

Oversight Plan for the Committee on Natural Resources U.S. House of Representatives, 110th Congress

Under House of Representatives Rule X, clause 2, each standing committee of the House has general oversight responsibilities to determine whether laws and programs addressing subjects within its jurisdiction are being implemented in accordance with the intent of Congress and to determine whether they should be continued, curtailed or eliminated.

INDIAN AFFAIRS

Budget Overview: The Committee will review the President's budget request for programs and activities related to the Bureau of Indian Affairs and other Department of the Interior agencies with tribal-related programs.

Reorganization of Bureau of Indian Affairs (BIA): The Department of the Interior (DOI) has moved several programs and millions of dollars out of the BIA and into the Office of Special Trustee (OST). The Office of Special Trustee was established by the American Indian Trust Fund Management Reform Act of 1994 to oversee trust fund management reform throughout the DOI. The Committee will conduct a series of hearings on the effect this expansion of OST has had on Indian tribes, including resource and trust management, trust fund management, appraisals, and probate.

Homeland Security: Twenty-five Indian tribes govern over 260 miles of land that is either adjacent to, or directly accessible, by boat, to international borders. In addition, tribal lands are home to several potential terrorist targets such as dams, hydroelectric systems, and oil and gas pipelines, but Indian tribes have been excluded from receiving direct funding under the Homeland Security Act. The Committee will conduct a hearing on the efforts of Indian tribes to protect the US/tribal borders with little or no federal help. The Committee will explore the effects of placing this responsibility on Indian tribes, while providing few resources or assistance. The Tohono O'odham reservation in Arizona shares 75 miles of border with Mexico and is a prime location from which to investigate the issue.

Economic Development Non-Gaming: Congress has spent a great deal of time looking into issues of Indian gaming enterprises over the last several years, but has devoted little attention to all other forms of economic development in Indian country. The Committee will look into what is needed to spur development on Indian reservations. This endeavor will extend in several directions including: the need for infrastructure conducive to development; established tribal plans, tribal laws and regulations relating to business operations and possible environmental effects; incentives that would encourage businesses to locate on Indian reservations; effective tribal court systems; and increased access for tribes to financial capital seed money. In short, the Committee will examine is needed to ensure strong, stable tribal government structures that are prepared to operate business development and foster relationships with outside businesses for the betterment of all involved.

Cultural and Sacred Land Protection: The Committee will continue its efforts to protect Native American cultural and sacred lands. Each year sites that are integral to the practice of Native American religions are defaced or destroyed. There is no comprehensive policy or law to prevent this destruction. Consultation with Indian tribes over encroachment of sacred lands by federal agencies is tenuous at best. Each new administration that comes to power is able to strengthen or weaken the protections that do exist. Over the last six years, numerous sites that had been placed under federal protection by the Clinton Administration have been leased for mining or opened to other destructive activities. Oversight would include exploring the rights of tribes to

collect needed berries, fruits, and fauna, as well as special access to eagles if needed. Protection of and access to cultural and sacred sites must be provided while, at the same time, honoring the mores of Indian religions.

Law Enforcement and Personal Safety Issues: Tribal governments are the primary law enforcement agents and emergency responders for over 56 million acres, or 2%, of the United States. With staggering rates of unemployment (over 80% on some reservations), devastating poverty, and underfunded police and rescue agencies, many Indian reservations are prime targets for crime. The Committee will conduct hearings to explore the funding shortages that cause some tribal police forces to severely restrict activities part way through the fiscal year. In addition, the issue of gangs on reservations and how to address the violence they bring must be considered. Over the last several years, the influx of methamphetamine to Indian reservations has become a major problem on some reservations. Oftentimes the drug dealers are aliens or non Indians who have found the undeveloped Indian lands as a safe haven from which to peddle their poison.

Detention Centers: The Committee will examine the status of detention facilities throughout Indian Country. In September of 2004, the DOI Office of Inspector General (IG) released a report entitled, *Neither Safe nor Secure - an Assessment of Indian Detention Facilities*. This report found longstanding neglect and BIA indifference toward safety and security concerns at the detention centers. Almost all facilities were found to be operating below minimum staffing levels. All aspects -- from funding, to staffing, to maintenance, to training, to record-keeping -- were found wanting. The IG report stated, "BIA's detention program is riddled with problems and, in our opinion, is a national disgrace with many facilities having conditions comparable to those found in third-world countries. In short, our assessment found evidence of a continuing crisis of inaction, indifference, and mismanagement throughout the BIA detention program." It is anticipated that oversight activities will also include a review of the response of BIA to the report, including what, if any, improvements have been made since 2004.

Tribal Courts and Jurisdiction: The Committee will undertake an assessment and oversight of tribal court systems will be undertaken by the Committee. Indian tribal courts across the country operate with various degrees of competency and support. Strengthening tribal court systems and clarifying court jurisdiction is paramount to the operation of strong tribal governments and vibrant, self-sufficient Indian economies. Unfortunately, for decades there has existed a lack of clarity regarding the jurisdiction of tribal courts that is impeding the delivery of justice to Indian communities. For example, according to the National Congress of American Indians, one in every three American Indian or Alaska Native women will be raped during their lifetime. Nine out of ten of those rapes will be perpetrated by a non Indian. But prosecuting these cases is unfairly complicated by the fact that Tribal courts do not have jurisdiction over non Indians.

Youth Issues: The Committee will hold an oversight hearing on issues faced by Indian youths and steps which can be taken to address those challenges. Indian youth are very often faced with violence, drugs, poverty and unhealthy lifestyles that are anathema to their cultural beliefs. Oversight will include finding ways to empower Indian youth and teenagers to turn against the negative and turn toward healthy living through strong cultural identity.

Native Hawaiians: The Committee will oversee the trust responsibility that the federal government established under the Hawaii Statehood Act. This will include enactment of the Hawaiian Homelands Act, the distribution of Hawaiian homelands and status of infrastructure on the lands. It will also include examining the need for legislation to establish a process through which the Native Hawaiian government could reorganize.

Rights of Way: The Department of the Interior is expected to release a Congressionally mandated report in March 2007 on what authority Indian tribes should have over utility rights-of-way that cross Indian lands. The Committee will conduct a hearing on the findings of that report. The hearing will include an Administration witness to explain the process used to compile the

report and conclusions, as well as representatives of Indian tribes with rights-of-way issues. Depending on the results of the expected report, the Committee will also explore alternatives for Congressional action.

Environmental Safety: One of every three homes in Indian Country does not have adequate solid waste disposal systems. Lack of such systems results in open and illegal dumps throughout Indian lands. The Committee will review health and safety effects that open dumping has had on Indians near these sites. The Committee search for new ways to address this growing problem and to dramatically increase the construction of sanitation facilities.

INSULAR AFFAIRS

Budget Overview: The Committee will oversee that portion of the President's budget which relates to the insular areas of the United States, including five principal U.S. territories (American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands) and three freely associated states (Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau).

Regulation Reform: The Committee will review the need for, and advisability of, reducing or enhancing those federal rules and regulations falling within its jurisdiction which relate to the insular areas of the United States.

Normalizing Immigration and Border Security: The Committee recognizes that U.S., territories are also U.S. borders and that certain U.S. territories are viewed as more strategic and vital to the defense of the U.S. because of their locations. Two U.S. territories (American Samoa and the Northern Mariana Islands) have been allowed local control over immigration policy by Congress, and are, therefore, exempt from U.S., immigration law. The Committee is aware that, in the case of the Northern Mariana Islands, local control over immigration policy has resulted in a population imbalance between residents and non-residents (2000 Census Bureau estimates about 55% of the nearly 70,000 population as non-residents primarily from Asia). In stark contrast, Census Bureau 2000 estimates for Asian non-residents in American Samoa is no more than 3% out of a total population of 57,000 (the majority of American Samoa's non-resident workforce comes from the neighboring and culturally aligned islands of the Independent State of Samoa). The Committee will review and make recommendations to normalize immigration and protect sensitive U.S. territorial borders.

Puerto Rico Self-Determination: The Committee will examine proposals to resolve Puerto Rico's political status. In April 2006, the Committee convened an Oversight Hearing on *The Report by the President's Task Force on Puerto Rico's Political Status* (Report) released by the White House in December 2005. During the 109 th Congress, two legislative proposals -- one to implement the recommendations made by the Report and the other to authorize the calling of a constitutional convention through the election of delegates -- were referred to the Committee and received no further action.

General Oversight: The Committee expects to review fundamental issues facing each of the territories and the freely associated states. Some of these issues have recently been researched by the U.S. Government Accountability Office (GAO) in two December 2006 reports: *Compacts of Free Association - Micronesia and the Marshall Islands Face Challenges in Planning for Sustainability, Measuring Progress;* and *Ensuring Accountability and U.S. Insular Areas - Economic, Fiscal, and Financial Accountability Challenges.*

Compacts of Free Association: The Committee will exercise its oversight authority of funding and program assistance to the Republic of the Marshall Islands and the Federated States of Micronesia; in accordance with the Compact of Free Association Amendments Act of 2003 (P.L.

108-188). Additionally, Public Law 99-658, which established the free association relationship between the United States and the Republic of Palau, contemplates a review of the terms and related agreements of the Compact in the fifteenth year of the political relationship. The Committee intends to oversee any formal negotiations leading up to the fifteenth anniversary between the United States and the Republic of Palau.

ENERGY AND MINERALS

Budget Oversight: The Committee oversees energy and minerals related programs within the U.S. Geological Survey, Office of Surface Mining Reclamation and Enforcement, Minerals Management Service, Bureau of Land Management and the minerals and geology program of the Forest Service. The Committee will closely examine the budgets and programs of these agencies.

Federal Oil and Natural Gas Royalty Program: The Committee will perform rigorous and comprehensive oversight of the federal onshore and offshore oil and natural gas royalty program managed by the Minerals Management Service. About one-quarter of U.S. oil and gas production takes place on federal lands or in federal waters in the Outer Continental Shelf. In Fiscal Year 2005, the U.S. collected approximately \$10 billion in royalty payments from federal onshore and offshore oil and gas leases. However, a series of reports and investigations conducted by the Interior Department's Inspector General (IG), the Government Accountability Office (GAO) and by the media paint a picture of gross mismanagement of the royalty compliance and collection program, including under-reporting of royalty payments, inadequate auditing, and outright fraud. In particular, the Committee will focus on:

(1) Deepwater Oil and Gas Royalty Relief Act of 1995 - Under this law, leases in the Gulf of Mexico issued during 1998-1999 are considered flawed because they allowed waivers of royalty payments even when energy prices are high. Potential losses from threshold provisions that were erroneously omitted from the leases are estimated by the GAO to total \$10 billion, largely from production that has not yet occurred.

(2) Royalty Audit and Inspection - In response to bipartisan criticism of the MMS audit program, which was losing between \$200 million and \$500 million annually due to theft and royalty underpayments by federal lessees, Congress enacted the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), a law that reformed the system for collecting royalties for oil and gas produced on federal lands and tightened the government's grip on hundreds of millions of dollars in revenue previously lost or stolen. In 1996, the Republican Majority enacted, over Democratic objections, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (FRSSA), which has made it more difficult for the MMS to aggressively audit and collect federal oil and gas royalties and other monies owed the United States. According to a recent Interior Department IG report, MMS is now auditing less than 10% of lessees -- completely reversing the gains made as a result of the 1982 FOGRMA. In addition, there have been several highly critical GAO, IG and media reports on the consistent under-performance of the MMS audit and its enforcement functions.

(3) Oil and Gas Royalty Rates - The Committee will review results of an ongoing GAO study into royalty rates (requested by Senator Bingaman and Chairman Rahall) that is expected to find that States generally charge higher royalty rates than the federal government. In addition, industry analysts estimate that the U.S., "government take" on oil and gas is lower than most other countries in the world. According to this work, the U.S. "take" -- royalties and taxes, etc. -- is about 40%. The worldwide average is about 60-65%, and many countries have been demanding a bigger slice in recent years. The U.S., by contrast, has actually decreased its slice through additional royalty relief and tax breaks.

(4) Necessity of Royalty Relief - A 2005 Minerals Management Service report found that royalty relief provides only a marginal benefit increasing production by only 1.8%, while, in exchange, the U.S. loses, on average, 10% of royalty revenue -- or \$40 billion over 40 years. The Committee will review the efficacy of royalty relief. Additionally, the Committee will review the various royalty relief provisions of the Energy Policy Act of 2005 (EPAct), including enhanced relief for deep water leases in the Gulf of Mexico, new relief for "marginal wells," and new provisions added for deep drilling on previously issued "shallow" water gas leases in the Gulf and for future leases in the Alaska OCS. By waiving federal royalty collections on huge amounts of publicly owned oil and gas, the bill constitutes a significant taxpayer subsidy that deserves Congressional scrutiny.

(5) Royalty In-Kind (RIK) - In June 2000 the Department of Interior implemented a final rule that should have resulted in an additional \$70 being collected annually in royalty payments from companies drilling oil on federal and Indian lands. The rule came after years of public debate and litigation that forced the industry to settle several royalty underpayment lawsuits with the Justice Department for \$425 million. During the oil rule battle, the industry began to promote "RIK" or "royalty-in-kind" through which companies pay royalties in the form of oil or gas instead of the more traditional cash payments. Despite Congressional concerns, MMS undertook a pilot RIK program and over the years continued to expand the RIK program until 2005, when Congress made the program permanent as part of the EPAct. This action ignored a series of reports and investigations, including one in 1998 by GAO, requested by Chairman Rahall, that concluded the RIK program was unlikely to succeed. It projected losses of \$140 million to \$367 million annually if the program were taken nationwide. Finally, on December 30, 2006, *The New York Times* reported, and the Committee has confirmed, that the head of the RIK program and 3 subordinates have been transferred out of the RIK program pending completion of a criminal investigation by the Department's Inspector General into potential widespread wrongdoing in the program. The Committee will closely investigate the management of this program.

Reform of the 1872 Mining Law: The Mining Law of 1872 is a relic of 19th century land laws that is greatly in need of reform and revision to bring it in line with modern-day land use and hard rock mining practices. Under this law, valuable hardrock minerals such as gold, silver, and copper are mined on public domain lands in the western states without the payment of a royalty. Further, these lands can be patented (fee simple title) by holders of mining claims for \$2.50 or \$5.00 an acre, depending on the type of claim (an annual appropriations bill provision has temporarily halted this practice). The Committee will conduct a full range of hearings and field inspections with the intention of reporting reform legislation to the House, including, but not limited to:

(1) No Royalty or Production Fee - As noted, the General Mining Law contains no provision for royalty payments or production fees on hard rock minerals extracted from the public domain. According to the non-profit organization, Earthworks, since 1872, more than \$245 billion in metals and minerals has been extracted without payment to the American taxpayers, while the coal, oil and gas industries paid \$35 billion between 1994 and 2001 alone.

(2) Patchwork Environmental Protection - The lack of environmental standards in the 1872 Mining Law also poses serious threats to lakes, rivers, streams and drinking water in the west. The Environmental Protection Agency (EPA) rates hardrock mining as the nation's top toxic polluter -- based on pollution levels reported by the industry itself. The inherently destructive nature of modern hardrock mining is exacerbated by the patchwork of federal and state mining and reclamation standards that exist today. The Committee will review the laws and regulations governing the environmental impacts of hardrock mining.

(3) Adequacy of Bonding and Abandoned Hard Rock Mines - The Committee will review recent hardrock mine bankruptcies and the adequacy of reclamation bonds associated with those mine operations. A 2003 state-sponsored report, "Nevada Mining Bonding Task Force Report", indicates that the problem of abandoned mines is not limited to old, historic mines. All of these late-20th century mines declared bankruptcy in the late 1990s, raising questions about the

sufficiency of performance bonds to reclaim these sites after those modern mines went out of business.

(4) Uranium Mining - Hardrock mineral claims on western public lands have increased almost 50% in the past four years, in large part because a resurgence in nuclear power has led to a renewed interest in uranium exploration. A recent review of BLM records found that the number of metal mining claims jumped from 220,000 at the end of 2002 to almost 325,000 in 2006. In Colorado, Utah, Wyoming, and New Mexico, the total claims rose from just over 2,000 in 2001 to about 18,000 in 2005. In Arizona, a Canadian mining corporation has filed 616 claims, many within a few miles of the Grand Canyon's north rim.

Implementation of Energy Policy Act of 2005 (EPAAct): The Committee will conduct oversight into a number of implementation issues related to the Energy Policy Act of 2005, including:

(1) Availability of Oil and Gas Resources - Section 364 of the EPAAct required BLM to review and update an earlier 2003 report on domestic oil and gas resources and impediments to development. The new study expanded the review to include 6 additional areas: Northern Alaska (the National Petroleum Reserve - Alaska and the Arctic National Wildlife Refuge, 1002 area only; the Wyoming Thrust Belt; the Denver, Appalachian, and Black Warrior Basins; and the Florida Peninsula. The new study found that, in the inventory areas, 51% of the oil and 27 % of the gas are presently closed to leasing. The Committee will review the findings of the report to determine their accuracy and reliability.

(2) Energy Corridors - Under section 368 of the EPAAct, several federal agencies undertook a process to identify energy corridors in the Western United States for oil, gas, and hydrogen pipelines, and electricity transmission and distribution facilities on federal lands. The proposed corridors are two-thirds of a mile wide and cross through, or are adjacent to, numerous specially protected areas of federal public lands. The designation of energy corridors for eleven Western States will be completed by August of 2007 and will be followed by a designation process for the Eastern States, Alaska, and Hawaii in August of 2009. The designation of energy corridors has the potential to impact thousands of Americans. Moreover, because it will affect our nation's treasured natural, cultural, and historical resources, it is essential that, through this process, Congress ensure that the Administration take special care and use diligence in determining the location of corridors.

(3) Alternative Renewable Energy OCS Projects - Also as a result of the EPAAct, the MMS now has lead authority for renewable energy projects -- such as wave, wind, or solar energy on offshore lands -- and other projects that make alternative use of existing oil and natural gas platforms. MMS issued regulations for carrying out its new authority in May 2006. The Act also directed that the coastal States will share in 27% of the revenues generated from alternative energy activities within the area extending three nautical miles seaward of a State's submerged lands. MMS has established a formula for sharing this revenue among coastal states within 15 miles of a renewable energy project.

(4) Split-Estate Lands and Energy Development - As required by Section 1835 of the EPAAct, the DOI has reviewed and issued a report in December 2006 on the policies and practices of federal subsurface oil and gas development activities and their effects on the privately owned surface -- known as split estate lands. In split-estate situations, mineral rights dominate, or take precedence over, other rights associated with the property, including those associated with owning the surface, which causes to tensions between surface and subsurface owners, particularly in the West. Congress directed BLM to consult with the public in preparing this report; BLM held listening sessions in four Western States and the District of Columbia. More than 360 people attended the listening sessions, and 102 speakers offered comments to the panel. As a result, BLM has come up with 13 recommendations for outreach, policy, and regulatory action, all of which, according to BLM, are under its authority to implement and will not require legislative

action.

Oil Shale R & D Program: In November 2006, the Bush administration authorized oil-shale leases for five sites on public land in western Colorado, the first leases since the shale bust of the 1980s wrenched the region's economy. The approval was for relatively small-scale "research and development" leases, but it was the government's biggest endorsement yet of oil shale, a vast petroleum resource with a checkered past. Environmentalists say the impact on wildlife and water quality has not been sufficiently taken into account. Additionally, the BLM has ignored concerns about potential impacts as expressed not only by conservationists, but by the State of Colorado and the White River National Forest, as well. Further, USGS noted in its comments that potential impacts to groundwater resources need to be addressed, a concern which , may have been ignored by the BLM.

Multiple Use Mandate and Energy Development: The Committee will perform necessary oversight into the way BLM has allowed its oil and gas program to dominate other public land uses to the detriment of BLM's other management responsibilities. As an example, a section of the Energy Policy Act of 2005 (EPAAct), directed BLM to increase staff sizes in seven regional offices in the Rockies to handle the explosive increase in applications to drill on federal land. The pilot program, designed to facilitate the oil and gas industry's acquisition of federal permits, has drawn sharp criticism from Western residents. Additionally, the Bush Administration is putting plans in place to approve more than 118,000 new gas and oil wells on public lands in Utah, Wyoming, New Mexico, Colorado, and Montana over the next two decades, which is nearly double the current total number of producing wells on public lands throughout the Rocky Mountains.

Regulation of Coal Ash Placement: EPA is promulgating regulations to govern the disposal of coal combustion waste in landfills, surface impoundments, and mines. This is critical in view of the growing body of data that indicates increasing threats to health and the environment from unregulated disposal of coal combustion waste. The question of coal waste management, whether regulated by EPA or the Office of Surface Mining Reclamation and Enforcement, will be reviewed by the Committee.

Abandoned Mined Coal Lands: The Committee will perform oversight on the 2006 Reauthorization of the Abandoned Mines Lands Program under the Surface Mining Control and Reclamation Act of 1977.

National Geologic Mapping Reauthorization: A legislative proposal to amend the National Geologic Mapping Act of 1992 to extend deadlines for development of a five-year strategic plan for the geologic mapping program and for appointment of the advisory committee was passed by both Chambers during the 109 th Congress, although not enacted into law. The Committee will reconsider and move the reauthorization of this valuable program.

FISHERIES, WILDLIFE AND OCEANS

Department of Commerce - National Marine Fisheries Service:

Budget Oversight: The Committee will review the President's budget request relevant programs and activities of the National Marine Fisheries Service.

Recommendations of the Joint Ocean Commissions Initiative (JOCI): In 2003 and 2004, two major, national, bipartisan commissions - - the U.S. Commission on Ocean Policy (established by federal law) and the Pew Oceans Commission - - released reports making recommendations for improving federal policies related to the management and conservation of fisheries, other ocean resources, and the marine environment generally. In late 2004, the two commissions formed one

entity, the Joint Ocean Commissions Initiative, to pursue these recommendations. The Committee will hold hearings on JOCI's findings and recommendations, prior to considering legislation implementing appropriate recommendations.

Marine Mammal Protection Act (MMPA): Marine mammals are protected under the MMPA. With few exceptions, the law prohibits harm or harassment of marine mammals without a permit. The authorization for appropriations expired on September 30, 1999. The Committee expects to hold hearings on implementation and enforcement of the MMPA, with the goal of updating and reauthorizing the Act.

Implementation of 2006 Amendments to the Magnuson Act: In 2006, the Congress reauthorized the Magnuson Act, adopting the first substantive changes to the law in more than a decade. These changes will require federal agencies and regional fishery management councils to change their operations. The Committee will conduct oversight to ensure that changes to the law are implemented as Congress intended. The Committee will also examine the appropriate levels of funding needed to implement the law effectively.

Administration of the Endangered Species Act (ESA): The ESA provides for the conservation and management of threatened and endangered species. The Secretary of Commerce, through NMFS, is charged with implementing this law for marine species. The Committee will hold oversight hearings on the status of listed marine species and prospects for recovery, as well as on the agency's implementation of the Act and funding levels.

Overfishing on the High Seas: The Committee will hold oversight hearings on incentives to reduce overfishing in international waters and eliminate bycatch, including gear modification to reduce seabird, sea turtle and shark bycatch.

Invasive Species: The Committee will examine the impact that invasive species have on the marine and aquatic environments, and ways to address this growing national problem.

Department of Commerce - National Oceanic and Atmospheric Administration (NOAA):

Budget Oversight: The Committee will review the President's budget request for relevant programs and activities of the National Oceanic and Atmospheric Administration.

Northwest Hawaiian Islands Marine National Monument: On June 15, 2006, the Northwest Hawaiian Islands Marine National Monument was established by Presidential decree. The monument will be jointly managed by NOAA and the Fish and Wildlife Service. The Committee will hold oversight hearings on the management and operations of this important new monument.

National Marine Sanctuaries Act: There are 13 sanctuaries nationwide, in addition to the new monument in the Northwest Hawaiian Islands. The Committee will examine opportunities to improve the law in addition to reauthorizing the appropriations which expired in 1999.

Marine Protected Areas: Both NOAA and the Department of the Interior, through the National Park Service and the Fish and Wildlife Service, are authorized to develop and implement marine protected areas. If properly managed, marine protected areas can be tools to promote the sustainable use of oceans. Last year, NOAA and DOI released a joint framework for the development of a comprehensive system of marine protected areas. The Committee anticipates holding hearings on this issue.

Ocean Health: The Committee will hold oversight hearings on issues affecting the health of our oceans, such as coral degradation, acidification, marine debris, dead zones, and red tides. The Committee will examine the science surrounding these issues and opportunities to improve ocean health.

Coastal Zone Management in the 21 st Century: In 2006, NOAA, through its National Ocean Service and in consultation with the Coastal States Organization, initiated a visioning process to engage stakeholders on the federal, state, and local levels in redefining our national approach to managing the Nation's coastal zone. The Committee will hold oversight hearings on their findings and gather insights into potential amendments to the Coastal Zone Management Act.

Department of the Interior - Fish and Wildlife Service:

Budget Oversight: The Committee will review the President's budget request for the programs and activities of the Fish and Wildlife Service.

Endangered Species Act Implementation: The Committee will hold oversight hearings examining the science behind decisions to list, not list, and delist endangered and threatened species. The Committee will also examine the appropriate levels of funding need to implement the law effectively.

Migratory Bird Treaty Act Enforcement and Bird and Bat Mortality: The Committee will hold oversight hearings on enforcement of incidental take of birds under the Migratory Bird Treaty Act, particularly the impacts that wind turbine development has on birds and bat mortality.

National Wildlife Refuge Operations and Maintenance Backlog: The Committee will examine how the operations and maintenance backlog is impacting the public's use of refuges.

Fish Hatcheries: Nationwide there are 69 federal fish hatcheries, seven Fish Technology Centers and a Historic National Fish Hatchery. The Committee will look at the condition of these facilities and explore opportunities to modernize them and recover costs for their operations and maintenance. The Committee also will address the role of the National Fish Hatchery System within the Fish and Wildlife Service's fisheries program.

Lacey Act Enforcement: The Lacey Act, enacted in 1900 and subsequently amended over the last century, was the first federal law to control trade in wildlife and wildlife products. The Committee will examine the adequacy of this venerable Act's existing authority to control the burgeoning multibillion dollar trade of threatened and endangered or otherwise illegal wildlife into and out of the United States.

Refuge Comprehensive Conservation Plan (CCP) Development: Under the 1997 National Wildlife Refuge Improvement Act, the Fish and Wildlife Service is required to develop CCPs for all refuges no later than October 9, 2012. With approximately six years remaining before the deadline, the Service has failed to complete CCPs for over half of the Refuge System. The Committee will examine the status of CCP development and resources and strategies that might be employed to meet this critical conservation requirement.

Convention on International Trade in Endangered Species: About 169 countries are party to this international agreement providing for the worldwide protection of endangered plants and animals by ensuring that trade does not threaten their survival. In 2007, member countries will assemble in the Netherlands for their regular meeting. The Committee will hold hearings on changes proposed by the United States and other countries, and will examine strategies the United States intends to pursue to achieve and promote species conservation.

NATIONAL PARKS, FORESTS AND PUBLIC LANDS

Forest Service:

Budget Oversight: The Committee will review the President's budget request for the programs and activities of the Forest Service.

Forest Planning and NEPA: The recent announcement by the Administration to exempt national forest plans from NEPA is only the latest in a series of administrative moves to scale back or exclude the public from Forest Service planning. The Committee will examine these changes and their impact on our natural resources and the public's right to know about and participate in the management of our national forests.

Hazardous Fuel Costs: Both the GAO and the USDA Inspector General have issued reports documenting problems with the Forest Service's handling of the hundreds of millions of dollars they have received for hazardous fuels reduction. The Committee will examine the issues identified in these reports, including agency failures to control costs, prioritize projects, and deliver value in its hazardous fuels program.

Healthy Forest Act Implementation: In 2003, the Forest Service and the Bureau of Land Management were given significant new authority to expedite the removal of dead and dying timber from national forests and public lands. The Committee will examine the agencies' use of this new authority.

Roadless Rule: In 2004 the Bush Administration overturned the Clinton Administration Roadless Rule and instituted its own directive. This new rule was subsequently put on hold by a U.S. District Court. The Administration is now trying to get around this court ruling by using a petition procedure under the Administrative Procedures Act. The Committee will review the Bush Administrations's actions on this matter.

Campground Closures: The Forest Service has ordered a nationwide assessment of all national forest campgrounds. In some areas, they are proposing to shut down or scale back one-third or more of all campgrounds. The Committee will examine the potential impact this assessment could have on public recreation in our national forests.

Timber Program: No activity of the Forest Service is more controversial than the timber program. Below-cost sales, salvage sales, and thinning have generated significant public concern. The Committee will examine the timber sale program to assess the program's impact on forest resources and to assure that it is managed in the public's interest.

Bureau of Land Management:

Budget Oversight: The Committee will review the President's budget request for programs and activities of the Bureau of Land Management.

Oil and Gas Development Impacts on Public Lands: This Administration has fast-tracked the extraction of oil and gas from public lands, with thousands of new drilling permits issued annually. This development has, in certain places, negatively impacted the natural, scenic, historical, cultural, and recreational resources that exist on public lands. The Committee will undertake an extensive review of this matter.

Wild Horse and Burro Program: With the repeal of the prohibition on the sale and commercial slaughter of wild horses and burros, public attention has been focused on the many problems with the BLM's administration of the program. The Committee will examine the program with an eye toward moving legislation to prohibit the slaughter of these symbols of the American West.

Grazing Program: For the past several years, the Administration has been attempting to roll back reforms to the grazing program that were instituted in 1995. In 2006 the Administration issued a rule that repealed or undercut a number of the 1995 reforms. Implementation of this rule was subsequently enjoined by a U.S. District Court. The Committee will examine the changes

being proposed and their impact on the long-term health of our public lands.

National Landscape Conservation System: In the late 1990's, the National Landscape Conservation System was established within the Bureau of Land Management to pull together under one umbrella the national monuments, national conservation areas, wilderness, and other conservation units administered by the BLM. Many of these conservation units were established only in the past decade and their management plans are new or in the process of being finalized. The Committee will examine the agency's management of the system and the numerous significant resources the system contains.

RS 2477: For several years, the Administration has been methodically moving to relinquish control of certain federal lands using a legislative statute known as RS 2477, which was repealed nearly 30 years ago. The potential relinquishment of these federal lands could significantly complicate the management of important public resources and adversely affect not only public lands but private lands as well. The Committee will examine the Administration's actions.

National Park Service:

Budget: The Committee will examine the President's budget request for the programs and activities of the National Park Service.

Yellowstone Bison: After six years and millions of dollars, implementation of the 2000 Yellowstone Bison Management Plan has not proceeded beyond the first phase of the plan. Thousands of bison have been slaughtered under the plan and the Committee will explore ways to protect and properly manage these living symbols of America.

Centennial Challenge: In August 2006, the President called on Americans to enhance our national parks and directed the NPS to come up with a plan to achieve this. The so-called "Centennial Challenge" is lacking in details and little appears to have been done thus far. The Committee will examine the program to determine how the Administration is meeting its responsibility as stewards of some of the most important elements of our national heritage.

Outsourcing of Federal Jobs: Despite the outpouring of negative reaction by Congress and the public to the Administration's plan to outsource jobs at federal land management agencies, the Administration is still proceeding methodically, but quietly, on outsourcing. The Committee will examine the Administration's efforts in this regard and their impact on public employees and the resources they protect day in and day out.

Recreation Fees: On January 1 st, federal agencies rolled out a new "America the Beautiful Pass." That pass replaces others that were less costly to visitors to our National Parks and public lands attractions. The result is that individuals who want to continue to enjoy these American treasures are having to pay 23% to 60% more than in the past to do so. The National Park Service is the largest collector of recreation fees but the Committee will look at the fee programs of all agencies to see where, why, and how such fees are being collected and used.

WATER AND POWER

Budget Reviews: The Water and Power Subcommittee will hold hearings to review the spending priorities of the Bureau of Reclamation, the Water Resources Division of the U.S. Geological Survey, and the Power Marketing Administrations. How can Congress work more effectively with the agencies and their limited budgets to encourage efficient, sustainable water supply and use in the West, including conservation and recycling of water for growing urban areas? What response can mayors, tribal leaders, governors, natural resource managers, and the business community expect when they ask the Bureau of Reclamation to help them solve water resource problems?

What possibilities, if any, exist to reform agency budgets, and why do the agencies resist funding for clearly defined Congressional priorities and directives? How will increased emphasis on production of biofuels affect agency priorities?

Water Recycling: Congress in 1992 provided the Bureau of Reclamation with broad authority and specific direction to create a comprehensive water recycling program to serve communities in the 17 Western states and the Insular Areas. Unfortunately, the Executive Branch generally has not been responsive to "Title XVI" water recycling initiatives and has resisted full implementation of the authorized water recycling program. There is a consistent pattern demonstrating an inability to meet statutorily imposed deadlines, and to respond to bipartisan Congressional and committee inquiries. Subcommittee hearings will examine various legislative proposals to reform the Title XVI water recycling program, the Office of Management and Budget's "PART" reviews, and new membrane technologies for recycling and desalination.

Sustainable Water Supplies and the Bureau of Reclamation: The 17 Western states served by the Bureau of Reclamation have changed dramatically since enactment of the Reclamation Act of 1902. Hearings will explore the 21st Century federal role in providing assistance for drought protection and water supply development to communities, agricultural water users, and state governments. Does the current "mission" of the Bureau of Reclamation serve the contemporary water needs of the Western states? Does the Bureau of Reclamation's mission complement or complicate the goals of the states' water plans? How should the Bureau of Reclamation address changing water use patterns in the West and the transfer of water from irrigation to urban uses? What do the Western Governors, tribal leaders, local governments, and natural resource managers expect from the Bureau of Reclamation? Who should pay for projects, and how should they be financed? Additionally the Committee will consider groundwater supplies and how the U.S. Geological Survey and the Bureau of Reclamation might more effectively assist state, tribal, and local governments to study, develop, and conserve groundwater supplies for agricultural, municipal, and environmental uses.

Changing Conditions are Affecting Western Water Supplies: The 2004 report of the National Science and Technology Council found that water managers in most states expect freshwater shortages in the near future, and the consequences may be severe. "In future years ¼ changes in the amount, timing, and distribution of rain, snowfall and runoff are probable, leading to changes in water availability as well as in competition for water resources." Understanding the natural variability of our water resources, which are affected by both precipitation and temperature, is critical to hydrologic forecasting. The Western States Water Council, the Western Governors' Association, and others have stressed the importance of considering climate variability when planning for drought. Timing and type of precipitation are as important as the amount. Recent observations show that diminished snow accumulation and earlier snowmelt can have profound implications for the amount of water that can be delivered to users or to aquatic ecosystems. Hearings will consider how state and local water managers are dealing with drought planning and water supply variability, and how the Bureau of Reclamation and the Geological Survey are responding to the changing water supply picture. Hearings will also consider the impact on agency programs of increased presence of nanoparticles and pharmaceutical chemicals in Bureau administered water supply systems.

Klamath River, California and Oregon: The Klamath River is heavily impacted by a Bureau of Reclamation irrigation project and federally-licensed hydropower projects. Salmon populations of vital importance to Indian Tribes and non-Indian fisheries have reached historically low levels. The river has been the source of controversy for years. Recently, some affected interests and the governors of California and Oregon have worked toward settlement of river management disputes. The Committee expects to conduct hearings on a settlement proposal, should one emerge from current negotiations, and will consider, among other things, the relationship of a Klamath River settlement to other fishery restoration and river management initiatives in the region.

Trinity River Restoration, California: The fishery resources of the Trinity River have been devastated by construction of Trinity Dam (completed in 1963) and the subsequent diversion of most of the river's flows for irrigated farms of the San Joaquin Valley and power generation. Despite specific legislative direction to restore the flows and fishery habitat that have been damaged by many years of reduced flows, as well as decades of studies, administrative restoration decisions based on best available science, and judicial rulings in favor of the restoration program, restoration work for the Trinity River has been frustrated and repeatedly delayed by aggressive actions by water and power contractors and bureaucratic inertia. Hearings will examine: (1) the status and funding of restoration work; (2) the management of the restoration work by the Secretary of the Interior as trustee for the Hoopa Valley Tribe; (3) the Hoopa Valley Tribe's conduct of its co-management responsibility for restoration; and (4) the potential effects of Central Valley Project long-term water service contracts on Trinity River restoration.

CALFED, OCAP, and the Bay-Delta Conservation Plan: The severe decline in the ecological health of California's Sacramento-San Joaquin Delta has not been corrected. The Committee will conduct oversight on the California Bay-Delta Program (CALFED), the Central Valley Project Operations Criteria and Plan (OCAP), and the newer Bay-Delta Conservation Plan (BDCP). The 2004 CALFED authorization provided specific authorities to the federal CALFED agencies regarding ecosystem restoration, water supply, water quality, water use efficiency, and other categories. Four independent reviews conducted by the State of California found common agreement that the current CALFED governance structure is not working well, priorities for CALFED are not clear, and meaningful performance measures for the program are lacking. The objective of the CVP-OCAP is to document the operation of the Central Valley Project as part of the Endangered Species Act Section 7 consultation process. The OCAP process has been criticized as being subject to political pressure. The BDCP is intended to result in an approved Habitat Conservation Plan (HCP) to provide for the conservation and management of aquatic species and regulatory (Endangered Species Act) assurances related to water supply reliability and water quality. The Committee will consider whether the BDCP as currently structured will achieve these goals.

Lower Colorado River Basin Operation and Management: The Colorado River Basin states have demonstrated their ability to work together to resolve complex water management problems, but many challenges remain. Committee oversight activities will include an examination of the fiscal and environmental impacts of operating the Yuma Desalting Plant and the impact of its operation on the Cienega de Santa Clara in Mexico; drought and water supply variability in the Basin; the Lower Colorado River Multi-Species Conservation Program; transboundary water supplies and issues with the Government of Mexico; implementation plans for lining the All-American Canal and constructing new regulated storage at or near the All-American Canal; and the potential for adverse effects on water supplies from proposed new and widespread uranium development in the Basin. The Committee expects to consider how California's changing administration of its share of the Colorado River will affect the agriculture-dependent communities and coastal urban areas that are dependent on, or expect to use Colorado River water, and the relationship of those uses to federal and state efforts to protect and restore the environmental values of the Salton Sea.

Indian Water Settlements: Indian water settlements will play a crucial role in shaping the future of tribal and non-Indian communities throughout the West. There are increasing pressures to resolve tribal water claims, including the rapid growth of urban areas in the West, the over-appropriation of dependable surface water supplies, declining groundwater levels and environmental opposition to new water development projects. Indian tribes control large amounts of land and have vast entitlements to water resources. Federal Indian policy is to settle Indian water claims by negotiation rather than by litigation wherever possible, and to promote Indian self-determination through the development of diversified reservation economies. The United States, as trustee for Indian tribes and as a funding source, is a necessary party to water litigation, as well as to any efforts to settle litigation out of court. The Committee will consider the current status of Indian water settlement negotiations, how settlements should be structured in

light of increasingly uncertain and variable water supplies, the impact of federal water projects on tribal resources, and whether a permanent funding source for Indian water settlements is appropriate.

Power Marketing Administrations: The Department of the Interior's Bureau of Reclamation and the Department of the Army's Corps of Engineers generate electricity at hydropower plants located at major federal water projects. The Department of Energy's four Power Marketing Administrations (PMAs) generally sell this electricity in wholesale markets mostly to publicly and cooperatively owned utilities that, in turn, sell the electricity to retail consumers. As utilities expand their energy portfolios to include a higher percentage of renewables, the federal PMAs are developing new partnerships with utilities and non-governmental organizations. An example is the Public Renewables Partnership, an initiative dedicated to enabling public organizations, co-operatives, and Tribal utility authorities to effectively integrate renewable energy into their power portfolios and business strategies. Committee PMA hearings will review the PMAs' existing authorities and consider ways in which the PMAs might provide additional assistance and incentives to encourage utilities to reduce energy demand and increase the percentage of renewable energy in their portfolios, as has been successfully demonstrated in the Pacific Northwest. The Committee will also consider the PMAs' role in improving the nation's transmission infrastructure and current policies for siting transmission corridors on public lands and Indian reservations.