.

**b. What knowledge did DOI have of this raid before it was carried out?**

**Response:** The BLM has advised me that, as a member of the joint federal-State team, BLM’s Office of Law Enforcement and Security participated in the operation.

**c. How was it determined that these extreme methods should be used for this raid?**

**Response:** I understand that a total of eight federal and State law enforcement officers were on the ground during the operation, divided into two teams of four. Two members of the team contacted the mining claimant to explain the purpose of the visit while the other two members of the team took water samples. I am told that at the conclusion of the operation, both ground teams reported cordial interactions with virtually all the claimants/operators contacted.

**d. Was BLM or DOI involved in this decision making? If so, please describe in detail how and why either agency was involved.**

**Response:** As a member of the federal-State team, the BLM’s Office of Law Enforcement and Security participated in the operation.

According to the BLM, the Fortymile Mining District lies within the Fortymile River drainage, portions of which are a designated National Wild and Scenic River managed by the BLM, and the area contains dozens of federal and State mining claims with the BLM responsible for administering the federal claims. While the EPA has primary authority for enforcement of the Clean Water Act, the Department is responsible for enforcement

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Ranking Member Murkowski – Response to Q. 12 cont.

of environmental laws and regulations related to mining impacts on BLM-managed resources, including mining activities conducted under BLM-issued permits.

**e. What policies would you implement at DOI to ensure that these kinds of dangerous and threatening raids are not carried out by the agencies you would be responsible for in the future, if you are confirmed?**

**Response:** If confirmed, I would work with the BLM and other Interior bureaus to ensure that they closely coordinate and communicate with state and local authorities and use their enforcement authority appropriately.

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**13. RS 2477 Trails – Recognizing that numerous RS 2477 trails have historical and factual questions that need resolution and will likely be litigated, still, there are many trails that the State and BLM agree are both valid and open.**

**a. For RS 2477 trails upon which both the State and BLM agree are valid and open, can BLM use a recordable disclaimer of interest process to simplify their use? If not, why not? If so, can you commit to using a recordable disclaimer of interest process?**

**Response:** I am aware that the Department, through the BLM, is trying to build a constructive, inclusive solution to the issue of RS 2477 rights-of-way. I am committed to continuing this approach, which may help establish a model for consensus-based problem solving that can be applied to resolve any potential future RS 2477 claims.

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Senator Landrieu

**14. As Deputy Director of the Department of the Interior, you would be in a position to oversee the operations of the Bureau of Safety and Environmental Enforcement—the agency tasked with oversight and investigation into the operations of oil and gas operators in the Federal OCS. I want to bring your attention to an issue currently facing BSEE. In 2004, during Hurricane Ivan, one of Taylor Energy’s rigs collapsed, and sank into the mud on the seafloor. All site assessments by the BSEE, outside groups and Taylor Energy itself have indicated that leakage from the rig is infinitesimally minimal, and that by any reasonable measure the rig is unrecoverable. Despite this, over \$400 million of Taylor Energy’s assets are currently held in a fund by BSEE that is earmarked for recovery operations. It has become clear that there is no path forward, and that the entirety of this money serves no purpose in this fund. Do you have a plan to spur action on the part of BSEE to resolve the issue and release at least some portion of these funds? What would this plan look like?**

**Response:** I am not familiar with this specific issue but have been informed that BSEE continues to be in discussions with Taylor Energy on this matter and is working in close consultation with its federal partners in an effort to resolve these issues and to ensure that the site is handled responsibly. If confirmed, I will work with BSEE as it continues, along with Taylor and federal partners, to expeditiously develop a long-term solution that is consistent with obligations under the Outer Continental Shelf Lands Act and protects the resources of the Gulf of Mexico.

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Senator Landrieu

**15. What do you plan to do in your position as the Deputy Director of Interior to ensure that coastal states are able to benefit from offshore energy production in a fashion similar to that of onshore states, which have enjoyed a longstanding partnership with the Federal government?**

**Response:** As I indicated in response to a similar question from Senator Murkowski, the Administration is mindful of the long-held view that coastal states should share the benefits of energy development that takes place offshore and currently implements statutory revenue sharing under existing law. With respect to possibly changing existing law, the Administration's testimony on the FAIR Act outlines several principles that are key to any potential new approach to revenue sharing. I know this is an issue that you care deeply about and, if confirmed, I commit to meeting with you in an effort to find any common ground that may exist and to work toward a path forward.

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Senator Landrieu

**16. What do you plan to do to ensure that the devastating coastal erosion being suffered by Louisiana and the rest of the Gulf is stopped, and that marshlands and barrier islands destroyed by large scale mismanagement of the Mississippi river are rebuilt or restored?**

**Response:** I know that the Mississippi River Delta and its coastal wetlands and barrier islands is a natural asset of tremendous value to the nation, supporting important shipping, energy, seafood, and recreation industries. It also provides extensive coastal habitats for a variety of fish and wildlife.

Protecting and restoring this highly productive and important ecosystem is a priority, but I believe it cannot be achieved by the Interior Department alone. Such an effort will require the coordinated and strategic actions of multiple partners, with federal efforts being complementary and building off of state coastal restoration planning efforts.

I have been advised that the FWS, working with the Department, has developed a “Vision for a Healthy Gulf of Mexico Watershed” that identifies cooperative conservation strategies to implement in a number of conservation-focused areas. I look forward to learning more about these strategies and how they will be implemented to stop Louisiana’s, and the Gulf’s, coastal erosion; and facilitate restoration and recovery of this vital national asset. Should I be confirmed, I would be happy to further engage in a cooperative dialogue with you about how we can work together to address this complex issue.

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Senator Barrasso

**17. Mr. Connor, I'd like to inquire about sage grouse and the Endangered Species Act. The people of Wyoming are very concerned about the Fish and Wildlife Service's pending listing determination for this bird. As you know, BLM has begun an unprecedented effort to preclude the need to list the sage grouse. Specifically, BLM is in the process of revising approximately 88 Resource Management Plans. Within these Plans, BLM is including directions for how land managers should address the sage grouse under the National Environmental Policy Act.**

**The potential habitat for the sage grouse— if listed—would cover most of Wyoming, Idaho, Montana, Nevada, and parts of Oregon and Colorado. The impact of such a listing on the economy and jobs in my state, and other western states, would be devastating.**

**Will you commit your time and effort towards working to ensure that the greater sage grouse does not end up on the endangered species list?**

**Will you work collaboratively with the governors of the appropriate states to find the best approach to manage the sage grouse?**

**Response:** I share Secretary Jewell's view that collaboration is the key to effectively addressing the threats to sage grouse populations and, if confirmed, I will work hard alongside the Secretary to seek solutions to avoid the need to list the bird. I understand that the FWS and BLM continue to work together, along with state and local governments and landowners, in taking unprecedented conservation initiatives aimed at avoiding the need to list the species. I appreciate the work that states and private landowners have done and I look forward to coordinating with those stakeholders, including the governors of the appropriate states, in continuing this proactive approach.

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Senator Barrasso

**18. Do you believe the Interior Department should prioritize wildfire prevention activities and our national parks and public lands' maintenance backlog ahead of spending money to acquire more land?**

**Response:** I know that protecting lives, communities, and our natural resources from wildfires and addressing the maintenance backlog at our national parks and public lands are critically important issues that must be addressed by the Department. At the same time, land acquisition is a long-term investment that is part of a balanced approach intended to protect our natural and cultural treasures. By acquiring land strategically, the Department is able to join with partners to conserve significant landscapes before they require more expensive efforts to sustain them, resolve conflict, and reduce landscape fragmentation. Accordingly, land acquisition can make it more efficient to protect wildlife habitat, respond to wildfires and other natural disasters, and to improve access to recreational opportunities.

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**19. 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. If confirmed, what actions are you going to take to ensure the BLM meets this statutory multiple use mandate?**

**Response:** I believe that multiple use is best achieved when we manage our public lands in a manner that helps ensure balanced use. Regardless of whether public land use involves 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 common ground. If confirmed, I commit to pursuing cooperative efforts grounded in a fundamental recognition of the legitimate interests of affected stakeholders and to working to achieve certainty and clarity on resource management issues.

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Senator Barrasso

**20. I have introduced the Grazing Improvement Act. The Act would extend the term of Federal grazing permits from 10 to 20 years and streamline the renewal process for grazing permits. It also restores the BLM's the ability to use categorical exclusions.**

**Do you view livestock grazing as primarily a commodity use of public lands or a tool for the proper management of these lands?**

**Do you support giving the BLM the ability to utilize categorical exclusions?**

**Response:** Like Secretary Jewell, I believe strongly that livestock operations on public lands are important to the economic well-being and cultural identity of Western communities, and that at the right levels and timing, grazing can serve as an important vegetation management tool in maintaining rangeland health and meeting rangeland health standards. While I am not familiar with the specifics of categorical exclusions in the management of grazing, I am aware that the engagement of the public through the environmental review process is a crucial component in the BLM's multiple-use management of public lands. As I stated in my confirmation hearing, I am committed to providing stakeholders on public lands with certainty and clarity on resource management issues.

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Senator Barrasso

**21. How will you strive to improve the relationship between the agency and stakeholders who hold grazing permits on public lands?**

**Response:** Throughout my tenure as Commissioner of the Bureau of Reclamation, I have been committed to bringing people together to find common ground and solutions to difficult issues. As I pointed out in my confirmation hearing, Secretary Jewell has charted the right course with her substantive engagement on the challenging issues we face and her clear commitment to ensuring that the Department will be guided by transparency and integrity in carrying out its mission. If confirmed, I will work with stakeholders, including ranchers, to ensure that the public lands are sustainably managed for multiple uses, including livestock grazing.

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Senator Barrasso

**22. The Interior department is running out of options to deal with excessive wild horses on BLM land and feral horses in Indian Country. The long and short term holding facilities are full, fertility control is too extensive and ineffective, and horses are overgrazing riparian areas and destroying wildlife habitat. What BLM administrative or policy changes do you believe 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 to avoid severe overgrazing?**

**Response:** Although I am not familiar with the details of the BLM's holding facilities or ongoing fertility control efforts, I am aware that wild horses and burros pose unique on-the-range management challenges. I understand the BLM is continuing to develop and implement a targeted strategy informed by the National Academy of Sciences' recent review, while also working to find ways to make the program more effective and sustainable within the existing statutory framework. If confirmed, I look forward to continuing a collaborative process with affected stakeholders to implement cost-effective and ecologically sustainable strategies that are informed by the best available science and maintain healthy public rangelands.

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Senator Barrasso

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

**Response:** I am committed to public engagement and connecting with state and local communities. State and local governments play a vitally important role here, just as tribes, stakeholders and communities do as well. The Department and the BLM seek and welcome input from the public and all our stakeholders 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 state and local governments, as well as a variety of partners in the management of the nation's public lands.

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**24. 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:** Like Secretary Jewell, I understand that businesses need clarity, certainty, and predictability and that our oil and gas resources are vital to our nation’s economy, but that they must be developed in a safe and environmentally responsible manner. If confirmed, I would continue to strive toward maximizing program efficiency to ensure that the BLM implements modern best practices to ensure efficient processing of pending and new permit applications while also promoting safety and environmental responsibility.

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**25. 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:** I would seek efficiencies to processes that save both time and money, and to improve processes both at the Department of the Interior and its bureaus as well as with other federal and state agencies and tribes. I understand the importance of providing certainty when it comes to land management decisions that affect the private sector and the public. In addition, I would work with and fully engage elected officials, industry, and the many and varied users of the public lands to address the need for robust domestic energy production.

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**26. 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. With the threat and cost of fire suppression growing due to greater fuel load and passive management over the last three decades, many of these areas are a severe wildfire waiting to happen. Such wildfires hurt wildlife habitat, increase erosion, pollute waterways, and create water quality problems and costs for communities. Would you support the clear direction and recommendations of BLM officials to release these areas to allow for suitable management to prevent wildfires?**

**Response:** If confirmed, I would welcome the opportunity to work with Congress to resolve issues of wilderness designation and WSA release. Prevention of wildfires is an important component of the Department's Wildland Fire Management Program. My understanding is that the Department's fuels reduction efforts prioritize projects in areas that result in the mitigation of risks to communities and their values.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**27. 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:** I support the Administration's commitment to full funding of the Land and Water Conservation Fund, which will provide needed stability for agencies and States to make strategic, long-term investments in our natural infrastructure and outdoor economy to support jobs, preserve natural and cultural resources, bolster outdoor recreation opportunities, and protect wildlife. If confirmed, I look forward to working with the Congress and other stakeholders to explore opportunities to address this issue.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**28. How effective do you believe the Endangered Species Act (ESA) has been over the past few decades? Do you think there are improvements that are needed to modernize it for current society and ecological needs?**

**Response:** I believe that the Endangered Species Act (ESA) has been effective in achieving its primary objective: to prevent the extinction of plants and animals in the U.S. At the same time, there is always a need to improve implementation to be more responsive to both the needs of species and to the ideas and concerns of citizens. I know that the Department, along with the Department of Commerce, has identified several administrative improvements to the regulations implementing the ESA as priorities to undertake in response to Executive Order 13563 on “Improving Regulation and Regulatory Review.” If confirmed, I look forward to supporting these and other administrative efforts to improve and modernize implementation of the ESA.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**29. As you know, in 2011, there was a closed-door settlement agreement between the Fish & Wildlife Service (FWS) and two environmental groups that led to a six-year listing work plan for the FWS to review and potentially list more than 250 species. Many of these species have potential habitat that combined covers most of the Western States. However, none of the affected states or communities were a party to the agreement. Do you believe that is an open and transparent way to make public policy that significantly impacts Americans?**

**Response:** I have been advised that the MDL settlements committed the FWS to make listing determinations required by the ESA for 251 species on a workable and publicly available schedule. The settlements did not commit the FWS to add these species to the list; rather, they committed the FWS to make a determination by a date certain as to whether listing was still warranted and, if so, to publish a proposed rule – subject to public notice and comment – to initiate the rulemaking process of adding a species to the list. The settlement agreements enable stakeholders to know in advance when the FWS will be reviewing these candidates to determine whether a listing proposal is still warranted.

I believe that sustained engagement with partners and the public will best serve improved and innovative ways to conserve and recover imperiled species. If confirmed, I will work to ensure that the ESA is implemented in a manner that is responsive to both the needs of imperiled resources and the concerns of local communities.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**30. What are your thoughts on administrative or policy improvements to the implementation of the ESA? Can and should changes be made to reduce legal challenges?**

**Response:** As I stated in response to a previous question, I am aware of planned administrative and policy improvements to the ESA that the Department has identified as priorities in response to Executive Order 13563, “Improving Regulation and Regulatory Review.” I support efforts like these and, if confirmed, would support similar efforts in the future.

With regard to legal challenges, I realize that lawsuits can sometimes frustrate agency objectives in allocating limited resources to accomplish conservation goals. My understanding is that this Administration has succeeded in dramatically reducing the amount of ESA litigation in recent years. If confirmed, I look forward to working with you and the Committee to discuss implementation of the ESA and ways to improve it.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**31. The Endangered Species Act (ESA) has been one of the most abused federal Acts in recent memory. Special interest organizations have broken the financial back of the Fish and Wildlife Service (FWS) by filing petitions to list thousands of species knowing that it would be impossible for the FWS to respond under the required deadlines. Even worse these litigants continue the onslaught by suing the FWS for failing to meet arbitrary deadlines. The net result is less federal funding for conservation, and millions of dollars in attorney fees to these litigants. And with the ESA only having a 1% success rate of delistings, it only stands to reason that these litigants have further crippled the ability for conservation success. Would you support amending the ESA to give the FWS more discretion to respond to these mass litigants and reduce government dollars being wasted on abusive litigation?**

**Response:** As I noted in response to the previous question, I realize that lawsuits can sometimes frustrate agency objectives in allocating limited resources to accomplish conservation goals. My understanding is that this Administration has succeeded in dramatically reducing the amount of ESA litigation in recent years. If confirmed, I look forward to working with you and the Committee to discuss implementation of the ESA and ways to improve it.

**QUESTIONS FOR THE RECORD**  
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**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**32. Currently, wealthy non-profits that file process-based lawsuits against the government concerning ESA listing decisions, grazing permit renewals and other DOI decisions have access to taxpayer dollars. Do you believe this should occur for organizations worth tens of millions of dollars?**

**Response:** I understand that the ESA's citizen suit provisions and the Equal Access to Justice Act provide mechanisms for parties that sue the Government to challenge decisions or inaction and prevail to recover reasonable attorney fees. I would defer to the Department of Justice on whether a means test could be built into those authorities and still be fair and equitable. I am generally concerned about the costs of litigation and if confirmed will work to reduce those costs.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**33. How can the administration facilitate the NEPA process in a manner that reduces opportunities for lawsuits from extreme groups opposed to multiple use?**

**Response:** Each year federal agencies conduct hundreds of thousands of actions, yet I understand that the amount of litigation on these is relatively small. Modernizing NEPA to better assist federal agencies to meet the goals of NEPA, enhance the quality of public involvement in governmental decisions, ensure compliance in a more timely fashion, increase transparency, and improve its implementation is a priority of the Administration. If confirmed, I will support this effort as it applies to the multiple uses of our public lands and other activities of the Department.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**34. Do you believe we can predict what the weather will be in Wyoming or any other State 10, 20 or 50 years from now with any accuracy, and what the impact will be to the landscape from that weather?**

**If you cannot predict with any accuracy, how will U.S. taxpayer investments today to protect species decades from now based on inaccurate computer models guarantee any success?**

**Response:** As Secretary Jewell noted in response to a similar question during her confirmation, while we cannot predict with certainty either day-to-day weather or its impact on the landscape in 5, 10, or 50 years, the consensus in the scientific community is that climate change is a reality. As the manager and steward of 20 percent of the nation's lands, thousands of miles of coastline, and nearly two billion acres on the Outer Continental Shelf, as well as water, fish, wildlife, and other natural resources, the Department has to make management decisions today based on the best scientific information available and consistent with applicable law. The Department will continue to manage the public's lands to increase their resiliency in a changing climate.

**QUESTIONS FOR THE RECORD**  
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**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**35. In your opinion, what is the difference between the terms “extreme weather” and anthropogenic, man-made “climate change”?**

**Response:** While I am not a climate scientist, I would describe “extreme weather” as short-term regional climate phenomena and “climate change” as a more long-term trend.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**36. Water is the lifeblood of western states, with the Bureau of Reclamation providing much of that water to our communities. My home State of Wyoming alone has a series of proposed water storage projects that will need to go through the currently lengthy and burdensome permitting process. Will you commit to expedite the approval of new water storage projects in the West to provide for rural communities that are in need?**

**Response:** There are roughly three dozen Reclamation dam projects, project features or other storage facilities across the West that were authorized by Congress but, were never funded or constructed. The situations vary, but the most frequent causes center around questionable economics or an inadequate potential water market, making the required repayment obligation prohibitive for the potential beneficiaries. In addition, new societal priorities and scientific advancements have brought increased focus on efficient management, wastewater reclamation, and conservation to meet communities' needs. In addition to operating and maintaining our existing projects, these priorities have become central parts of the Reclamation mission today, and some of them yield significant quantities of new water supply in a very cost efficient manner. New storage projects will also be needed to address the water supply challenges facing the West. If confirmed, I will work with the Congress to expedite any projects that provide net economic benefits, are fiscally sound and can be constructed and operated consistent with existing environmental laws.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**37. As part of the *Cobell v. Salazar* settlement agreement, approximately \$1.9 billion was funded for the fractionated Indian land purchase program. This program provides an opportunity for meaningful tribal participation and input into the buy-back decisions and program implementation.**

**If confirmed, what type of active role will you take in this program in working with Indian tribes to address their concerns of participation and input to the fullest extent practicable in light of the settlement agreement and the *Claims Resolution Act of 2010*?**

**Response:** If confirmed, I will take an active role in the buy-back program. The Department's intent is for the implementation plan to be flexible and continually updated to reflect lessons-learned, best practices, and tribal involvement. I have been advised that an initial plan was published last year, and the program is currently drafting an updated implementation plan that responds to comments and concerns received during government-to-government consultations from January to March 2013, among other things.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**38. There are a number of different water delivery-related projects administered by the Bureau of Indian Affairs, including the Wind River Irrigation Project (WRIP) on the Wind River Indian reservation in Wyoming. According to a 2006 Government Accountability Office (GAO) report entitled, “*Indian Irrigation Projects: Numerous Issues Need to Be Addressed to Improve Project Management and Financial Sustainability*,” Report No. GAO-06-314, there is a significant backlog in irrigation project repair and maintenance for many of these projects.**

**At a prior Committee hearing, “*To Receive the Views of Ken Salazar, Secretary of the Interior, on Matters of Indian Affairs*,” in February 12, 2009, Secretary Salazar committed to review these irrigation issues. At the Committee hearing, “*To Receive the Views and Priorities of Interior Secretary Jewell with Regard to Matters of Indian Affairs*,” on May 15, 2013, Secretary Jewell also committed to have Department officials work to figure out how to address these issues.**

**If confirmed, will addressing these deferred maintenance problems identified in the 2006 GAO Report be a priority?**

**Response:** My understanding is that the current deferred maintenance estimate of \$609 million reflects the results of completed condition assessments at 12 Projects of the 16 irrigation projects, and a partial study completion at Navajo Indian Irrigation Projects (NIIP). As the final condition assessments at Wapato, San Carlos Irrigation Project (SCIP) Indian Works, SCIP-Joint Works, and NIIP are finalized, the deferred maintenance estimate will improve even further. The challenge within the BIA is the strong need for funding in all of our programs, such as law enforcement, education, and social services. Funding reductions to existing programs to pay for irrigation improvements may not align with competing priorities among the Tribes we serve. I will work closely with BIA leadership and the Congress to examine potential approaches through new funding sources.

**If confirmed, how will you provide leadership in developing a more comprehensive plan of action for the future of the Bureau of Indian Affairs irrigation projects?**

**Response:** If confirmed, I will meet with BIA leadership to assess their work to date and be actively involved in developing a plan of action for the future of their irrigation projects. I would be pleased to provide briefings to you and your staff as we move forward.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**39. High crime rates, emerging prescription drug abuse, lack of detention facilities, insufficient funding, high declination rates for Federal prosecutions, and recidivism remain challenges for Indian Country law enforcement, detention, and tribal courts. Congress passed the *Tribal Law and Order Act* to begin addressing these issues. In addition, Congress funded the High Priority Performance Goal pilot program through the Bureau of Indian Affairs, with one of the four initial sites located on the Wind River Indian Reservation.**

**If confirmed, how do you plan to continue implementing this pilot program on the Wind River Indian Reservation?**

**Response:** BIA has informed me that, as part of the FY 2010 pilot program, the recurring base of BIA public safety resources supporting the Wind River Indian Reservation was increased by 133 percent over the FY 2009 funding level. This higher funding level has continued, and will continue in the future so that all three components of the Wind River public safety system can continue to address the unique and significant public safety challenges on the reservation.

**If confirmed, how do you plan to coordinate more effectively with the Department of Justice to address crimes rates on Indian lands?**

**Response:** I have been informed that in April of 2013, the Bureau of Indian Affairs - Office of Justice Services and the Department of Justice - Office of Tribal Justice entered into a MOU regarding placing an OJS employee within the OTJ to serve at a liaison between the two offices. It is my understanding that the intent of this MOU is to facilitate and coordinate information sharing between the Department of Justice and the Department of the Interior concerning public safety matters in Indian Country. If confirmed, I will see to it that the Department continues to be fully engaged with its partners and seek new opportunities to reduce the crime rates in Indian Country.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**40. There is significant potential for energy development on American Indian and Alaska Native lands. The *Energy Policy Act of 2005* authorized Tribal Energy Resource Agreements (TERAs) to facilitate energy development on tribal trust lands and to bypass cumbersome bureaucracy.**

**Please explain your views on how the Department can best assist Indian tribes that wish to develop their trust energy resources in achieving their goals.**

**Response:** I was personally involved in developing the TERA provisions of the Energy Policy Act of 2005 and therefore fully understand that facilitating the development of tribal energy resources is a key way to spur economic development in Indian Country. I am aware that the Office of Indian Energy and Economic Development assists Tribes in the development of energy resources in furtherance of the goal of Indian Self-Determination, and accomplishes this by providing technical assistance to build the technical and managerial capabilities of Tribes over the development of their energy resources. I understand that IEED also meets with Tribes to improve how it can best assist Tribes that wish to develop their energy resources. To further improve this process, the Department will consider compiling best practices, identifying model energy policies and codes, and providing additional training and other assistance to Tribes. If I am confirmed, I look forward to learning more about this issue and the ways that the Department's bureaus can help Tribes that wish to develop their energy resources.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**41. The justification for the costly Moose Wilson Road EIS is the presence of grizzly bears in the area which Grand Teton National Park says were not present before 2010.**

**If grizzly bear presence would limit use on a 150 year established road corridor that predates the park establishment, doesn't that potentially affect many uses in addition -- limiting hiking, biking, horseback riding and pedestrian uses throughout federal lands where a grizzly bear population is present?**

**If that is the case, recreational users across this country need to take note of the unusual precedent GTNP is trying to establish with NEPA.**

**Response:** Although I am not familiar with the specifics of this issue, I understand that the NPS considers the increased presence and frequency of grizzly bears in the Moose - Wilson Corridor of Grand Teton National Park to be a changed circumstance, and important in evaluating how that area of the park should be managed and the resulting environmental impacts. I also understand that the NPS and other federal agencies have for decades regulated the use of lands where grizzly bears are present, such as through food storage requirements and other measures. Consequently, this planning effort would not set a new precedent for other federal lands.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**42. What was the total cost of the 2007 transportation FEIS in Grand Teton National Park?**

**Do you believe a new EIS less than 6 years from a comprehensive FEIS that fully analyzed the same 8 miles is necessary?**

**In this case do you believe an environmental assessment is more appropriate to study the road corridor?**

**Response:** I understand that the cost of the Grand Teton National Park Transportation Plan/Environmental Impact Statement, completed in 2007, was approximately \$1 million. I also understand that, to expedite the environmental review process and to limit costs, the NPS has decided to conduct an EIS on the Moose-Wilson Road Corridor because the 2007 Transportation Plan did not evaluate that corridor in a comprehensive manner, nor did it evaluate the issues that have emerged since 2007. I support compliance with the National Environmental Policy Act in a timely, transparent, and cost-effective fashion, and if confirmed I will learn more about this issue.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**43. In 2012, Grand Teton National Park announced that the Park would be closing the Moose-Wilson Road to one-way traffic without any input from the gateway community. While this decision was ultimately delayed by the Park Service, our small businesses and park visitors still have public access concerns with the Park Service's efforts to close the road. In 1977, at the request of the U.S. government, Laurance S. Rockefeller granted an easement and right-of-way for the Moose-Wilson Road for "public and governmental use."**

**Can you provide assurances that the Park Service will abide by this easement to ensure that this road remains open for public access as Mr. Rockefeller intended?**

**Response:** As I mentioned in my response above, I am unfamiliar with the specifics of this issue. However, I appreciate the importance of the local community's desire for public access, and believe that community engagement is a necessary part of addressing this issue. I understand that, regardless of actions that may be implemented in the future as a result of the upcoming planning effort, the NPS intends that its management of the Moose-Wilson Road will be consistent with any legal requirements. If confirmed, I look forward to learning more about this important issue.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Barrasso

**44. Mr. Connor, if confirmed as Deputy Secretary you would be in a position to manage the various interests of the respective agencies with the Department of the Interior. With your current position in mind, how would you manage the different interests and sometimes competing missions of the sister agencies within the Department when making policy decisions? For example, in your view, what role or influence should the National Park Service have as a cooperating agency when the Bureau of Land Management is developing a resource management plan for BLM lands?**

**Response:** With regard to use of the public lands, it is important to get all interested stakeholders to the table to try and find common ground. As I noted at my hearing, I believe we should take a balanced approach to all the multiple uses of our public lands. I understand the idea behind the cooperating agency role is to improve communication. I believe such coordination is key to good decision-making, but it is important to make clear the roles of cooperating agencies and the various statutory and regulatory requirements applicable to the process.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Cantwell

**45. Commissioner Connor, this year the State of Washington committed \$137 million towards the Yakima Basin Water Enhancement Plan/Yakima Basin Water Enhancement Project. This Plan was endorsed by the Bureau of Reclamation in a Record of Decision issued earlier this year. This project is very important to Washington State. Yakima Basin has suffered two severe droughts since 2001 that resulted in \$335 million of economic damage as well as damage to fish and wildlife. The Basin is home to an agriculture industry that generates more than \$1 billion in value and supports tens of thousands of jobs across Washington, from fields to ports.**

**Can you commit, that if confirmed, you will work as hard as possible to take the first step towards matching Washington State's commitment to this project by significantly increasing the Departments FY15 budget request for the Yakima River Basin Water Enhancement Project?**

**Response:** The Yakima Basin Integrated Water Resource Management Plan is a basin-wide restoration plan collaboratively developed by diverse stakeholders to benefit fish and improve water reliability. To date, the Department has provided \$3.8 million for Integrated Plan activities. If FY 2014 appropriations are enacted consistent with the President's request, the Integrated Plan and the Yakima River Basin Water Enhancement Project will receive a total of \$8 million in federal funding in 2014, of which \$1 million is targeted toward the Integrated Plan. It is my understanding that the State legislation contemplates matching funds compiled from local, private, and federal sources. Reclamation's involvement in advancing many of the Integrated Plan activities, including those that address additional surface water storage, structural changes, and providing for downstream fish passage at Cle Elum, would be dependent on legislation to provide authority and/or additional cost ceiling. If confirmed, I will continue the cooperative relationship with the State to collaboratively further the goals of the Integrated Plan.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**46. Do you believe the Department of the Interior should hold a public hearing in Arizona on the proposed Mexican wolf rulemakings before the close of the current public comment period on October 28?**

**Response:** Public involvement is an essential part of the rulemaking process, helping to inform both the agency and the affected public. I understand that the Fish and Wildlife Service has received several requests to hold a public hearing in Arizona and is considering when and where it might be able to do so.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**47. During the hearing you stated that water leasing is one of the most critical tools available to address water resource issues in the West, as it could be used to “maintain certainty and reliability” with respect to water use and power generation. Water, however, is unlike other commodities; it plays a critical role in essential human functions, while also serving as an important component for agricultural and industrial uses. As such, it seems that any sort of water marketing scheme would require minimum procedural safeguards. What procedural safeguards should be considered when creating a water market?**

**Response:** There are a number of procedural safeguards that currently exist with respect to water leasing. For example, state water rights systems generally govern the timing, place and type of use of water, and govern changes to the use of water rights arising under state law to ensure that other water rights are not adversely affected. With respect to Indian water rights settlements, federal statutory safeguards exist. In addition, general Reclamation law, project-specific statutes, and policy provide terms and conditions for water leasing. For example, a 1920 statute provides authority to lease water for various purposes and requires the current water users to approve the lease. The existing array of federal and state law and policy provides for the most part both the flexibility and necessary protections to address water leasing. An example of a vibrant water market is in northeastern Colorado, where the Northern Colorado Water Conservancy District, the operating entity for Reclamation’s Colorado-Big Thompson Project, operates a water market with project water.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**48. Should the leasing of water rights be limited to use within the watershed or basin of origin?**

**Response:** Numerous Reclamation projects provide for movement of water from one watershed or basin to the next. This has been accomplished by the stakeholders, the Department of the Interior, and Congress coming together to reach consensus on when, and under what conditions, water should move between watersheds and basins. State and federal law and policy provide a framework that examines the specifics of a leasing proposal to determine the feasibility of the proposal and any protections that should be imposed to ensure that other interests are not adversely affected.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**49. Should leasing of water rights only be permitted to the extent that such rights have previously been beneficially used by the water right holder and actual water use is verifiably reduced by the water right holder (e.g., requiring fallowing or non-development agreements)?**

**Response:** Protections appropriate for the specific project and leasing arrangements normally are conditions of such leasing and are determined pursuant to state and federal law, regulations and policy.

**QUESTIONS FOR THE RECORD**  
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**Written Questions**

Senator Flake

**50. Should a water marketing scheme differ depending on the type or nature of the water right being marketed (e.g., surface water, reserved rights, decreed rights, riparian water rights states, prior appropriation rights, interstate transfers, etc.)?**

**Response:** As I noted in response to a previous question, appropriate terms and conditions normally are included in water marketing/leasing proposals to address specific issues and requirements of such proposals, including compliance with applicable state and federal laws.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**51. If the marketed water right has a federal component (e.g., Indian water rights) what role should the Secretary of the Interior play in approving a water rights lease?**

**Response:** State and federal laws, regulations and policies govern the Secretary's role in water leasing. The majority of the congressionally approved Indian water rights settlements contain leasing provisions, which often define the role of the Secretary of the Interior. However, each marketing provision is unique, tailored to the agreements negotiated among the parties on a case-by-case basis.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**52. What is the status of the Department of the Interior's current effort to resolve the water rights dispute in the Bill Williams watershed?**

**Response:** The current discussions regarding the Bill Williams watershed have been occurring within the framework of an Indian water rights settlement process among the United States, the Hualapai Tribe, and Freeport-McMoRan due to its copper mining operations at Bagdad, Arizona. As committed to by Secretary Jewell during her confirmation process, the Department is providing high-level leadership and resources in all aspects of continuing negotiations to bring the settlement to closure. If confirmed, I will continue to work with Congress to resolve Indian water rights claims, including those related to the Bill Williams watershed.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Flake

**53. While the Bill Williams negotiations are progressing, are there any actions that can be taken at the local level to preserve the anticipated environmental benefits without adding costs to the multi-species conservation program?**

**Response:** The Lower Colorado River Multi-Species Conservation Program (LCR MSCP) is a multi-stakeholder program, including local entities, which provides Endangered Species Act coverage for Reclamation's ongoing and future river operations on the lower Colorado River. As the implementing agency, Recreation is implementing the Habitat Conservation Plan, which requires the establishment of over 8,100 acres of riparian and aquatic habitat. Reclamation has been involved in the Bill Williams River negotiations in the hope of securing Planet Ranch, a property owned by Freeport-McMoRan, for LCR MSCP purposes. Reclamation will continue to support the ongoing Bill Williams negotiations and other LCR MSCP activities to meet remaining HCP habitat requirements. If confirmed, I will continue to support Reclamation's activities, which include working with local entities, to implement this important HCP.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Schatz

**54. Mr. Connor, as you know, the Department of Interior is pursuing a policy of fast-tracking the permitting of renewable energy projects on public lands. The development of a clean energy economy and deployment of renewable energy is a priority to me, and I am encouraged to see the work being done at the Interior Department on this issue.**

**In federal waters as well, Interior has been moving in the right direction, with the announcement two weeks ago of the completion of the second competitive lease sale for renewable energy in public waters.**

**I would like to encourage you, in your new role, to build on this good work, and to also ensure that proper permitting and environmental oversight is not sacrificed as this fast-track process continues. I would like to hear your thoughts on how the Department will balance the benefits of increased renewable energy on public lands with the need to maintain strict environmental oversight of these important resources.**

**Response:** I strongly support the President's vision for increasing the generation of clean energy through responsible development of renewable energy on the public lands and in federal waters. I also understand the importance of mitigating adverse impacts associated with renewable energy development. If confirmed, I will strongly support ongoing efforts by the bureaus within the Department to promote the environmentally-sound development of renewable energy, which will continue to create new jobs, increase access to clean energy, and reduce greenhouse gas emissions.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Schatz

**55. There has been a steady decline in the number of USGS stream gauges in Hawaii over recent years. The number of active USGS STREAM gauges in Hawai'i decreased from almost 200 in the late 1960s to fewer than 50 in 2010. And according to the USGS web site, additional gauges in Hawaii are threatened with closure. Maintaining a robust stream gauge network in Hawaii is important due to many of the unique aspects of our state, its hydrology, geography and our ongoing efforts to monitor and assess impacts of climate change. As impacts of climate variability and change are observed, long-term records of land and ocean variables can help us identify shifts between average conditions of the past and potential future condition. Long-term, reliable, global and local observations of variables such as air temperature, precipitation, sea-surface temperature, streamflow, and groundwater supply are critical to understand the evolving state of the Earth's climate. Having long term and high-quality scientific data is critical not only for understanding the dynamics of natural processes but also for ensuring the accuracy of models that simulate potential future impacts of climate change and variability. Continuous data collection and stewardship must be maintained to ensure that governments, researchers, and the public have access to reliable, high-quality data. Streams and rivers can flood very quickly in Hawaii, because when the rain falls in the mountains, it often has to flow through cities and populated areas to get to the ocean. The reduction in stream gauges makes it harder for us to predict and react to such flooding. In addition, numerous studies have shown declines in rainfall in**

**Hawaii over the last 100 years, with the trend accelerating in the last 30 years. Fresh water availability is a major issue in our state. Because of Hawaii's geographic isolation, we do not have the option of piping potable water in if we experience shortages. We need more monitoring and data about our fresh water flows, not less. Will you commit to work with me to reverse the decline in stream gauges in Hawaii and restore some of the gauges that have closed in recent decades?**

**Response:** I agree with the importance of long-term records and the value of USGS streamgaging for assessing flood hazards and water availability in Hawaii. I am told that the USGS National Streamflow Information Program has identified 21 streamgages in Hawaii to be included in the federal-needs national streamgage network and has increased the funding for these streamgages by over 21 percent from 2009 to 2012. Increasing the number of streamgages is a high priority for the USGS, particularly those useful for observing long-term trends related to climate change. I look forward to working with you to explore possibilities for restoring recently discontinued USGS streamgages in Hawaii so that water-resource managers have the streamflow information they need to make informed decisions.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Schatz

**56. There are several Bureau of Reclamation programs where it is unclear based on available information whether these programs are authorized for Reclamation states and territories under 43 U.S.C. §391, only for states within Reclamation's service area, or for all states. Examples of programs where eligibility is unclear include the Cooperative Watershed Management Program, the Shared Investment Water Innovation Program, and the Desalination and Water Purification Research Program. Is Hawaii eligible for funding under these programs? If eligibility for these programs is a matter of discretion for the Interior Department, will you make Hawaii an eligible state?**

**Response:** Entities located in Hawaii are eligible to participate in the Desalination and Water Purification Research Program and have received at least one research grant in the past. Reclamation plans to implement the Shared Investment Water Innovation Program, which is proposed for funding for the first time in FY 2014, to include applicants for research funding located across the United States. Funding available for Reclamation's participation in the Cooperative Watershed Management Program has been used to implement the first phase of the program – to provide Reclamation funding for establishment or expansion of watershed groups. Funding has been limited to the states and territories identified under 43 U.S.C. § 391, similar to existing WaterSMART Grants funding opportunity announcements. If confirmed I would be glad to work with the Committee to explore ways to apply the use of the Department's resources and expertise to projects in Hawaii.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Scott

**57. The Department of the Interior's current five-year plan keeps 87% of our offshore acreage off limits to exploration and production including areas off the coast of South Carolina. In testimony before this Committee, when I asked Secretary Jewell about Atlantic access and seismic she stated that Interior would consider areas in the Atlantic for exploration activities if the data shows some promise for resources. At the same time, Interior continues to delay the process for getting the seismic data that will feed into the leasing program. The process for approving seismic activity to gather this data began in January 2009 and Interior has still not completed its analysis nor made a decision, let alone issued a permit for seismic research. What will you do to ensure these delays end and Interior moves forward with permitting Atlantic seismic?**

**Response:** I am fully committed to working with the Bureau of Ocean Energy Management and others to ensure that the Department actively seeks and considers coastal states' interests as we analyze our leasing decisions under the Outer Continental Shelf Lands Act. I know that BOEM has made significant progress in updating its resource estimates as reflected in their 2011 National Resource Assessment. BOEM is proceeding with a region-specific strategy in the area that focuses on the need to update data in order to inform future decisions about whether and, if so, where leasing would be appropriate.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Scott

**58. The recommendations adopted by the National Ocean Policy Executive Order state that effective implementation will require “clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component.” In addition, the Executive Order requires federal entities including DOI to implement the policy to the fullest extent possible. At the same time, the National Ocean Council has stated that the National Policy “does not establish any new regulations or restrict any ocean uses or activities” What if any commitment can you make that DOI and its affiliates will not issue any regulations or take any actions under the National Ocean Policy (including coastal and marine spatial planning) that could have a regulatory impact?**

**59. If confirmed, can you pledge that DOI will comply with the will and intent of Congress and not use the agency’s human or financial resources to further coastal and marine spatial planning?**

**60. If confirmed, what will your role be in implementing the National Ocean Policy?**

**61. If confirmed, how many DOI and agency resources will you dedicate to the National Ocean Policy?**

**Response to 58-61:** It is my understanding that neither the National Ocean Policy nor marine planning creates or changes regulations or authorities. The final Implementation Plan was developed with extensive stakeholder input and describes specific actions federal agencies will take to address key ocean challenges, give states and communities greater input in federal decisions, streamline federal operations, save taxpayer dollars, and promote economic growth. The Implementation Plan supports voluntary regional marine planning, which brings together ocean users to share information to plan how we use, sustain and better understand our ocean resources.

Interior manages vast coastal and ocean resources, which serve as a foundation of our economy generating over \$100 billion in economic activity and supporting over two million jobs. If confirmed, I look forward to working with Secretary Jewell and the team at Interior, to implementing the NOP, and to better understanding this country’s challenges and opportunities relative to ocean resources across all major sectors and uses. As the Department continues to support this Administration’s efforts to protect, maintain, and restore the health of ocean, coastal and Great Lakes ecosystems, I commit to promoting coordination among agencies, sustained stakeholder engagement and cooperation with this committee. I will work in partnership with the Committee to ensure that any actions taken by the bureaus within Interior are supported by sound science and transparency in our decision-making. If confirmed, I will adhere to the Department’s commitment to implementing the President’s Plan and I will keep you fully informed as implementation progresses.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Manchin

**62. Do you think the Administration was correct in asking a court to vacate the 2008 Stream Buffer rule, which was developed over several years, with input from both industry and the environmental community? If so, what do you think a new rule should look like?**

**Response:** I am not familiar with the specific history of this issue, but I know it is an issue that is important to you. If confirmed, I commit to learning more about it, and I would welcome the opportunity to discuss the issue with you.

**QUESTIONS FOR THE RECORD**  
**Senate Committee on Energy & Natural Resources**  
**Nomination of Michael L. Connor**  
**Written Questions**

Senator Manchin

**63. In your opinion, what is the proper balance between state and federal regulations?**

**Response:** In the context of the Department and its missions, the proper balance between state, tribal, and federal regulations is one that meets the interests of states, local communities, tribes, and territories as well as the public owners of our federal resources and the need for the Department and its bureaus to comply with statutory mandates. I believe that this balance can be achieved through ongoing dialogue with interested stakeholders and governments.