



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JAN 19 2024

The Honorable Pete Stauber
Chairman, Natural Resources Subcommittee
on Energy and Mineral Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Stauber:

Enclosed are responses prepared by the Bureau of Land Management to questions for the record submitted to Director Tracy Stone-Manning, following her appearance before your subcommittee at the May 16, 2023, oversight hearing entitled *Examining the President's FY 2024 Budget for the Bureau of Land Management and the Office of Surface Mining, Reclamation and Enforcement*. We apologize for the delay in our response.

Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

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

Enclosure

cc: The Honorable Alexandria Ocasio-Cortez
Ranking Member

Questions from Chairman Westerman

- 1. During the hearing, Members from both sides of dais raised concern over the determination the BLM proposed rule on Conservation and Landscape Health was not deemed economically significant. The Administrator of the Office of Information and Regulatory Affairs makes the determination of whether a rule is major, although this information would have been submitted by BLM. Conservation leases could potentially prevent access of federal land to current BLM permittees. I'd like to understand how the BLM determined this proposed rule does not have an impact of more than \$100 million per year on the national economy.**

- a. What analysis did BLM provide to justify this would not have a major impact?**

Response: The proposed rule allows for conservation leases to be issued in the future but does not require any to be issued. The proposed rule does not change access to any Federal land.

- b. Will you share the entire economic analysis conducted by the agency and submitted to ORIA with the Committee?**

Response: The economic analysis was included as an attachment to the proposed rule published in the Federal Register.

- 2. I often find the local staff, with boots on the ground, have valuable expertise and should be consulted on major decisions effecting their roles to carry out the agency's mission. Given that, I've been disappointed to hear, from multiple sources, the lack of consultation with local staff on the BLM's recently released Conservation and Landscape Health proposed rule. In addition, stakeholders and those directly affected by such a rule were left out of the development of this rule.**

- a. Did you engage with local staff, solicit their expertise and advice, and value their opinion on the crafting of this proposed rule?**

Response: In developing the proposed Conservation and Landscape Health rule, the BLM performed significant engagement with BLM staff and subject matter experts throughout the country to ensure the rule conformed with existing authorities and would be implementable. The BLM also held a 90-day public comment period on the proposed rule, which included five public meetings – three in-person and two virtual – ensuring there were significant opportunities for public feedback and input from all stakeholders, including leaseholders, Tribal Nations, and

State and local governments. The BLM has received over 216,000 public comments on the proposed rule. The BLM looks forward to continued engagement with all public land users to ensure this rule enhances the BLM's capacity to deliver on its mission now and in the future.

b. Do you commit to consulting stakeholders, including BLM district staff, in any rule or agency decision?

Response: Yes. This proposal reflects an important conversation with BLM's partners and stakeholders. Public and stakeholder involvement, including BLM district staff, through this rulemaking process is crucial to ensure the BLM is making appropriate land management decisions on the ground.

3. The BLM's proposed Conservation and Landscape Health rule seeks comments on how the agency should incorporate the management of old and mature forests into the rule. The BLM recently released a report on old growth, with the Forest Service, clearly recognizing "mature forests" are not a scientifically recognized term in forestry. Why is the BLM proposing to fundamentally change the way we manage these forests based on inherently flawed science? Is the Department considering placing any restrictions on the management of "old growth and mature forests" as part of this rulemaking?

Response: The BLM specifically requested feedback on whether the management of mature and old growth forests should be incorporated into this rulemaking and is in the process of incorporating the feedback it received on this point.

4. Your Department of the Interior colleagues have recently testified before this committee about their lack of concern for Congressional authority. I now see the BLM potentially following suit. The agency has proposed a rule fundamentally changing the way the BLM carries out its multiple use and sustained yield mandate. BLM is creating a new use of lands without Congressional Authority. Why do you believe the agency is justified in publishing this proposed rule outside of Congressional direction?

Response: The Federal Land Policy and Management Act (FLPMA) requires public lands to be managed for multiple use and sustained yield unless otherwise specified by law. FLPMA 302(a), 43 USC 1732(a). To ensure the BLM is able to meet these priorities, FLPMA provides that "in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the views of the general public." To date, the BLM has established and maintains regulations for a wide variety of uses, from grazing to off-road vehicle management, from areas managed to protect natural values to mineral resources to rights-of-way. But to date, the BLM does not have regulations that govern conservation use of the public land. This rulemaking would provide a

regulatory framework for actions the BLM is already authorized to take under the law to facilitate conservation use.

- 5. I am glad you are making an effort to listen to stakeholders through in-person listening sessions. However, I am concerned about the lack of in-person sessions and their location. The population of the three cities announced does not accurately represent the people who will be most impacted by this rule.**

a. Who have you invited to participate in the listening sessions?

Response: The BLM publicly announced, through a press release and web posting, meeting dates that included three in-person and two virtual public meetings to provide information and answer questions about the proposed rule. All members of the public were welcome to attend any of the public meetings.

b. Will you commit to holding more listening sessions in areas impacted by this proposed rule?

Response: The BLM is committed to providing robust public outreach to help the American public better understand the proposed rule and the rulemaking process, regardless of whether someone is able to attend a meeting in person or online. Individuals who did not attend the public meetings had the same access to information on the proposed rule and the same ability to provide comments on the proposed rule. All meeting materials, including a recording of the virtual public meeting, the presentation slides, frequently asked questions and a reviewer's guide, are posted on the BLM's proposed Conservation and Landscape Health rule website at <https://www.blm.gov/public-lands-rule>.

c. Will you commit to attending each listening session?

Response: BLM senior leadership was present at all of the public meetings. Specifically, for the in-person meetings, the Director attended in Denver and Albuquerque, and the Principal Deputy Director attended in Denver, Albuquerque, and Reno.

- 6. In the recently published proposed rule, BLM has two statements that appear to contradict each other. The proposal says conservation leases are "not intended to provide a mechanism for precluding other uses, such as grazing, mining and recreation. Conservation leases should not disturb existing authorizations, valid existing rights, or state or Tribal land use management." The proposal also says that once a lease has been issued, the "BLM shall not authorize any other uses of the leased lands that are inconsistent with the authorized conservation use."**

- a. **Will conservation leases be in addition to other leases or issued in a way excluding other uses of the land?**
- b. **How will BLM determine lands eligible for a conservation lease?**
- c. **What will take priority if conservation leases overlap with other possible land use, such as the potential for oil and gas development leases or areas for timber or grazing?**

Response: Under the proposed rule, the BLM would continue to manage public lands according to the terms of approved resource management plans, and would honor existing rights and previously approved uses. The BLM would continue to authorize land uses based on science and data. The BLM received substantial public and stakeholder comment on the conservation leasing proposal in the rule, and is reviewing this input as part of the ongoing regulatory development process.

7. **The Inflation Reduction Act provided \$500 million for NPS and BLM for conservation, resiliency, and restoration projects. Recently, your staff briefed my staff on the implementation of this funding. The NPS and BLM are carrying out landscape sized projects to restore and conserve land, including post fire work. DOI confirmed their ability to carry out this conservation work without the need for any new rules, regulations, or authority. Why is the BLM pushing forward a proposed rule focusing on conservation and creating conservation leases when conservation work has been ongoing without such a rule?**

Response: The historic investments in landscape health and resilience made under the Bipartisan Infrastructure Law and Inflation Reduction Act have enabled the BLM to restore degraded landscapes, build resilience to wildfire, improve wildlife habitat, and protect vulnerable ecosystems. This work is extremely important, as public lands face new and increasing threats driven by a changing climate, including increasingly intense wildfires and prolonged droughts. The proposed Conservation and Landscape Health rule complements Congressional investments in land health, ensuring the BLM can continue to deliver on its multiple-use mission for present and future generations. The proposed rule would clarify that conservation is a use on the landscape, alongside other uses, while ensuring the BLM uses science and data to guide investment, support responsible development, and protect important resources like forage and clean water. Importantly, the rule also would provide a mechanism (conservation leases) for private entities to engage in restoration and mitigation activities on public lands.

8. How does the BLM statutorily justify the addition of a "conservation lease" and giving this designation an equal standing as other uses defined within FLPMA while maintaining the requirements of FLPMA's multiple-use and sustained-yield framework?

Response: As discussed in Section 6102.4 of the proposed rule, this proposal relies on Section 302 of FLPMA (43 U.S.C 1732), which directs the Secretary of the Interior to regulate the use, occupancy, and development of public lands through easements, permits, leases, licenses, published rules, *or other instruments as the Secretary deems appropriate*. Additionally, Section 102(a)(8) of FLPMA states the policy of the United States that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use” (43 U.S.C. 1701(a)(8)). The BLM therefore believes that conservation leasing, as proposed in the Conservation and Landscape Health rule, would be consistent with FLPMA’s definition of multiple use and broader statements of policy, while ensuring the BLM continues to fulfill its multiple use and sustained yield mission.

9. Is the overall intent of this proposed rule to reduce the acreage available for FLPMA mandated uses just as grazing, energy development and transmission?

Response: No. The intent of this proposed rule is to ensure the BLM continues to manage the public lands so the lands and the many varied resources they support are available for future generations.

10. How will the BLM evaluate and manage the conservation efforts that are laid out in the proposed rule? Will this process be done through RMPs and various land management plans, as prescribed by FLPMA, currently governing public land use?

Response: If the proposed rule is finalized, the overarching management of BLM lands would continue to be governed by the resource management planning process, which also helps to guide day-to-day decision-making. The proposed rule would enhance the BLM’s focus on the fundamentals of land health, which have long been used to support the BLM’s rangeland management, and ensure land management decisions are underpinned by the best available science and data.

11. It is clear BLM is already engaging in meaningful conservation work through stewardship agreements and other activities.

a. How many BLM acres have been conserved, restored, or treated with mitigation measures each year in the past 10 years?

Response: The following table shows acres by year for the past 10 years that have been conserved, restored, or treated with mitigation measures and other activities. These vegetation treatments include biological treatments such as targeted grazing; chemical treatments such as herbicides, insecticides, and pesticides; basal bark spraying; cutting stump and spraying surface; fire treatments such as broadcast burning, hand pile burning, machine pile burning, and other prescribed fire; physical treatments such as piling, hoeing, chipping, grading, digging, lop and scatter, mowing, thinning, protective mulching, pruning, plowing, regeneration harvest, planting, seeding, salvaging, pre-commercial thinning, hand pulling, cultivating, raking; and plant and seed collecting.

BLM Acres Conserved, Restored, or Treated with Mitigation Measures				
	Status			
CY	Completed	Data Pending	Data Validated	Grand Total
2012	369,039			369,039
2013	919,498			919,498
2014	1,205,302			1,205,302
2015	2,693,339			2,693,339
2016	1,466,411			1,466,411
2017	1,385,970			1,385,970
2018	1,516,124	345		1,516,469
2019	2,970,849	838	105	2,971,791
2020	1,506,639	1,684	922	1,509,245
2021	1,801,832	41	991	1,802,864
2022	2,410,114	177		2,410,291
2023	58,248			58,248
Grand Total	18,303,364	3,085	2,017	18,308,466

b. How many acres does BLM expect this new proposed rule would include?

Response: As noted previously, BLM land management would continue to be governed by the resource management planning process if the proposed Conservation and Landscape Health rule is finalized. As a result, it is difficult to provide an exact estimate of future restoration and mitigation work. The scope of such work would be determined by future land management

planning processes and implementation of specific actions the ground, in collaborative engagement with local communities, public land users, Tribal Nations, and State and local governments. The rule would simply add another tool to our toolbox.

12. The recent proposed rule on conservation and landscape health defines conservation as "meaning maintaining resilient, functioning ecosystems by protecting or restoring natural habitats and ecological function."

a. Will you provide any other definitions of "conservation" used by BLM?

Response: The definition cited is the definition the BLM proposes to use for conservation under the proposed rule. The BLM welcomed public comment on all aspects of the proposed Conservation and Landscape Health rule, including the definition of conservation.

b. How much BLM land is currently considered "conserved" by BLM's proposed definition in this rule?

Response: The proposed definition in the proposed rule encompasses ongoing work, and the BLM has not yet sought to apply this definition in a manner that would quantify a number of acres "conserved." The proposed Conservation and Landscape Health rule would enhance the BLM's capacity to use science and data to assess the fundamentals of land health, which would help the BLM better understand the condition of the lands we manage and guide future management decisions to fulfill conservation objectives.

13. How many ACECs have been designated each year for the past 10 years?

Response: The table below shows the number of Areas of Critical Environmental Concern (ACECs) designated for each year for the past 10 years. The absence of data for a particular year reflects there were no RMP RODs or Decision Records signed in the corresponding year that designated ACECs.

Number of BLM ACECs Designated by Calendar Year	
ROD CY	Count of ACEC
2013	1
2014	10
2015	97
2016	254
2017	4
2020	11
Grand Total	377

14. How many acres have been designated as ACECs each year for the past 10 years?

Response: The table below shows the acres of ACECs designated for each year for the past 10 years. The absence of data for a particular year reflects there were no RMP RODs, or Decision Records signed in the corresponding year that designated ACECs.

Acres of BLM ACECs Designated by Calendar Year	
ROD CY	Acres
2013	644
2014	574,697
2015	727,369
2016	8,375,148
2017	8,876
2020	48,048
Grand Total	9,734,782

15. In the recent proposed rule, the agency states, “ ... public lands are increasingly degraded and fragmented due to adverse impacts from climate change and a significant increase in authorized use”

a. How has climate change led to fragmented lands?

Response: Climate change is driving a host of landscape changes that degrade the health of lands and fragment habitat. For example, increasingly intense wildfires or prolonged droughts can lead to an influx of invasive species, fragmenting habitats and stressing native plants and wildlife.

b. What is the agency referencing as “authorized use”?

Response: Authorized use refers to the wide variety of uses authorized on public lands under statute, regulation, and land use planning and permitting processes.

16. Sadly, we see BLM has often failed to maintain healthy landscapes across much of the west. Areas are overrun and destroyed by wild horses and burros. Lack of active management on our timber and grasslands has led to catastrophic wildfires. The inability to actively manage lands has only furthered invasive species. These examples are the responsibility of the BLM and cannot be attributed to other multiple uses. How would this proposal help BLM be a better steward of places like overstocked Herd Management Areas and overgrown, wildfire prone areas?

Response: The committed staff of the BLM work hard every day to ensure the BLM delivers on its multiple use and sustained yield mission and manages the public lands for the benefit of all Americans.

The proposed Conservation and Landscape Health rule would identify conservation as one of the multiple uses on the landscape, ensure areas can be prioritized and managed for restoration, and provide tools like conservation leases that will support the BLM's ability to restore public lands back to health, including lands degraded by fire or overuse. The proposed rule would expand the assessment of land health, ensure science and data underpin decision making, and help support responsible development across the landscape. The rule also would authorize the use of third-party mitigation fund holders to facilitate compensatory mitigation on BLM-managed lands and establish criteria that third parties must meet to be approved as mitigation fund holders.

17. Is active forest management consistent with the BLM's definition of "conservation," as proposed in this rule?

Response: Under the proposed rule, the BLM would continue to manage public lands according to the terms of approved resource management plans, developed in collaboration with local communities, land users, Tribal Nations, and State and local governments. The proposed rule does not specifically identify which land management techniques are compatible with conservation, as those decisions should be made locally and through resource management planning processes. That said, active forest management – a term of art typically meaning thinning, harvesting, and prescribed burning of forest resources – can help shape change in a forest system that may contribute to conservation goals and promote landscape health and resilience, where local conditions dictate. In this way, active forest management can also be a form of restoration, consistent with the definition of conservation in the proposed rule. The proposed rule would expand the BLM's ability to use science and data in land management, which could inform the agency's forest management and fire resilience work.

18. Can the agency commit that this rule will not affect the ability of the agency to manage its lands to reduce hazardous fuels to respond to wildfire, insects, disease, drought, and/or overstocked and unhealthy forests or rangelands?

Response: The proposed Conservation and Landscape Health rule would greatly enhance the BLM's ability to manage for land health, including fire resilience, forest health, rangeland health, watershed health, and healthy fish and wildlife habitat.

19. Fire can be a valuable tool to manage rangelands and forests and reduce the buildup of hazardous fuels. However, wildfire is bad. What are the agency's policies to ensure fire doesn't escape containment?

Response: The BLM adheres to policies and procedures necessary to conduct prescribed burns safely. A prescribed burn plan is tied to site-specific National Environmental Policy Act documents. These documents outline pre-ignition, ignition, and post-ignition steps to ensure values and resources are protected, reduce the risk of prescribed fire escape, and minimize risk to firefighters and the public.

20. What is the role of fire on rangelands and forests?

Response: Prescribed fire is a management tool intended to replicate the natural role of fire, and thereby realize beneficial effects related to habitat conditions and fuel loading. In some cases, it is used in rangelands and forests to alter plant species (e.g., reduce invasives and enhance native species, reduce conifer encroachment to reduce crown fire potential), maintain habitat for plants and animals, improve forage production and quality, and reduce fuel loads and vegetation where fuels have accumulated over time to protect life, property, and resources. Prescribed fire is also used in forest and rangeland types that historically saw frequent fire, to maintain ecosystem health, as well as to improve fire resilience and reduce occurrence of damaging wildfires. Periodic, low-intensity fire is used to reduce ground litter, understory growth, and forest density.

21. How does focusing on old-growth forests interplay with the Department's Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan?

Response: The DOI Wildfire Risk Five-Year Monitoring, Maintenance and Treatment Plan emphasizes forest health and fuels management treatments in fire prone DOI and Tribal lands, including forest and rangeland ecosystems. The initial national inventory of mature and old-growth forests represents the first nationwide illustration of the amount and general location of these special forests. The BLM's current five-year plan focuses mainly on rangelands and dry forest types where mechanical thinning and prescribed fire represent the primary approaches to active restoration – mimicking frequent-fire within mature and old-growth forests and woodland areas to reduce their vulnerability to wildfire. Reduction in tree density often increases resilience to the climate-driven impacts of drought, insects, disease, and wildfire. Forest restoration

prescriptions generally aim to increase diversity of trees age, size, and species, retaining the largest trees of the most fire-resistant species in an area.

22. The BLM proposed budget is an indication of the agency's priorities. As I read it, I see DOI's budget requests substantial increases in funding for hazardous fuels reduction, but concerningly, without committing to treating any additional acreage of fire-'prone lands. Despite requesting an increase in the Fuels Management account, DOI is planning to treat the exact same amount of acreage as last year. The administration is also proposing a legislative path to increase wildland firefighter pay. However, the budget request fails to identify any long-term funding sources for this pay increase. Further, the budget fails to pair pay reforms with the rangeland and forest management reforms. Increasing the pay for wildland firefighters and failing to address the issues preventing the agency from efficiently managing its land does nothing to address the increasingly dangerous situations wildland firefighters are sent into. Will the agency pursue active forest management and support for wildland firefighters?

Response: BLM's five-year treatment plan created in fiscal year (FY) 2022 proposes an increase in fuels treatments from ~800,000 acres a year to ~1,500,000 acres in FY 2026. This planned treatment increase will be accomplished, in part, by an increase in contract work and assistance agreements with partners like states, counties, and Tribes. The BLM will focus on target conifer removal and creating and maintaining fuel breaks – two of the most effective treatments that can be used to mitigate fire behavior, and ones that are often used by wildland firefighters to aid in fire suppression efforts. The BLM also supports the workforce reforms proposed in the President's FY 2024 Budget, including improved compensation, increased workforce capacity, vital health and well-being assistance, and improved housing. These reforms would transform interagency wildland fire management by improving recruitment and retention of wildland firefighters and lay the foundation for further advancements.

23. BLM's application for permit to drill (APD) reports are missing for October and November 2022, due to a database reconciliation error.

a. What are the costs of maintaining relevant databases? If so, are there any redundancies that can be eliminated?

Response: The cost of the operations and maintenance contract to support and maintain the relevant databases is approximately \$350,000/month. The contractors provide corrective, preventative, or adaptive system modifications as directed by the BLM, and routine services to provide security and software patching. This cost is for the entire oil and gas database application and reporting function, and not just the APD portion of the database. The BLM has not identified

any redundancies that can be eliminated at this time; however, the BLM continually monitors its databases and implements changes when warranted.

b. Is the Department of the Interior actively overseeing these databases and attempting to resolve reconciliation errors?

Response: Yes, the Department is actively overseeing these databases. Upon discovery of the reconciliation errors, the BLM took steps to ensure future reports reflect accurate information.

24. Jason Miller, OMB's deputy director for management, reiterated the expectation of a greater "in-person presence in the office" in a recent blog post. I believe that having employees in the office is important because it allows communities with BLM lands to come in and meet face to face with BLM employees.

a. Are you planning on bringing more staff back in person? Is there a plan in place to do so and, if so, please provide it to the Committee.

Response: The BLM follows DOI's return to the workplace plan. In accordance with the Office of Personnel Management (OPM) guidance, the BLM is following the hybrid workforce model that supports telework and, in some instances, remote work. This will position the Federal government as a model employer for the future.

b. Are you tracking agency efficiency as it relates to BLM staff working in person versus remotely?

Response: The BLM tracks efficiency of all employees, whether working in person or remotely, through the DOI Performance Management System.

c. How is agency staff work and progress tracked, and how are you ensuring that agency staff meet agency missions?

Response: The BLM adheres to OPM and the Department's performance management policies that mandate no less than a mid-year review and end of year review to discuss each employee's goals and accomplishments. Training is part of BLM's strategy to ensure staff is positioned to carry out the agency's mission.

- d. How many hours a week are field office staffers required to come into the office or what percentage of your staff in Field Offices are back in the office five days a week?**

Response: The BLM follows and adheres to the DOI telework policy. According to DOI policy PB 21-07, Telework Program, an employee approved to telework must physically report to their official duty station at least two full workdays per bi-weekly pay period, except for rare circumstances or as a reasonable accommodation. Depending on the time of the year, field staffers are more often than not in the field.

25. How does the BLM plan to spend money associated with the new Expression of Interest (EOI) fee provisions contained in the Inflation Reduction Act?

Response: The use of money associated with Expression of Interest (EOI) filing fee is dependent on Congress' direction. The EOI fees from the Inflation Reduction Act will go to the Treasury as miscellaneous receipts. 30 U.S.C. 191(a): "All moneys received under the provisions of this chapter and the Geothermal Steam Act of 1970 not otherwise disposed of by this section shall be credited to miscellaneous receipts."

- a. Is there a plan to refund the EOI fees if multiple companies submitted EOI fees, and one of those companies lost in a multi-bidder scenario?**

- i. If not, what is the plan for those funds?**

Response: The BLM does not have a plan to refund the EOI fees as they are non-refundable under the Inflation Reduction Act. 30 U.S.C. 226(q)(1): "The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas." Funds from EOI fees will be sent to the Treasury.

26. The BLM held an onshore lease sale in June of last year, but the Department watered- down the sale and only offered 20 percent of the parcels originally included. We recently saw reports that the Department plans on removing roughly half of the tracts in Wyoming's first federal oil and gas lease sale slated to take place later this year.

Section 50265 of the so-called Inflation Reduction Act states that a right-of-way for wind or solar energy development may only be issued if an onshore oil and gas lease sale has been held within 120 days *and* if the total acreage offered for lease the prior year is either over two million acres or equal to or greater than

50 percent of the acreage for which EOIs have been submitted.

- a. Are you counting the deferred acreage for purposes of meeting the 50 percent requirement in Section 50265 of the Inflation Reduction Act?**

Response: BLM's process for determining compliance with section 50265 of the IRA is spelled out in Instruction Memorandum (IM) 2023-006, Implementation of Section 50265 in the Inflation Reduction Act for Expressions of Interest for Oil And Gas Lease Sales. Deferred parcels are not included in the calculation of the number of acres that have been offered in lease sales.

27. During your time as an employee of the United States Senate from 2007-2012, yes, or no, did you remain in compliance with all required ethics laws to the best of your knowledge?

- a. During that time, did you participate in any and all ethics training, as required by the United States Senate and/or the Office of Senator John Tester, yes or no?**
- b. Were you aware that a gift rule was and remains, to this day, in place for all Senate employees, yes or no?**
- c. Did you accept a loan of \$100,000 from a Mr. Stuart Goldberg, a donor to the Democratic party and your boss in the 2006 election cycle, yes or no?**
- d. Did you disclose this loan to Senator Tester?**
- e. Did you disclose this loan, which was below market rate, or seek counsel regarding acceptance of such a loan, from the Senate Ethics office, yes or no?**
- f. Have you paid off the loan?**
- g. During the time that you held the loan, did you recuse yourself from all projects related to Mr. Goldberg's interests?**
- h. If you did recuse yourself, how was this tracked if you never reported the initial loan?**

Response: Answers to questions on this matter were addressed at the June 8, 2021, Senate Energy and Natural Resources Committee hearing to consider Director Stone-Manning's nomination and in written responses to extensive questions submitted to her by Committee members following that hearing, which are available at:
<https://www.energy.senate.gov/services/files/DA849E0B-08A4-4E03-B094-F79C49F29F69>.

28. IM 2023-007, Evaluating Competitive Oil and Gas Lease Sale Parcels for Future Lease Sales, requires heightened weight be afforded to certain criteria when reviewing leases for sale. These criteria include proximity to existing development, the presence of "important" fish and wildlife habitat, historic properties, recreation and other "important" uses and the potential for development.

- a. Why is this IM necessary given the fact that every Resource Management Plan studies and determines, in a public process, which lands shall be available for leasing?**

Response: Resource Management Plans generally identify the majority of lands as open to leasing, deferring further analysis of which lands should be included in a lease sale to later evaluation. This policy provides additional guidance to support those subsequent evaluations. Further, the BLM developed this policy in response to the direction in the Department of the Interior (DOI) Report on the Federal Oil and Gas Leasing Program (November 26, 2021). The report states “The BLM should carefully consider what lands make the most sense to lease in terms of expected yields of oil and gas, prospects of earning a fair return for the U.S. taxpayers, and conflicts with other uses, such as outdoor recreation and wildlife habitat.” Each BLM office uses the evaluation policy in this IM to focus its leasing efforts on lands critical to oil and gas development while reducing conflicts with other public land resources.

- b. Based on this new policy, the BLM is proposing to defer leases in both the Q2 and Q3 lease sales in Wyoming. Please provide sufficient justification about how these criteria would be sufficiently negatively affected to compel the BLM to not offer the leases for sale.**

Response: The Mineral Leasing Act (MLA), as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, states that competitive “[l]ease sales shall be held for each State where eligible lands are available at least quarterly” (30 U.S.C. § 226). The MLA permits the Secretary to exercise her judgment in considering whether oil and gas leasing would be compatible with other public interests, including protection of wildlife and other natural, cultural, and historic resources and values. The BLM Wyoming State Office held a lease sale on June 28-29, 2023, and is planning to offer acreage in the lease sale planned for September 6, 2023.

- c. Please provide the threshold BLM considers significant when deciding a parcel should not be offered.**

Response: The guidelines for evaluating lease parcels are outlined in the attachment to IM 2023-007, Evaluating Competitive Oil and Gas Lease Sale Parcels for Future Lease Sales. During its evaluation, the BLM will take into account any relevant comments provided by the public, including those regarding the BLM’s application of the lease parcel preference criteria.

d. Please provide commentary about how the current conditions in the RMPs covering these criteria are inadequate.

Response: Parcels are reviewed for compliance with the area's Resource Management Plan and other factors that might make the lands unavailable. The environmental review process for developing oil and gas resources is multi-faceted and includes input and coordination with other Federal and State agencies as well as the public. Throughout the review period for the lease sale, the BLM may also consider additional measures and deferrals to address the potential impacts of leasing, as well as new information that is presented during the National Environmental Policy Act (NEPA) process for the lease sale.

29. In August 2021, Interior released a notice of intent to conduct a review of the federal coal leasing program. It has now been a year and a half since BLM first solicited comments for the review.

a. When does BLM expect to complete the review and issue its findings?

Response: On August 2021, the BLM issued a Notice of Intent (NOI) soliciting comments for a review of the Federal coal program. This was conducted as a condition for a stay in the Citizens for Clean Energy and Northern Cheyenne Tribe's challenge to the Environmental Assessment lifting the Secretary's Order 3338 coal leasing moratorium. In January 2022, the plaintiffs in the case resumed litigation and on August 12, 2022, the court granted summary judgment in favor of the plaintiffs. The court vacated the Environmental Assessment (EA) and associated Finding of No Significant Impact and concluded as a matter of law that the coal leasing program moratorium established by Secretary's Order 3338 was reinstated "until the completion of sufficient NEPA review analyzing revocation of the moratorium." On May 1, 2023, the BLM published another NOI in the Federal Register announcing the intent to prepare an Environmental Impact Statement (EIS) to support a decision either to maintain or lift the coal leasing moratorium. The comment period ended June 15, 2023. Comments received from the 2021 review and listening sessions will be incorporated into this current EIS process.

b. Please provide specific examples of how your agency is taking into account the comments and economic needs of federal coal states and tribes who have expressed interest to the agency in developing their coal resources.

Response: Comments received from the review and listening sessions will be addressed and incorporated into the EIS.

30. DOI's Departmental Highlights for the FY24 budget said, "BLM is processing 68 priority utility-scale onshore clean energy projects proposed on public lands in the western United States, including solar, wind, geothermal, and associated interconnect transmission line projects that are vital to grid connection." It also stated that, "BLM has over 120 pending applications for solar and wind development for processing when transmission capacity is available."

- a. Is BLM providing the same level of priority to process permit applications from industries aside from solar, wind, geothermal, and associated transmission projects, such as conventional energy development and hardrock mining?**

Response: The BLM continues to receive and process applications such as those for hardrock mining projects according to its regulations and policy. Hardrock mining requests are processed as they are received from the mineral developers. The BLM aims to process these in the most expeditious and environmentally-sound manner to ensure no unnecessary or undue degradation of public land occurs.

- b. How many applications for permits, mine plans of operations, or other authorizations for coal and hardrock mining projects are currently pending at BLM?**

Response: As of May 24, 2023, the BLM is processing 289 pending plans of operations for production of hardrock minerals. The BLM manages the coal leasing process, and is currently reviewing 16 Lease by Applications and three Lease Modification Applications. Coal mining plans and permits are regulated by the Office of Surface Mining Reclamation and Enforcement (OSMRE).

- c. Please provide information on the number of staff at BLM field offices dedicated to processing coal and hardrock mining permits and other authorizations.**

Response: Currently, the BLM staff has approximately 125 full time equivalent positions that are processing items related to coal and hardrock mining such as mining claims, notices, plans of operation, coal leases, validity reports, mineral reports, and inspections, as well as performing other actions that support the BLM's solid mineral programs.

Questions from Rep. Grijalva

- 1. I am interested in the National Petroleum Reserve-Alaska rulemaking status, announced on March 12, 2023.**

The Western Arctic has the potential to help our nation meet our climate goals. while protecting biodiversity and sustainable activities like subsistence which support local communities in the region. We are encouraged that the administration will consider how to strengthen protections, and we hope that the administration will use this opportunity to take bold action to protect the Western Arctic.

- a. What is the scope of the rulemaking, and when can Congress and the public expect the draft rule to be published for comment?**

Response: The proposed rule was published in the Federal Register on September 8, 2023 and the initial comment period remained open until November 7, 2023. The BLM twice extended the comment period to a final deadline of December 7, 2023. The proposed rule considers protections for the more than 13 million acres designated as Special Areas in recognition of their importance to wildlife and subsistence uses.

- b. We agree that further protections for Special Areas are warranted, given their value as wildlife habitat and the subsistence and recreational values they provide. However, the Willow project - and the massive oil and gas development proposals that will follow - pose an urgent threat to the biological integrity of the region and subsistence uses, as well as threats to established Special Areas. ConocoPhillips has made it clear that it views Willow as "the next great Alaska hub" and hopes to use it further to build significant infrastructure and extraction throughout the Reserve.**

Does DOI intend to propose withdrawals or other protections for any areas of the Western Arctic currently available for oil and gas leasing, either within or outside current or proposed Special Area boundaries?

Response: The BLM is currently considering comments submitted in response to the Federal Register Notice and cannot provide particulars at this time.

- c. Oil companies hold numerous leases in Special Areas of the Reserve, and we are concerned that multiple projects the size of Willow could be proposed in years to come.**

How does the administration plan to assess the emissions from oil and gas

development in the NPRA, and how does it align with the administration's climate commitments?

Response: The Final Supplemental EIS assessed construction emissions for all pads and included quantitative modeling for a "Development Drilling" scenario that evaluated impacts associated with concurrent operations and drilling of well pads, and construction of facility installations, and construction of pipeline and vertical support members.

The Willow Master Development Plan (MDP) Record of Decision is consistent with the Administration's policy related to evaluating impacts of decisions on climate change and reducing greenhouse gas emissions. The Record of Decision scaled back the Willow MDP while respecting valid existing rights under decades-old leases issued in the late 1990s. It also complies with court decisions regarding evaluating greenhouse gas emissions, including using the social cost of carbon/greenhouse gases.

Based on the analysis and outreach conducted, the Willow MDP Record of Decision substantially reduced the size of the project by denying two of the five drill pads proposed by ConocoPhillips, reducing the project's drill pads by 40 percent.

In addition, the company has relinquished rights to approximately 68,000 acres of its existing leases in the NPR-A, including approximately 60,000 acres in the Teshekpuk Lake Special Area.

d. When does the administration plan to finalize these regulations?

Response: The proposed rule was published in the Federal Register on September 8, 2023, and the initial comment period remained open until November 7, 2023. The BLM twice extended the comment period to a final deadline of December 7, 2023. The BLM is currently reviewing comments submitted during the comment period.

2. What tools does the Bureau of Land Management have to prevent nuisance mining claiming on federal lands?

a. How would removing the valuable mineral discovery requirement impact BLM's operations in terms of staff capacity and resources?

Response: Claims are initiated by the public and require a discovery of locatable minerals. For the claim to be valid, the claim must follow existing laws and regulations found in 43 CFR 3600, including completion of validity exams. Removal of the discovery requirement would have minimal impact to the BLM's staff capacity and resources.

b. Do you expect that removing the valuable mineral requirement could increase nuisance claiming?

Response: Removing the valuable mineral requirement would lower the threshold to maintain a mining claim, which could potentially allow an increase in mining claims registered with the BLM. While “discovery” is currently required for a mining claim, current regulations, policy, and historic litigation rulings require that activities are to be “reasonably incident to the mining and removal of minerals therefrom.” These include the Multiple Surface Use Act of 1955, and 43 CFR 3715 and 43 CFR 3800 regulations. The BLM uses these requirements to regulate the use of activities associated with claims.

c. How could an increase in nuisance mining claiming impact renewable energy development?

Response: The BLM maintains the orderly administration of public lands in part by temporarily withdrawing lands for 2 years from appropriation under the Mining Law of 1872 [30 U.S.C. 22 et seq.] through publication of a “segregation notice” in the Federal Register at the appropriate early phase of processing wind and solar energy development applications. This temporary segregation allows for the wind and solar applications to be reviewed without any new mining claims being registered. Existing mining claims within the segregated areas would need to go through the validity process to determine if a valid existing right existed in order for the claim to be developed.

3. As you know, the Energy Act of 2020 included a goal to deploy 25 gigawatts of renewable energy capacity by 2025. Senior Advisor to the White House, John Podesta, recently mentioned in remarks on energy infrastructure that we need to update these goals for 2030 and 2035. Director Stone Manning, from your perspective, what should those next goals be?

Response: The BLM is closely coordinating efforts with the Administration, including with the Department of Energy’s Office of Energy Efficiency and Renewable Energy and the National Renewable Energy Laboratory, in evaluating what updates to permitting goals and other activities may be advisable.

Questions from Rep. Hunt

During the hearing, you mentioned that BLM waited on operators for an average of 102 days.

- 1. Please define, in detail, how your department categorizes "waiting on an operator."**

Response: "Waiting on operator" means the period between the BLM's request for incomplete, missing, or illegible information and the operator's submission of that information.

- 2. Are court delays Jr-other matters outside an operator's control included in the "waiting on operator" category?**

Response: Court delays, or matters outside an operator's control, are not included in days "waiting on operator."

- 3. Please provide the average number of days "waiting on an operator" delays are attributable to court delays or matters outside an operator's control.**

Response: Zero, as stated above. No delays are attributable to court delays or matters outside of an operator's control are considered "waiting on an operator."