

**EXAMINING THE PRESIDENT'S FY 2024
BUDGET REQUEST FOR THE BUREAU OF
LAND MANAGEMENT AND THE OFFICE OF
SURFACE MINING RECLAMATION AND
ENFORCEMENT**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY AND
MINERAL RESOURCES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Tuesday, May 16, 2023

Serial No. 118-27

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>
or
Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

52-325 PDF

WASHINGTON : 2023

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
<http://naturalresources.house.gov>

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

PETE STAUBER, MN, *Chairman*
WESLEY P. HUNT, TX, *Vice Chair*
ALEXANDRIA OCASIO-CORTEZ, NY, *Ranking Member*

Doug Lamborn, CO	Jared Huffman, CA
Robert J. Wittman, VA	Kevin Mullin, CA
Paul Gosar, AZ	Sydney Kamlager-Dove, CA
Garret Graves, LA	Seth Magaziner, RI
Daniel Webster, FL	Nydia M. Velázquez, NY
Russ Fulcher, ID	Debbie Dingell, MI
John R. Curtis, UT	Raúl M. Grijalva, AZ
Tom Tiffany, WI	Grace F. Napolitano, CA
Matt Rosendale, MT	Susie Lee, NV
Lauren Boebert, CO	<i>Vacancy</i>
Wesley P. Hunt, TX	<i>Vacancy</i>
Mike Collins, GA	
John Duarte, CA	
Bruce Westerman, AR, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Tuesday, May 16, 2023	1
Statement of Members:	
Stauber, Hon. Pete, a Representative in Congress from the State of Minnesota	1
Kamlager-Dove, Hon. Sydney, a Representative in Congress from the State of California	3
Statement of Witnesses:	
Stone-Manning, Tracy, Director, Bureau of Land Management, Washington, DC	4
Prepared statement of	6
Questions submitted for the record	10
Owens, Glenda, Deputy Director, Office of Surface Mining Reclamation and Enforcement, Washington, DC	15
Prepared statement of	16
Questions submitted for the record	19
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Westerman	
Alton Coal Development, LLC, Statement for the Record	51
Submissions for the Record by Representative Fulcher	
Idaho Congressional Delegation, Letter to Tracy Stone-Manning, Director, Bureau of Land Management, dated May 11, 2023	34
Submissions for the Record by Representative Hageman	
Tribal Oil Produced by Fiscal Year and Tribal APDs Approved by Fiscal Year, shown during hearing	52

**OVERSIGHT HEARING ON EXAMINING THE
PRESIDENT'S FY 2024 BUDGET REQUEST
FOR THE BUREAU OF LAND MANAGEMENT
AND THE OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**

**Tuesday, May 16, 2023
U.S. House of Representatives
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:21 a.m., in Room 1324, Longworth House Office Building, Hon. Pete Stauber [Chairman of the Subcommittee] presiding.

Present: Representatives Stauber, Lamborn, Gosar, Fulcher, Curtis, Tiffany, Rosendale, Boebert, Hunt, Collins, Duarte, Westerman; Huffman, Mullin, Kamlager-Dove, Velázquez, Dingell, and Lee.

Also present: Representatives Carl, Hageman, McClintock, Bentz, Kiggans, Moylan; and Porter.

Mr. STAUBER. The Subcommittee on Energy and Mineral Resources will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time. Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I ask unanimous consent that the gentleman from California, Mr. McClintock; the gentleman from Alabama, Mr. Carl; the gentleman from Oregon, Mr. Bentz; the gentlewoman from Virginia, Ms. Kiggans; the gentleman from Guam, Mr. Moylan; and the gentlewoman from Wyoming, Ms. Hageman, be allowed to participate in today's hearing.

I will now recognize myself for an opening statement.

STATEMENT OF THE HON. PETE STAUBER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. STAUBER. Thank you all for being here today to discuss the programs and budget of both the Bureau of Land Management and the Office of Surface Mining Reclamation and Enforcement. America is blessed with vast natural resources. It is the policy of this Subcommittee that we develop here at home under the world's best labor and environmental standards.

And the two agencies before us today administer the programs that can make or break our energy production while embodying Joe Biden's anti-development quote which was "anywhere but here" agenda that is making us more dependent on our adversaries.

On Day 1, the Biden administration put a freeze on new oil and gas leasing and reaffirmed the moratorium on coal leasing. And

what is the result? Gas prices shot up to over \$5.00 a gallon last summer and currently sit at over \$3.50 per gallon. That is over a dollar more per gallon than when President Biden took office, and we are just approaching the summer driving season.

Energy prices have also gone up under this Administration by a staggering 37.2 percent. Households receiving government help to pay for energy costs increased by another shocking 28 percent, which is the largest year over year increase since 2009. And why? The BLM under this Administration has chosen to ignore law and implement their anti-American energy philosophy through executive fiat. Under the Mineral Leasing Act, quarterly lease sales are required and drilling permits, or APDs, must be processed in 30 days.

And while the so-called Inflation Reduction Act required BLM to issue oil and gas lease sales as a prerequisite for approving permits for wind power and solar power, we see the agency conveniently sidestepping yet another congressional mandate. In fact, this Administration has leased fewer acres for oil and gas drilling offshore and on Federal land than any other administration since World War II. In Fiscal Year 2022, the BLM approved an average of 233 drilling permits per month. In contrast, the BLM was approving nearly 400 drilling permits monthly in Fiscal Year 2020 under President Donald Trump.

Meanwhile, Federal coal development is locked in a moratorium. This is a political choice, and yet headline after headline states that the electricity grid is stretched thin. And even the metallurgical coal necessary for steel making, that is exempt from the moratorium, struggles to receive necessary authorizations from this anti-fossil fuel BLM. For example, in my good friend Jerry Carl's district, a coal lease has been in limbo since 2014 for metallurgical coal.

America needs an all-of-the-best approach. Coal generation can exist with wind, solar, oil, gas, hydro, nuclear, and more. And coal production comes with environmental benefits as well. Everybody on this panel knows that fees on current coal production funds abandoned coal mine cleanup.

However, even mine reclamation funds are now raising questions. SMCRA was given \$11.3 billion in the IIJA to accelerate the cleanup of abandoned coal mines, but states are now being told to jump through hoops, deviating from the effective process in place since 1977.

Last, and on top of everything else, the newly proposed so-called BLM Conservation Rule would up-end the multiple use mandate on BLM lands and allow this Administration to unilaterally lock up more lands absent congressional action. There is truly no end to the Biden administration's over-reach.

Meanwhile, Republicans offer solutions. The bipartisan Lower Energy Costs Act, which has now passed the House twice, would allow us to develop our resources and permit in reasonable time frames.

I look forward to today's hearing, and I will yield to Ranking Member Kamlager-Dove for her opening statement.

STATEMENT OF THE HON. SYDNEY KAMLAGER-DOVE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair, and thank you to Director Stone-Manning and Deputy Director Owens for being here with us today.

Our public lands are a critical resource. They are unparalleled in their contributions to preserving our country's natural heritage and biodiversity. They harbor diverse ecosystems and critical habitats. They offer opportunities for all Americans to embrace the outdoors and can be ideal locations to deploy renewable energy.

But historically, our public lands and waters are also the source of nearly 25 percent of our country's carbon emissions. I see that as a challenge as we face the consequences of climate change and an opportunity to make our public lands part of the solution. For too long, there has been an imbalance of power on Federal lands that swings far toward extractive industries and away from communities and climate action.

Fortunately, over the past several years, Congress and the Biden administration have made great strides in achieving policy victories and investments in clean energy, conservation, climate resilience, emissions reductions, and environmental justice communities that will help us reverse course. Through authorities and mandates in the Inflation Reduction Act, the Bureau of Land Management, or BLM, is raising the long outdated royalty rates paid by oil and gas companies operating on Federal land to provide a fairer return to the American people, among other important reforms.

The agency is taking steps to reduce methane emissions from oil and gas operations, which will improve air quality and public health for the neighboring communities. They are well on their way to reaching the goal of deploying 25 gigawatts of renewable energy capacity by 2025, which will power around 5 million homes. BLM's Budget Request includes funding for extensive stakeholder engagement, coordination, and environmental review for renewable energy while accelerating responsible clean energy permitting.

And most recently, BLM announced a new Public Lands Rule, which will put conservation on equal footing for the first time with other public land uses like grazing, oil and gas, or mineral development. The rule will allow BLM to approve land management in the face of climate change and build more robust and resilient ecosystems.

The Office of Surface Mining Reclamation and Enforcement is deploying the \$11.3 billion appropriated in the Infrastructure Investments and Jobs Act to clean up abandoned coal mines in communities that the declining industry has left behind. These investments will revitalize economies creating good union jobs and attracting new economic opportunities while cleaning up legacy pollution sites.

But my colleagues on the other side of the aisle are proposing deep cuts that would devastate these agencies and put it at risk. If Republicans had their way, they would cut off the job creating power of reclamation. They would halt all progress on renewable energy development, and they would let oil and gas developments

go unregulated without inspections. And it is all to play into Speaker McCarthy's ransom note of demands over the debt limit.

But it is not just budget cuts that they are threatening. They are also pushing to tie H.R. 1, the Polluters Over People Act, to the debt limit, a bill that would devastate our public lands, communities, and the climate. It is entirely inappropriate. It is hostage taking. But we know at this point that they would go to any lengths for the polluting industries lining their pockets.

You will hear Republicans accuse Democrats of pushing an anti-industry agenda, but let's get the facts straight. We have until 2030 to reduce our emissions by 50 percent or have any chance of staving off the worst impacts of climate change or pushing a people first agenda and tackling the climate head on.

My Republican colleagues will ask why the Biden administration is not selling off more of our public lands to the oil and gas industry, but I will remind everyone that the United States is already the No. 1 producer of oil and gas in the world, and that the fossil fuel leases on public land currently cover 24 million acres, nearly half of which is sitting locked up and unused. They will claim that the Biden administration is killing coal, but their heads are in the sand.

We can fund them fully and appropriately so that they can conduct proper tribal consultation and efficient and environmental reviews for transmission and renewable energy and make sure the fossil fuel industry is cleaning up after itself.

I look forward to hearing more about how BLM and OSMRE support these shared goals.

I yield back.

Mr. STAUBER. Thank you very much. I will now introduce our witnesses.

The Honorable Tracy Stone-Manning, Director of the Bureau of Land Management here in Washington, DC, and Ms. Glenda Owens, the Deputy Director, Office of Surface Mining Reclamation and Enforcement out of Washington, DC.

I will now recognize Director Stone-Manning for 5 minutes. Welcome.

STATEMENT OF TRACY STONE-MANNING, DIRECTOR, BUREAU OF LAND MANAGEMENT, WASHINGTON, DC

Ms. STONE-MANNING. Thank you, Chairman Stauber, Ranking Member Kamlager-Dove, and members of the Subcommittee.

I am Tracy Stone-Manning, the Director of the Bureau of Land Management, and it is an honor to be sitting in this storied hearing room with you today. Thank you for the opportunity to testify on the Fiscal Year 2024 budget priorities and the mission of the BLM.

We are the nation's largest land manager, responsible for 1 in 10 acres in this country. The multiple use sustained yield mission established by the Federal Land Policy and Management Act directs us to sustain the health, diversity, and productivity of 245 million acres of public lands and 700 million acres of mineral estate for multiple uses. These lands provide food, fiber, minerals, energy, water, habitat, and lifetime memories for countless families. They are open to all.

In Fiscal Year 2021, public lands managed by the BLM supported \$201 billion in economic output and 783,000 jobs. Equally and vitally important is the work we do to conserve, protect, and restore public lands and nationally-significant landscapes for the benefit of current and future generations.

The President's Fiscal Year 2024 Budget Request of \$1.7 billion for the BLM balances our responsibilities and advances the Administration's priorities to address the climate crisis, accelerate responsible renewable energy development on public lands, create family supporting union jobs, and strengthen diversity, equity, and inclusion in our work. The proposed budget emphasizes investments to improve the health and resilience of public lands from the stresses brought on by climate change, such as historic widespread drought and wildland fires of increasing scope and intensity.

That is why the budget requests \$304.3 million for the BLM's land resources activity, which provides for the management of forests, rangelands, and cultural resources as well as wild horses and burros.

As we transition to a clean energy economy, the remarkable solar, wind, and geothermal potential on our public lands can and must help meet Congress' and the Administration's goal of permitting 25 gigawatts of renewable energy on public lands by 2025. The budget reflects this priority by proposing \$72.5 million in our renewable energy management program, an increase of 77 percent.

I am so pleased that much-needed investments from the Bipartisan Infrastructure Law and the Inflation Reduction Act will enable us to put people to work on our public lands, restoring wildlife habitat and clean water, enabling us to leave these lands better off than we found them. Conservation is a key part of BLM's mission. With over 900 units of national conservation lands covering about 35 million acres, which includes national monuments and wilderness. These areas are also the current and ancestral homelands of Tribal Nations and Indigenous peoples, many of whom have deep cultural and spiritual connection to these places.

In addition, our neighbors across the country count on public lands managed by the BLM as beloved recreation destinations. The ever-increasing interest in these lands requires additional support and the budget request for the National Conservation Lands Program is \$11.3 million above the Fiscal Year 2023 enacted level.

Throughout all of our work, we prioritize supporting the Administration's efforts to create good-paying jobs and advance environmental justice, a priority that is emphasized in the budget request and in our programs to remediate and reclaim orphaned wells and abandoned mines. The budget also includes an increase of \$12 million to help establish and support the Job Youth Corps program, which will enable the BLM to employ young adults and veterans.

Above all, the proposed budget reflects the Administration's continued commitment to striking the right balance of land conservation and sustainable use of resources. It is incumbent on us as professional land managers to ensure that this activity is sustainable and beneficial to all Americans, regardless of where they

live, and to future generations. We take this responsibility seriously.

I look forward to working with the Subcommittee to provide us with the tools and resources necessary to achieve these important objectives. Thank you for the opportunity to testify today.

[The prepared statement of Ms. Stone-Manning follows:]

PREPARED STATEMENT OF TRACY STONE-MANNING, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to provide testimony on the FY 2024 budget priorities and mission of the Bureau of Land Management (BLM). The BLM's 2024 budget proposal supports the critical role the bureau plays in achieving the environmental, conservation, and economic goals of the Biden-Harris Administration, while working in partnership with thousands of communities mostly across the American West and in Alaska, where the vast majority of our employees live and work.

Overview

The BLM's work is immense in both scale and scope. One in 10 acres of land in the United States are managed by the BLM, as well as approximately 30 percent of the nation's subsurface minerals. Driven by our mission, the BLM sustains the health, diversity, and productivity of the nation's public lands for multiple uses, such as conventional and renewable energy development; livestock grazing; conservation; mining; watershed protection; and hunting, fishing, and other forms of recreation. This multiple-use, sustained yield mission, established by the Federal Land Policy and Management Act (FLPMA) of 1976, enables the BLM to contribute tremendously to economic growth, job creation, and domestic energy production, while generating revenues for Federal and State treasuries and local economies and allowing for a thoughtful and balanced approach to management of our public lands.

The 245 million acres of land and 700 million acres of mineral estate managed by the BLM are economic drivers for the communities where these resources are located. BLM estimates in FY 2021, programs administered on public lands managed by the BLM supported an estimated \$201 billion in economic output and approximately 783,000 jobs. According to DOI's Office of Natural Resources Revenue, public lands managed by the BLM generated more than \$8 billion for the U.S. Treasury and States in FY 2022. Equally important are the public lands and nationally significant landscapes the BLM has the responsibility for conserving, protecting, and restoring on behalf of all Americans for the benefit of current and future generations.

As the steward for more land than any other Federal agency, the BLM plays a critical role in achieving the climate and economic goals of the Biden-Harris Administration through science-based, balanced management of public lands and waters. The President's FY 2024 budget request of \$1.7 billion for the BLM balances these responsibilities and advances the Administration's priorities of addressing climate change; accelerating responsible renewable energy development on public lands; creating good-paying jobs with a free and fair chance to join a union; and strengthening diversity, equity, and inclusion and related partnerships.

Landscape Health and Climate Resilience

The BLM's proposed budget for FY 2024 emphasizes investments to improve the health and resilience of BLM-managed public lands from the stresses of persistent drought and water scarcity, which have led to an influx of invasive species and wildland fires of increasing scope and intensity. The budget calls for increases in efforts to restore and conserve our shared public lands, making sure they are available for enjoyment by current and future generations. Locally-led and voluntary conservation empowered by the Administration's "America the Beautiful" initiative to conserve, connect, and restore 30 percent of our lands and waters by 2030 will contribute to climate resilience in the face of rising temperatures and extreme weather.

The budget requests \$304.3 million under the BLM's Land Resources Activity, which provides for the management of forests, rangelands, and cultural resources, as well as wild horse and burro management. This includes \$12.3 million for Public Domain Forest Management; combined with a request of \$118.0 million for Western Oregon Resources Management, BLM will support timber sales and help improve forest health and resilience. The Western Oregon Resources Management funds are also used for identifying and managing carbon sinks and implementing reforestation

projects, as well as for projects to protect mature and old-growth forests. The BLM will also support carbon sequestration efforts on public lands with a requested program increase of \$3.4 million in the Cadastral, Lands and Realty Management program.

The budget requests \$162.0 million for Wildlife Habitat Management to bolster efforts to identify, protect, conserve, and restore large landscapes. These efforts are necessary to support the long-term resilience of wildlife and plant populations, particularly in light of the ecological transformation occurring due to climate change. BLM will use the requested funding increase to improve habitat health and resiliency and advance efforts to identify, protect, conserve, and restore functional, landscape-level wildlife migration, dispersal, and daily movement corridors for big game, migratory birds, pollinators, and at-risk species. In a time of prolonged drought, we are working to restore nature's capacity to keep water in streams. The proposed funding level of \$73.4 million for Aquatic Resources will enhance the BLM's capacity to conserve remaining high-quality lands and waters, restore degraded land and water resources, and ensure the connectivity of these systems.

Key elements of improving the health of public lands include eradicating invasive species, re-establishing native plant communities, and carrying out other forms of restoration, which will improve habitat and support increased landscape connectivity and terrestrial and aquatic wildlife movement. Invasive species are a pervasive problem on public lands, and efforts to control invasive species are often impeded by drought conditions and wildland fire.

Transitioning to a Clean Energy Economy

The BLM has a significant role in advancing the development of renewable energy by providing sites on public lands for environmentally sound renewable energy production and transmission projects. With excellent solar, wind, and geothermal energy potential on public lands, renewable energy development on BLM lands provides an important contribution to the Administration's goal of permitting 25 gigawatts of renewable energy on public lands by 2025. This is part of the broader strategy to rapidly reduce U.S. greenhouse gas emissions by at least 50 percent by 2030 and achieve a zero-carbon electric power sector by 2035. Consistent with the Energy Act of 2020, the BLM continues to accelerate responsible permitting of renewable energy projects on public lands. The BLM permitted over 2,800 megawatts of clean energy projects in 2021 and 5,700 megawatts in 2022. The complexities involved with authorizing bulk energy generation and transmission line facilities require extensive stakeholder engagement, coordination, and environmental review, all of which the BLM works diligently to carry out.

To ensure we achieve the goals of the Energy Act, the 2024 budget proposes funding that will allow the BLM to facilitate increased renewable energy development, including \$72.5 million in our Renewable Energy Management program, a 77 percent increase over the 2023 enacted level, and a program increase of \$11.0 million in the Resource Management Planning program. Currently, the BLM has prioritized the review of 50 solar, 4 wind, and 10 geothermal and 9 transmission interconnect projects which, if approved, represent roughly 37 MW of renewable energy capacity. In addition to the 73 priority applications, BLM has approximately 147 additional applications (125 solar, 13 wind, and 9 electricity transmission gen-ties) that are in the preliminary adjudication phase. The funds requested in the budget will support the siting, leasing, and processing of right-of-way applications, and oversight of renewable energy projects and associated transmission lines. The BLM anticipates continued demand for renewable energy generation from public lands over the coming years, given Administration efforts and as States and utilities also seek to increase their use of renewable power sources. Further, investments from the Inflation Reduction Act (IRA) will help make clean energy more affordable and accessible, and lower energy costs by hundreds of dollars per year for households.

A substantial part of the BLM's energy portfolio is oil and gas production from public lands. Since January 21, 2021, the BLM has approved more than 7,000 new drilling permits—over 3,000 in 2022 alone, and onshore oil production from Federal lands is at an all-time high. The Department is implementing the oil and gas provisions in the IRA, updating regulations and policy guidance to implement the law, and also incorporating the recommendations in the Department's November 2021 Report on the Federal Oil and Gas Leasing Programs. The Administration is committed to the responsible and sustainable development of Federal energy resources as the nation transitions to a low-carbon economy, and such reforms are a critical component of this effort.

Implementing Historic Investments in America's Public Lands

In 2024, the BLM will continue to put people to work on our public lands through investments from the Bipartisan Infrastructure Law (BIL) and the IRA: plugging orphaned oil and gas wells, restoring watersheds, and addressing and reducing the risks from wildfire. By the end of calendar year 2022, the BLM obligated nearly \$21 million in contracts and cooperative agreements for various BIL projects nationwide. The BLM will work with its partner agencies, external partners, stakeholders, and Tribes to achieve meaningful outcomes envisioned in these two historic laws. In addition, the BLM will also continue to implement the Great American Outdoors Act to address BLM's deferred maintenance backlog to support public safety, visitor access, and visitor enjoyment more effectively. The BLM anticipates that approximately \$91.8 million in deferred maintenance will be addressed upon completion of the proposed FY 2024 projects. Fully implementing these laws will help restore the balance on public lands amid the increasing demands of an ever-growing Western population. Together, these laws are a historic investment in clean water, clean air, and wildlife habitat that will benefit people, landscapes, and local economies for generations to come.

Wild Horses & Burros

The Wild Horse and Burro program continues to present significant challenges for the Bureau, with on-range populations far in excess of the statutory allowable management level, and off-range holdings severely straining BLM's capacity. As of the end of FY 2022, there were approximately 82,000 wild horses and burros across the 177 Herd Management Areas that BLM manages—exceeding the nation-wide AML of 27,000 animals by over 55,000. Of the 177 Herd Management Areas, 85 percent are above AML.

The budget requests \$154.8 million for the Wild Horse and Burro Management program, which will help to offset rising program costs and conduct on-range and off-range management activities for wild horses and burros. The BLM is focused on addressing the management challenges with this program, notably through use of fertility control treatments and permanent sterilization efforts and through private placements of animals. However, significant increases in the cost of off-range holding caused by recent price increases for feed, fuel, labor, and related costs have slowed the BLM's ability to deliver fertility treatments or remove wild horses and burros while balancing the obligations to ensure the wellbeing of the 60,000 horses off-range in our care. On-range costs such as for contracted gather and removal operations will continue to be similarly impacted, which impacts our ability to gather horses and implement an aggressive program of fertility control. The program's budget supports the BLM's commitment to continued efforts to manage the on-range populations as it is critical to prevent permanent damage to public lands and resources.

Recreation

The BLM's neighbors, particularly in the American West, count on public lands managed by the BLM as a beloved recreation destination. More than 86 million people live within 100 miles of BLM-managed public lands in the western United States, making the BLM a key part of connecting Americans to the outstanding and unique outdoor opportunities that contribute to and preserve the social fabric of the nation, bond families across generations, and preserve the character of the rural American West and Alaska. Public lands are open to use for pursuits such as camping, off-highway vehicle riding, mountain biking, river running, hiking, horseback riding, hunting, and fishing—and the vast majority of the public lands managed by BLM are open to visitors without any fees. In 2022, BLM-managed public lands attracted approximately 81 million visitors, which is an increase of 8 million visitors from 2020. The increased interest in recreating on our public lands is outpacing BLM's ability to keep up. Meeting America's diverse recreational needs requires new, innovative, and collaborative management. The budget request in FY 2024 for the Recreation Resources Management program is \$65.4 million, an increase of \$9.8 million over the FY 2023 budget. The FY 2024 budget request will also help the BLM further the priorities of the Biden-Harris Administration and Secretary Haaland, such as investing in America's infrastructure by providing access to public lands for all Americans.

National Conservation Lands

National Conservation Lands protect resilient ecosystems, provide opportunities for research and self-discovery, and create a refuge for biodiversity. The BLM-managed National Conservation Lands currently encompass over 900 units covering

about 35 million acres, including National Monuments, Wilderness, Wild and Scenic Rivers, National Conservation Areas, and National Scenic and Historic Trails. Designated by Congress or the President, these components of the BLM's National Conservation Lands represent some of the nation's most spectacular landscapes and provide abundant recreational opportunities, important scientific research grounds, and outstanding ecological and cultural resources. They are also the current and ancestral homelands of Tribal Nations and Indigenous peoples, many of whom have deep cultural, historic, and spiritual connections to these places. Conserving these lands means collaborating with local, State, and Tribal governments and other Federal partners; enhancing and maintaining recreational access; and engaging communities to foster shared stewardship efforts. An estimated 11 million visitors each year come to these sites, providing significant economic benefits to surrounding communities and supporting long-term jobs by promoting multiple-use activities, tourism, and the service industry. The ever-increasing interest in the BLM's National Conservation Lands requires additional support, and the FY 2024 budget request for the National Conservation Lands program is \$11.3 million above the FY 2023 enacted level. This includes a program increase of \$3.0 million for the Department's Increasing Representation in our Public Lands initiative, which will provide support for recent or potential new designations that preserve important places and tell the stories of those that have been historically underrepresented.

Jobs & Equity

The impacts of climate change and environmental degradation in the United States are not evenly distributed in our society. Communities of color, low-income families, and rural and Indigenous communities have long suffered disproportionate and cumulative harm from air pollution, water pollution, and toxic sites. The BLM, as part of its work, dedicates time and resources to engage a wide range of stakeholders and communities in all its land management decisions, as well as to conduct formal consultation with Tribes in recognition of the Federal Government's trust responsibilities.

The FY 2024 BLM budget request will advance the Administration's efforts to create good-paying jobs through its program to remediate and reclaim orphaned wells and abandoned mines. These jobs may also serve to ease the transition for oil and gas field workers, coal miners, and conventional energy and mining communities as the market transitions toward cleaner energy sources. The proposed budget will help support underserved communities that have been adversely impacted by energy and mining activities in the past. The budget also includes an increase of \$12 million to enhance BLM capacity to support various youth corps programs, allowing the BLM to employ young adults and veterans, drawing on their skills to improve the public lands while training the next generation of public land stewards.

The budget also invests in the BLM's Seeds of Success program, which employs Tribal youth in the collection and preservation of culturally important native plant species. This program is conducted in partnership with the Fort Belknap Indian Community and the Society for Ecological Restoration. Seeds of Success is part of a larger interagency National Seed Strategy that works in partnership with a network of seed collectors, farmers and growers, nurseries, and seed storage facilities to develop science-based native seed mixes to restore resilient ecosystems.

Conclusion

The BLM's FY 2024 proposed budget reflects the Administration's continued commitment to striking the right balance of land conservation and sustainable use of resources. It is incumbent on us as professional land managers to ensure the use of public lands is sustainable and beneficial to all Americans, regardless of where they live, and to future generations. The decisions we make about how we manage and shape this development now and into the future will have a profound impact on Americans across the country, and we take that responsibility seriously. I look forward to working with the Subcommittees to provide the BLM with the tools and resources necessary to achieve these important objectives. Thank you for the opportunity to testify here today.

QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. TRACY STONE-MANNING,
DIRECTOR, BUREAU OF LAND MANAGEMENT

Ms. Stone-Manning did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

BLM Proposed Rule on Conservation and Landscape Health

Question 1. During the hearing, Members from both sides of the aisle 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.

1a) What analysis did BLM provide to justify this would not have a major impact?

1b) Will you share the entire economic analysis conducted by the agency and submitted to ORIA with the Committee?

Question 2. I often find the local staff, with boots on the ground, have valuable expertise and should be consulted on major decisions affecting 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.

2a) Did you engage with local staff, solicit their expertise and advice, and value their opinion on the crafting of this proposed rule?

2b) Do you commit to consulting stakeholders, including BLM district staff, in any rule or agency decision?

Question 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?

Question 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 suite. 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?

Question 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.

5a) Who have you invited to participate in the listening sessions?

5b) Will you commit to holding more listening sessions in areas impacted by this proposed rule?

5c) Will you commit to attending each listening session?

Question 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."

6a) Will conservation leases be in addition to other leases or issued in a way excluding other uses of the land?

6b) How will BLM determine lands eligible for a conservation lease?

6c) 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?

Question 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?

Question 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?

Question 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?

Question 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?

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

11a) How many BLM acres have been conserved, restored, or treated with mitigation measures each year in the past 10 years?

11b) How many acres does BLM expect this new proposed rule would include?

Question 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.”

12a) Will you provide any other definitions of “conservation” used by BLM?

12b) How much BLM land is currently considered “conserved” by BLM’s proposed definition in this rule?

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

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

Question 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.”

15a) How has climate change led to fragmented lands?

15b) What is the agency referencing as “authorized use”?

Question 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?

Question 17. Is active forest management consistent with the BLM’s definition of “conservation”, as proposed in this rule?

Question 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?

Wildland Fire and Fire Management

Question 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?

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

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

Question 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?

Oil and Gas

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

23a) What are the costs of maintaining relevant databases? If so, are there any redundancies that can be eliminated?

23b) Is the Department of the Interior actively overseeing these databases and attempting to resolve reconciliation errors?

Question 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.

24a) Are you planning on bringing more staff back in person? Is there a plan in place to do so and, if so, please provided it to the Committee.

24b) Are you tracking agency efficiency as it relates to BLM staff working in person versus remotely?

24c) How is agency staff work and progress tracked, and how are you ensuring that agency staff meet agency missions?

24d) 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?

Question 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?

25a) 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?

25b) If not, what is the plan for those funds?

Question 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.

26a) Are you counting the deferred acreage for purposes of meeting the 50 percent requirement in Section 50265 of the Inflation Reduction Act?

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

27a) During that time, did you participate in any and all ethics training, as required by the U.S. Senate and/or the Office of Senator John Tester, yes or no?

27b) Were you aware that a gift rule was and remains, to this day, in place for all Senate employees, yes or no?

27c) 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?

27d) Did you disclose this loan to Senator Tester?

27e) 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?

27f) Have you paid off the loan?

27g) During the time that you held the loan, did you recuse yourself from all projects related to Mr. Goldberg's interests?

27h) If you did recuse yourself, how was this tracked if you never reported the initial loan?

Question 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.

28a) 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?

28b) 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.

28c) Please provide the threshold BLM considers significant when deciding a parcel should not be offered.

28d) Please provide commentary about how the current conditions in the RMPs covering these criteria are inadequate.

Mining

Question 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.

29a) When does BLM expect to complete the review and issue its findings?

29b) 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.

Question 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."

30a) 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?

30b) How many applications for permits, mine plans of operations, or other authorizations for coal and hardrock mining projects are currently pending at BLM?

30c) Please provide information on the number of staff at BLM field offices dedicated to processing coal and hardrock mining permits and other authorizations.

Questions Submitted by Representative Grijalva

Question 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.

1a) What is the scope of the rulemaking, and when can Congress and the public expect the draft rule to be published for comment?

1b) 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?

1c) 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?

1d) When does the administration plan to finalize these regulations?

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

2a) How would removing the valuable mineral discovery requirement impact BLM’s operations in terms of staff capacity and resources?

2b) Do you expect that removing the valuable mineral requirement could increase nuisance claiming?

2c) How could an increase in nuisance mining claiming impact renewable energy development?

Question 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?

Questions Submitted by Representative Hunt

Question 1. During the hearing, you mentioned that BLM waited on operators for an average of 162 days.

1a) Please define, in detail, how your department categorizes “waiting on an operator.”

1b) Are court delays or other matters outside an operator’s control included in the “waiting on operator” category?

1c) Please provide the average number of days “waiting on an operator” delays are attributable to court delays or matters outside an operator’s control.

Mr. STAUBER. Thank you. The Chair now recognizes Ms. Glenda Owens for 5 minutes.

**STATEMENT OF GLENDA OWENS, DEPUTY DIRECTOR, OFFICE
OF SURFACE MINING RECLAMATION AND ENFORCEMENT,
WASHINGTON, DC**

Ms. OWENS. Thank you. Good morning, Chairman Stauber, Ranking Member Dove, and members of the Subcommittee. Thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement on the President's Fiscal Year 2024 Budget Request and priorities for OSMRE.

In accordance with the Surface Mining Control and Reclamation Act of 1977, OSMRE continues to work diligently in ensuring that the nation's coal mines operate in a manner that protects citizens and the environment during mining and after mining, and in addressing the legacy hazards and environmental degradation that occurred before the law was passed.

OSMRE's Fiscal Year 2024 Budget Request is \$301.9 million, which is \$11.9 million above the Fiscal Year 2023 enacted level. The Fiscal Year 2024 Budget Request for the Regulation and Technology appropriation is \$127.3 million, and for the Abandoned Mine Reclamation Fund appropriation, it is \$174.6 million.

\$200 million of OSMRE's Fiscal Year 2024 Budget Request for discretionary appropriations provides financial assistance in the form of regulatory grants of \$65 million and AMLER grants of \$135 million to eligible states and tribes. \$101.9 million covers OSMRE's operational costs in fulfilling its SMCRA responsibilities. The Fiscal Year 2024 Budget Request also includes \$1.3 billion in mandatory funding for reclamation grants to states and tribes and for the United Mine Workers of American health benefit plans, and the 1974 UMWA pension plans. This budget request for discretionary appropriations enables OSM to execute its five business line activities.

The budget request of \$90.6 million for the environmental protection business line will enable OSMRE to provide regulatory grants to fund 23 primacy state regulatory programs and the regulatory program development cost for three tribes. This request also enables OSMRE to fund Federal regulatory programs in non-primacy states, carrying out mining plan reviews for Federal lands and continue efforts to streamline mining plan decision processes, among other things.

The budget request of \$155.4 million for environmental restoration focuses on state and tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal Reclamation Program and strategic partnerships to address acid mine drainage and other water pollution problems.

Environmental restoration also funds OSMRE's administration of the AMLER program, providing eligible states and tribes with grants to accelerate the reclamation of AML sites in connection with economic and community development end uses. Environmental restoration funds the Passive Treatment Protection Program, providing grants to non-governmental organizations and local and state governmental agencies to operate, maintain, and rehabilitate AML passive treatment systems.

The budget request of \$21.3 million for the technology development and transfer line enables OSMRE to provide technical support and training to states and tribes to ensure they have the

necessary technical skills and expertise needed to effectively operate their SMCRA programs.

The budget request of \$7 million for financial management enables OSMRE to carry out its financial management responsibilities through fee compliance, revenue management, and grants accounting management. Under this business line, OSMRE also manages the statutorily required transfers to the UMWA and determines AML fund investments.

The budget request of \$27.6 million for the executive direction and administration activities funds activities that are integral to the development, leadership, guidance provided across all areas of OSMRE's SMCRA responsibilities.

In sum, the Fiscal Year 2024 Budget Request will enable OSMRE to effectively work with the states and tribal partners to address the wide range of environmental and public health and safety problems associated with coal mining activities.

Thank you for the opportunity to testify this morning, and I am happy to answer any questions that you may have.

[The prepared statement of Ms. Owens follows:]

PREPARED STATEMENT OF STATEMENT OF GLENDA H. OWENS, DEPUTY DIRECTOR,
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT,
U.S. DEPARTMENT OF THE INTERIOR

Introduction and Background

Chairman Stauber, Ranking Member Ocasio-Cortez, and other Members of the Subcommittee, thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement (OSMRE) on the FY 2024 President's budget request and priorities for the bureau.

Through the Surface Mining Control and Reclamation Act (SMCRA) of 1977 (P.L. 95-87), Congress established OSMRE for two primary purposes:

First, to ensure that the Nation's coal mines operate in a manner that protects citizens and the environment during mining, and to restore the land affected to a condition capable of supporting the uses it could support before any mining, or higher or better uses following mining.

Second, to implement an Abandoned Mine Land (AML) Program to address the hazards and environmental degradation resulting from two centuries of coal mining activities that occurred before the law was passed in 1977.

OSMRE is committed to protecting people, land, water, and the environment while ensuring coal mining is conducted in an environmentally responsible way. Currently, 24 States have approved regulatory programs in place pursuant to the requirements of Title V of SMCRA. There are 25 States and 3 Tribes that administer approved AML reclamation plans pursuant to Title IV of SMCRA. The major tasks for OSMRE are to ensure that States and Tribes successfully address coal mining activities for active and abandoned coal mines by ensuring that primacy States administer high-quality and effective regulatory and AML frameworks. OSMRE monitors these activities through oversight of the State Programs. To ensure that primacy States and Tribes have the tools necessary to administer their SMCRA Programs effectively, OSMRE provides significant funding, technical assistance, training, and technological tools to support their efforts.

FY 2024 Budget Request Highlights

OSMRE's FY 2024 budget request is \$301.9 million, which is \$11.9 million above the FY 2023 enacted level. The FY 2024 budget request for the Regulation and Technology appropriation is \$127.3 million and for the Abandoned Mine Reclamation Fund appropriation is \$174.6 million. The \$301.9 million budget request in discretionary appropriations will enable OSMRE to fulfill its Title IV (Abandoned Mine Land Reclamation) and Title V (Control of the Environmental Impacts of Surface Coal Mining) responsibilities under SMCRA. In addition to

discretionary appropriations, the budget includes \$1.3 billion in mandatory funding for reclamation grants to States and Tribes, and for the United Mine Workers of America (UMWA) health benefit plans and the 1974 UMWA pension plans. The FY 2024 budget focuses on funding OSMRE's core mission responsibilities and supporting the highest priority efforts and activities. The FY 2024 budget request will provide for the oversight of responsible coal production through the protection, preservation, and restoration of mined lands and the restoration of mined lands left unreclaimed from past mining operations. Approximately 66% (\$200 million) of OSMRE's FY 2024 total request for discretionary appropriations provides financial assistance in the form of regulatory grants (\$65 million) and AML Economic Revitalization (AMLER) grants (\$135 million) to eligible States and Tribes. The remaining 34% (\$101.9 million) covers OSMRE's operational costs in fulfilling its SMCRA responsibilities.

OSMRE's discretionary appropriation includes five Budget Activities: Environmental Protection, which includes regulatory grants; Environmental Restoration, which supports AML programs and funds AMLER grants; Technology Development & Transfer; Financial Management; and Executive Direction & Administration.

Environmental Protection—Title V—Regulation and Technology

OSMRE's FY 2024 budget request for Environmental Protection is \$90.6 million and 181 FTEs. This will enable OSMRE to meet its 2024 performance goals for the Environmental Protection business line, which includes providing \$65.0 million in regulatory grants to fund the costs for 23 primacy State regulatory programs and funding the regulatory program development costs for three Tribes.

The FY 2024 Environmental Protection request includes \$9.7 million to oversee and evaluate State and Tribal regulatory programs. The request also includes \$8.5 million to fund Federal regulatory programs in non-primacy States, such as Tennessee and Washington, and on Indian Lands. Also, included in the FY 2024 budget request is \$1.6 million for OSMRE to carry out mining plan reviews for Federal lands and \$5.8 million for program development and maintenance to continue efforts to streamline mining plan decision processes and ensure that regulatory standards adequately reflect changes in technologies and program needs.

Environmental Restoration—Title IV—Abandoned Mine Reclamation Fund

The FY 2024 budget request for Environmental Restoration is \$155.4 million and 43 FTEs, a program increase of \$3.0 million above the FY 2023 enacted level. The request focuses on State and Tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal Reclamation Program, for which OSMRE has reclamation responsibility, and strategic partnerships to address acid mine drainage (AMD) and other water pollution problems. In FY 2024, the Environmental Restoration program plans to reclaim 9,800 acres of abandoned coal mine lands through traditional mandatory AML grants and annual appropriations by eliminating health, safety, and environmental hazards and providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands. Under the State Program Evaluation activities, OSMRE coordinates evaluation and oversight of the State and Tribal AML reclamation operations. Federal Reclamation Program Projects and Operations addresses issues in States and Tribes without an approved AML program. This program also funds the Watershed Cooperative Agreement Program (WCAP) to support cooperative conservation with local nonprofit organizations. The Environmental Restoration business line also funds the Program Development and Maintenance Program activity, which provides policy direction, support and services to States and Tribes.

In addition to the above-mentioned activities, the Environmental Restoration business line funds OSMRE's administration of the AMLER program and provides eligible States and Tribes with AMLER grants and guidance on project eligibility criteria and reporting requirements. This program administers grants to six States and three Tribal nations to with the dual purpose of supporting economic and community development, and reclaiming AML sites.

The FY 2024 budget includes \$135.0 million for AMLER grants and allocates 0.75 percent of AMLER appropriations for OSMRE administration and 0.5 percent for oversight by the DOI Office of the Inspector General. The proposal provides OSMRE with dedicated funding for AMLER administration for the first time since the program's inception in 2016 and will allow the bureau to enhance support for States and Tribes to develop projects and speed the Federal project approval process. Further, authorizing the transfer of 0.5 percent of AMLER funding to the DOI Office of the Inspector General will help ensure that program funding is put to effective and efficient use, avoiding waste or abuse and maximizing the economic

development and environmental benefits that the funding is intended to deliver. From creating recreational opportunities, developing tourism, and enhancing infrastructure, to providing job training, skills, and opportunities, continued funding of the AMLER Program will provide economic opportunities and assistance to Appalachian coalfield communities and on Indian lands that have a long history of scarred landscapes from AML and legacy water pollution problems.

OSMRE provides verification and assistance with project eligibility on AMLER project applications submitted by States and Tribes. To that end, OSMRE has developed an external-facing AMLER project tracking spreadsheet to inform the public and increase transparency of each AMLER project's status. The AMLER project tracking system will provide transparency on the approval rate and status of project proposals.

Priority Federal Reclamation Projects in Oklahoma

Pursuant to the Supreme Court decision in *McGirt v. Oklahoma*, OSMRE is charged with enforcing SMCRA on Tribal lands within Oklahoma, including assuming responsibility for addressing outstanding priority 1 and priority 2 AML problems. The FY 2024 request of an additional \$1.0 million will build on the \$4.0 million in existing base funding to increase the number of AML projects that can be addressed in Oklahoma. OSMRE will be fully staffed to undertake additional reclamation projects in Oklahoma in FY 2024.

Passive Treatment Protection Program (PTPP)

Passive Treatment Protection Program projects are investments that will reduce water pollution discharges from abandoned mine lands. In FY 2023, OSMRE was appropriated \$500,000 to begin a PTPP program. The FY 2024 budget request includes \$2.0 million for the PTPP program to provide grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate AML passive treatment systems that were previously constructed to address water pollution from mine drainage.

Technology Development & Transfer—Title IV & V

The FY 2024 budget request for Technology Development and Transfer is \$21.3 million and 99 FTEs, with \$16.8 million to support Regulation and Technology activities and \$4.4 million to support AML Reclamation Fund activities. The Technology Development and Transfer (TDT) activities provide technical support and training to ensure States and Tribes have the necessary technical skills and expertise needed to effectively operate their SMCRA programs including training, technology development, and technology transfer activities to Federal, State, and Tribal regulatory and reclamation staff. The TDT funding also facilitates OSMRE's efforts to implement effective partnerships with stakeholders to meet SMCRA's restoration and protection goals.

Financial Management—Title IV & V

The FY 2024 budget request for the Financial Management business line is \$7.0 million and 36 FTEs. The Financial Management business line provides resources for OSMRE to carry out its financial management program responsibilities through three activities: fee compliance, revenue management, and grants accounting management. Under this business line, OSMRE also manages the statutorily required transfers to the UMWA Health Benefit Plans and the 1974 Pension Plan and is responsible for AML fund investments.

Executive Direction & Administration—Title IV & Title V

The FY 2024 budget request for Executive Direction and Administration is \$27.6 million and 70 FTEs. This is a program increase of \$4.96 million and 2 additional FTE from the FY 2023 enacted level. The Executive Direction and Administration business line activities are integral to OSMRE's Environmental Restoration and Environmental Protection mission and Technology Development and Transfer efforts. The Executive Direction and Administration business line provides leadership, policy, and program management guidance, and support for all areas of OSMRE's SMCRA responsibilities. The Executive Direction and Administration activity includes the salaries and operating expenses for the Office of the Director and six immediate staff offices, including the offices of Equal Opportunity; Communications; Planning, Analysis, and Budget; Information Resources; Administration; and Human Resources.

Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL)

The BIL provides OSMRE a total of \$11.293 billion to be spent over a period of 15 years. OSMRE has already distributed the majority of the FY 2022 grants and will continue to distribute amounts made available in the appropriation on an equal annual basis over a 15-year period, in accordance with the provisions of the BIL.

Conclusion

With the funding requested for FY 2024, OSMRE will continue its core mission and work with its State and Tribal regulatory partners in protecting the environment, the public, and property from the adverse impacts of active and historic coal mining activities. OSMRE's ongoing efforts to improve its partnerships with local, State, and Tribal governments, industry, non-profits, and watershed and citizens groups will ensure greater effectiveness in addressing the wide range of environmental and public health and safety problems associated with coal mining activities.

Thank you for the opportunity to present this testimony today, and I am happy to answer any questions you may have at this time.

QUESTIONS SUBMITTED FOR THE RECORD TO MS. GLENDA H. OWENS, DEPUTY DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Ms. Owens did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. The Infrastructure Investment and Jobs Act (IIJA) provided \$11.3 billion in abandoned mine land (AML) funding to reclaim abandoned coal mines, in addition to the fee-based grant distributions to state and tribes from the AML Fund. This was intended to simply add new funding to cleanup efforts, not overhaul a program that has been working well since the 1970s. However, I understand that the states are facing many new so-called "recommendations" in order to receive this new funding—everything from application formatting and project lists to the inclusion of the "Justice40" initiative.

1a) Why is DOI adding nebulous new "strings" to the funds from IIJA instead of allowing the program to simply function as it always has?

Question 2. On April 25th, OSMRE issued a proposed Ten-Day Notice rule, which modifies existing regulations to address potential violations under the Surface Mining Control and Reclamation Act, as well as how citizens' complaints are handled and other matters. I have concerns that this rule may conflict with state primacy as explicitly addressed in the Surface Mining Control and Reclamation Act (SMCRA).

2a) Did OSMRE consult with states that have primacy under SMCRA or the Interstate Mining Compact Commission prior to these revisions?

2b) The proposed rule states that there are vast problems with the 2020 Ten-Day notice regulations; but does not provide explicit examples. Please provide the data being relied upon for the last three years of Ten-Day Notice requests to OSMRE, that show there is a problem with the 2020 Ten-Day Notice regulations.

Question 3. OSMRE is using thresholds about projected coal production at a given mine site to determine whether a federal mine plan requires an EA or EIS. However, OSMRE has not disclosed what these threshold limits are, how they were established, or how they are applied in determining the level of NEPA review. Will you commit to providing the states and public information about how these thresholds are made, and how they are used in review?

Question 4. OSMRE is applying downstream effects in federal mine plan NEPA reviews. This is redundant, as these potential impacts and effects are already addressed by BLM during their NEPA analysis. Why is OSMRE duplicating the work of another federal agency related to the same activity?

Question 5. On April 26th, the Interstate Mining Compact Commission sent you a letter regarding the serious concerns states have about the anticipated dam safety rule, requiring Emergency Action Plans for dams despite nearly every state already requiring them. Emergency preparedness has always been under the primary authority of the states throughout the life of the program.

5a) Why should this rulemaking extend to dams in all states, including those with primacy under SMCRA and their own Emergency Action Plans in place, instead of being limited to only those dams within OSMRE's direct regulatory purview?

Mr. STAUBER. Thank you very much.

Before we get to the questions, I do want to ask unanimous consent to also waive on to the Committee Representative Katie Porter from California.

Without objection, so moved.

We are getting to the questions now, and I will recognize myself for 5 minutes.

Ms. Stone-Manning, I am from northern Minnesota. In northern Minnesota we hunt, and fish, and recreate. We also mine and harvest our timber. We talk about the three pillars: timber, taconite, and tourism, in Minnesota.

During your 2021 confirmation process, it came to light that you typed a letter using a pen name to the U.S. Forest Service stating in part, and I quote, "You bastards go in there anyway and a lot of people get hurt." If unnoticed, tree spikes can cause serious injuries for workers. In fact, a mill worker lost half his jaw because of a tree spike placed by an ecoterrorist.

This is a simple yes-or-no question. Do you condemn tree spiking and other forms of ecoterrorism?

Ms. STONE-MANNING. Congressman, yes.

Mr. STAUBER. Yes or no. Do you commit to a zero tolerance policy when dealing with acts of ecoterrorism?

Ms. STONE-MANNING. Congressman, yes.

Mr. STAUBER. Thank you. Director Stone-Manning, what was the average number of applications for permits to drill issued by the Bureau of Land Management per month in Fiscal Year 2022?

Ms. STONE-MANNING. Congressman, I don't have the monthly average, but I know that in Fiscal Year 2022, the BLM received 3,729 APD requests, and we approved 3,010 of them. Operators drilled on just over 2,000 of them.

Mr. STAUBER. The applications for Fiscal Year 2022 for the applications to permits to drill were 238. Do you know how many the Trump administration issued on average per month in Fiscal Year 2020?

Ms. STONE-MANNING. I do not.

Mr. STAUBER. 386. Meaning your Department's APD approvals have declined by 40 percent. Ms. Stone-Manning, this is embarrassing, but par for the course, as President Biden stated on his campaign, and I quote, "I guarantee you we are going to end fossil fuel." Is this 40 percent reduction intentional as part of President Biden's stated campaign goal of ending fossil fuel?

Ms. STONE-MANNING. Chairman Stauber, it is my understanding that in the first 2 years of the Biden administration we approved more APDs than in the first 2 years of the Trump administration.

And there are 6,755 APDs that are out there and the industry is choosing not to use. The President has urged them to use them.

Mr. STAUBER. As far as the APDs go, is it your intention to continue to increase those applications, within the next 2 years of this Administration?

Ms. STONE-MANNING. Congressman, we respond to the applications we receive in a timely manner and we get them back out the door.

Mr. STAUBER. The IIJA created a categorical exclusion for gathering lines for oil and gas operations to reduce quantity of methane. To your knowledge, has the Department used this categorical exclusion?

Ms. STONE-MANNING. Yes, it is a helpful tool, but as I understand it, we have been asked once to do it and have done it in Colorado.

Mr. STAUBER. You have used it once?

Ms. STONE-MANNING. In Colorado.

Mr. STAUBER. How many requests?

Ms. STONE-MANNING. I don't know the answer to that question, Congressman. I can get back to you on that. But I believe just once.

Mr. STAUBER. Do you have an idea of how many requests? Would you have any idea?

Ms. STONE-MANNING. No, I believe it is just once, but I can confirm that and get back to you.

Mr. STAUBER. OK. And I appreciate that. Can you please commit to following the law and using the categorical exclusion to increase methane capture?

Ms. STONE-MANNING. Absolutely, Congressman, that is what we do, follow the law.

Mr. STAUBER. A couple more questions. Have there been any new coal leases or lease modifications approved either for thermal or metallurgical coal, which is not under the leasing ban, as you know, under the Department of the Interior under the Biden administration?

Ms. STONE-MANNING. It is my understanding that we approved a lease expansion in North Dakota at the Center Mine.

Mr. STAUBER. How many have been requested?

Ms. STONE-MANNING. I don't have that number off the top of my head, Congressman.

Mr. STAUBER. Will you commit to getting that information to the Committee?

Ms. STONE-MANNING. Yes, I will check with my folks at the Department and get back to you.

Mr. STAUBER. OK. With that being said, I would hope that the philosophy of keep it in the ground mentality change under your leadership. I think that you know that many areas of our nation have natural resources and are abundant, so we can do these activities and keep our environment clean.

With that, my time is up. I am going to turn it over to Ranking Member Kamlager-Dove. Thank you.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

Director Stone-Manning, you mentioned that communities of color, low-income families, rural and Indigenous communities have long-suffered disproportionate and cumulative effects from air and

water pollution. Glad to see that you are trying to address some of those disproportionate impacts in your budget. Do you believe that these communities are important?

Ms. STONE-MANNING. Absolutely, Congresswoman.

Ms. KAMLAGER-DOVE. OK. Good to have that on the record for everyone.

Can you elaborate on how the proposed budget increase will support underserved communities that have been adversely impacted by energy and mining activities in the past?

Ms. STONE-MANNING. Congresswoman, thanks for the question. I think we are doing that in two ways. First, we are making the transition to a clean energy economy so that we can blunt future pollution from occurring to future communities. Second, through investments of the Bipartisan Infrastructure Law and the Inflation Reduction Act, we are putting people to work restoring these places, restoring abandoned and orphaned oil and gas wells, for example, restoring landscapes that have been impacted by climate change, and the budget reflects that we are trying to do that as much as possible by bringing in youth through the Youth Corps.

Ms. KAMLAGER-DOVE. Great, thank you. And what is BLM doing to improve community protections from oil and gas development, especially those who have been disproportionately impacted who share the burden, and how would the Republican-proposed budget cuts hurt those protections? I ask because in my district we have the largest urban oil field in the United States.

Ms. STONE-MANNING. Congresswoman, thanks for the question. We are approaching the oil and gas program to try to make it as balanced and responsible as possible, so we are asking companies to focus their development in places that have high potential for oil and gas. The Bipartisan Infrastructure law put in abundant provisions to make a fair return for the taxpayer.

And forthcoming in a couple months will be an oil and gas rule-making, I think as you all have seen, on the unified agenda that will help us ensure those policies into the future.

Ms. KAMLAGER-DOVE. Great. The last question. Do you ever not follow the law?

Ms. STONE-MANNING. Congresswoman, I always follow the law. Thanks for the question.

Ms. KAMLAGER-DOVE. OK. Thank you for that.

Deputy Director Owens, your agency handles the regulation of current coal mining and the cleanup of coal mines abandoned before the industry was regulated in 1977. As you mentioned in your testimony, OSM is now administering a clean-up program with more than \$11 billion over the next 15 years. How is OSMRE leveraging those funds to boost economic development and create jobs and communities that have been left behind by the declining coal industry?

Ms. OWENS. Thank you for that question, Representative Dove. OSM has been working diligently since the passage of the Bipartisan Infrastructure Law. We call it BIL back at OSMRE. But since the passage of the BIL, we have been working with our states and tribal partners soliciting feedback on how we can most effectively, as you say, leverage these dollars. This historic investment

of over \$11 billion is a once in a generation opportunity for us to actually get out there and get the funds.

Before the BIL was enacted, the reclamation fee collection was scheduled to expire. With the extension of the BIL and the 15-year funding that we have, we are getting more money out to states than ever before. The highest amount of funding received by one state, Pennsylvania, in this year, Fiscal Year 2022, was \$244 million. That is more than the monies that went out for the entire AML program in Fiscal Year 2021.

But the exponential increase of funding for the AML program and the opportunities that are created, the broadening of the scope, the opportunity to create jobs, to hire displaced coal workers, and to require and ensure cleanup in areas that we had not been able to reach under the historic traditional AML fee-based program, the opportunities now for us, as I say, are exponential. And we have 15 years now to take advantage of this funding and to get into those communities that had been adversely impacted by those legacy mine sites that had been abandoned prior to SMCRA's enactment in 1977.

Ms. KAMLAGER-DOVE. Thank you for that.

My time is up, and I yield back, Mr. Chair.

Mr. STAUBER. Thank you. I will now recognize the Chairman of the Full Committee, Mr. Westerman.

Mr. WESTERMAN. Thank you, Chairman Stauber. Thank you, Director Stone-Manning and Director Owens, for being here today.

Director Stone-Manning, I was reading in the newspaper this morning about BLM's proposal to sell land, or to do conservation leases, I guess is what you would call it, on BLM land, and I am a little bit confused. Could you tell me how BLM defines conservation or how you personally define conservation?

Ms. STONE-MANNING. Congressman Westerman, thanks for the question. The Public Lands Rule envisions—I think the conservation lease portion of that rule that you are referring to is for two purposes: for restoration activities and for compensatory mitigation.

Mr. WESTERMAN. If you go back to Teddy Roosevelt, he said that conservation means development as much as protection. We often hear it called wise use. My idea of conservation is you use it and leave it better for future generations.

So, my question is, is BLM not practicing conservation on lands that are leased for other purposes right now?

Ms. STONE-MANNING. Congressman, yes, we are. And the interesting thing about the Public Lands Rule is it expresses the part of our Organic Act, FLPMA, that requires us to protect fish and wildlife habitat, protect scenic values, protect cultural values.

Mr. WESTERMAN. Does this mean that multiple use is antiquated, that we can't have multiple use anymore? Because my understanding was that we were going to have multiple use on these public lands with conservation everywhere that we use the lands. Are you saying multiple use and conservation are mutually exclusive?

Ms. STONE-MANNING. I am not. What the rule does is make conservation an equal among multiple uses, so there—

Mr. WESTERMAN. But is conservation a multiple use or is it an ethic that should be practiced across all uses?

Ms. STONE-MANNING. We are expressing what FLPMA asks us to do which is to make those values an equal. And there are three buckets basically to the rule. One that looks at protection of intact landscapes as FLPMA asks us to do; one that looks at restoration as the landscape is requiring us to do; and one to make wise decisions based on science and data. And I think that third point gets to what you are talking about. Of course, that is conservation, bringing science data deeper into our decision making.

Mr. WESTERMAN. It is giving the impression that there is no conservation taking place on BLM lands now, so you have to set aside a new category and call it conservation, which I think it is very concerning to me if BLM is not practicing conservation where you have oil and mineral leases, where you have grazing. Conservation should be throughout all of the uses on BLM land.

And also, some of the actions of BLM are telling me that conservation is not being practiced. If you look at wildfire, we have seen an average of about 2 million acres per year on BLM land go up in flames. And if you do a rough calculation, you are probably looking at 30 or 40 million tons of carbon being released every year off of BLM lands. That doesn't seem like conservation to me.

So, shouldn't BLM be focused more on practicing conservation under the programs that you already have rather than trying to set aside more land to put them in programs like BLM manages forest land, which is really not managed at all, it is being mismanaged.

You talked about science. Your agency actually released a report on old growth with the Forest Service that clearly recognized that mature forests are not a scientifically-recognized term in forestry. If you really claim to utilize the best science, why is BLM proposing to fundamentally change the way we manage these forests on flawed science?

Ms. STONE-MANNING. Congressman, thanks for the question. The technical report that I think you are referring to was written by scientists.

Mr. WESTERMAN. Yes, and they said that your terminology is wrong.

And I have to go quickly to Ms. Owens. When Secretary Haaland was here, she talked about 20 new mine modifications or expansions that your agency has approved since 2021. Can you tell me what new mines, or modifications, or expansions those were?

Ms. OWENS. Representative Westerman, thank you for the question. Most recently, in fact, on May 12, OSMRE, the Department, approved a mining plan modification for the Center Mine in North Dakota, and we have—

Mr. WESTERMAN. And what kind of mine was that?

Ms. OWENS. It is Center Mine. What kind of mine?

Mr. WESTERMAN. What were they mining there?

Ms. OWENS. I don't know exactly. It was not met coal. But I can get that information for you.

Mr. WESTERMAN. We have asked for that information, and nobody has been able to provide it so far. So, you are familiar with one mine that has been—

Ms. OWENS. Well, that is the one that was most recently approved, mining plan—

Mr. WESTERMAN. Secretary Haaland said there were 20. Can you get that list for us?

Ms. OWENS. We don't have 20, I am sorry. I think Secretary Haaland may have been also including NEPA decisions for leasing as well as mining.

Mr. WESTERMAN. I would think with the emphasis on electrifying the economy that BLM would be cranking out as many critical mineral and copper mine permits as you could possibly do, but that seems to be just the opposite. I understand the political bias against fossil fuels, which I think is incorrect, but I understand that. But I do not understand the attack on mining and the failure to utilize our resources to achieve the objectives that the Administration said it wants to achieve.

I yield back.

Mr. STAUBER. Thank you, Mr. Chair. The Chair now recognizes Mr. Huffman from California.

Mr. HUFFMAN. Thank you, Mr. Chairman, and thank you to our witnesses for being here.

I want to applaud BLM for promoting renewable energy development on our public lands despite the challenges of all of those deadbeat APDs that form a checkerboard on the BLM map around much of the country limiting our ability to be creative and do some of these other things on our public lands. But you have lowered rental rates, you have updated the Solar Programmatic Environmental Impact Statement, and you are on track to more than achieve the most recent renewables goal that we have set, putting us in the nice position of raising the bar and setting a new goal.

So, these things that you have done are a type of streamlining, a type of permit reform. It kind of goes against one of the prevailing narratives around here right now, but a lot of this is already happening under your leadership, and I appreciate it.

As we are aware, reaching the Administration's clean energy goals will not just include investing in renewable energy development but also transmission, so I want to ask you a little bit about how we are going to provide that power generation and transmission. I represent the North Coast of California. Humboldt Bay is the site of two of California's five offshore wind lease locations, and BLM lands could very well come into play when it comes to the transmission upgrades we are going to need to bring that energy on-line.

Can you tell us how BLM is working to ensure transmission capacity is ready for the future build-out of clean energy?

Ms. STONE-MANNING. Congressman, thanks for the question. We are laser-focused on transmission. The electrons that we are producing with solar, and wind, and all forms of energy need to get from Point A to Point B. We are working on nine transmission lines as we speak and happily did a ribbon cutting just a couple months ago on one in the Southwest, ribbon cutting coming in June on one in Wyoming. And we are working across the Federal Government, working very closely with the Department of Energy to ensure that we can get this really important work done.

Mr. HUFFMAN. Yes. Thank you for that. The Inflation Reduction Act gave you some new authorities to improve the antiquated oil and gas leasing program that includes raising royalty rates and adding a royalty on all extracted methane, including methane that is lost through venting, flaring, or negligent release. I know you are working on a rulemaking on this issue as well, and I think we have a long way to go to bring this program into the 21st century, but let me just ask you how these new authorities and the BLM rulemaking on methane are going to help reduce emissions on public lands?

Ms. STONE-MANNING. Congressman, thanks for the question. We are trying to focus development in the very best places. The Waste Prevention Rule I think that you are speaking of is going to help reduce wasted gas, literally burning money on a resource unnecessarily. And then oil and gas rulemaking is going to implement what the Congress has done through rule and then also address bonding which we think will help the overall program on behalf of the American taxpayer.

Mr. HUFFMAN. All right, thank you. I want to ask about conservation. I think you can see that that has become a word that makes some of our colleagues across the aisle squirm these days, unless you are defining conservation as some type of polluting extractive industry use. Most of us define it a little bit differently. But certainly it is embedded in BLM's multiple use mission.

Can you tell us a little more about how your work is not going to negatively impact BLM's multiple use mission or the original intent of FLPMA? Why is conservation perfectly consistent with that?

Ms. STONE-MANNING. Congressman, thanks for the job and the 10,000 people that work for us, do conservation everyday and want to be able to have more tools in the toolbox to do that work. The Federal Land Policy and Management Act expressly states in Section 208 that our management needs to preserve and protect certain public lands and their natural condition. It needs to provide food and habitat for fish, wildlife, and domestic animals, as well as for outdoor recreation and human occupancy. It needs to protect the scientific, scenic, historic, ecological, environmental, air, atmospheric, and cultural values, to just name a few.

The framework that is the Public Lands Rule is going to give us a consistent way to deliver on what FLPMA is asking us to do.

Mr. HUFFMAN. Thank you. And just by way of perspective, what percentage of the 245 million acres of land you manage is open for leasing oil and gas?

Ms. STONE-MANNING. Congressman, over 90 percent.

Mr. HUFFMAN. Yes. And how about hard rock mining?

Ms. STONE-MANNING. Congressman, all of our lands are open to hard rock mining unless expressly withdrawn.

Mr. HUFFMAN. Does the new proposed rule undermine any valid existing rights?

Ms. STONE-MANNING. It does not.

Mr. HUFFMAN. Just one last question. When you manage for conservation, you don't just let land go feral, right? I mean, if you are going to try to restore native grasslands, you probably, at least for

some period of time, going to employ grazing as part of that conservation management, right?

Ms. STONE-MANNING. That is right. Conservation in a time of climate change is active work.

Mr. HUFFMAN. All right. Well, I thank you very much. It seems to me that this proposed rule is perfectly consistent with your mission, in fact, it is a refreshing modernization of it in a system that has been wildly out of balance in favor of extractive industry for too long.

I yield back.

Ms. STONE-MANNING. Thank you, Congressman.

Mr. STAUBER. The Chair now recognizes Mr. Lamborn for 5 minutes.

Mr. LAMBORN. Thank you, Mr. Chairman, and thank you for having this important hearing.

And, Representative Huffman, I think that you may consider this a modernization of the language in the bill, but it is an expansion that is outside the parameter of the definitions of what the mission of the agency is under the bill.

So, Director Stone-Manning, what is the legal justification for proposing this rule, because conservation leases are not mentioned in the Organic Act that created and defined the obligations of the Bureau of Land Management today?

Ms. STONE-MANNING. Thank you, Congressman, for the question. Section 302 of the Federal Land Policy and Management Act tells the Secretary that she has many tools in which to use and leasing authority is one of those tools.

Mr. LAMBORN. Apart from that, let me ask you about the application that you are intending to use this newly created land use for. If there is a parcel of land which has a conservation lease that has been given out in the future, will grazing be able to be done on that same land?

Ms. STONE-MANNING. Absolutely.

Mr. LAMBORN. Will energy development be able to be done on that same land?

Ms. STONE-MANNING. Once the conservation lease has expired? Is that the question?

Mr. LAMBORN. During the term of the conservation——

Ms. STONE-MANNING. The term of the conservation lease would preclude uses that directly conflict with the underlying conservation lease, and each one is going to be different.

Mr. LAMBORN. Would mining of resources be able to be done during the term of a conservation lease?

Ms. STONE-MANNING. Again, it would likely conflict.

Mr. LAMBORN. Would recreation be able to be done during the term of a conservation lease?

Ms. STONE-MANNING. Yes, likely.

Mr. LAMBORN. Would timber harvesting be able to be done during the duration of a conservation lease?

Ms. STONE-MANNING. Depending, a lot of forest work is necessary for restoration of watersheds, so that would likely be a compatible use.

Mr. LAMBORN. Wow, you are creating a new use, and you are crowding out the uses that you are supposed to be doing. You have

things backward. This is kind of amazing. This is breathtakingly arrogant on the part of the agency.

Let me change subject here and ask you about a proposed use of \$7 million or 17 percent of the budget for deferred maintenance and capital improvements to install electric vehicle charging infrastructure. Wouldn't it be a better use of the valuable taxpayer dollars and your mandate to be doing things like promoting rangeland health, reducing the risk of wildfires, and carrying out what is supposed to be the multiple use mandate that you have?

Ms. STONE-MANNING. Congressman, thanks for that question. Those other uses do have increases in the budget that I hope you will take a good look at. The EV infrastructure that you are referring to is part of an Administration priority. I remember back when I was the Director of the Department of Environmental Quality in Montana, and the previous governor had swapped the whole fleet of state cars to hybrids and everybody thought he was nuts, and it ended up saving us millions of dollars.

Mr. LAMBORN. Have you looked at the lifetime use of energy and the pollution caused by an EV versus an internal combustion engine car, including the mining of lithium and everything else that goes into making the batteries of the EV?

Ms. STONE-MANNING. Congressman, I have not done that analysis. I imagine somebody has.

Mr. LAMBORN. I wonder about that. Well, I will be talking to the appropriators and maybe we can strip that out.

Mr. Chairman, that is all I have, I yield back.

Mr. STAUBER. Thank you, Mr. Lamborn. The Chair now recognizes Ms. Lee from Nevada for 5 minutes.

Ms. LEE. Thank you, Chair Stauber.

Director Stone-Manning, good to see you. Last month, I had the opportunity to ask Secretary Deb Haaland about this proposed Public Lands Rule, and she emphasized that this conservation-centered rulemaking does not intend to slow down clean energy development projects. I believe the Secretary, and I don't question the rule's intent, but I have continued to hear some concerns from stakeholders, especially in my district, that the rule may have a chilling effect on clean energy development, regardless of its intent.

So, what would you say in response to these worries that the language about maintaining intact landscapes and ecosystem resilience, for instance, could inadvertently block out clean energy from BLM lands and obviously have an impact on the goal of transitioning to 100 percent renewable, clean electricity by 2035, you know, making that unachievable?

Ms. STONE-MANNING. Congresswoman, thank you for the question. I recall reading one of your quotes when the proposed rule came out and you wondered if the BLM can walk and chew gum at the same time, and we do that every day. It is what we do with a multiple use mission. I have no doubt that we are going to be able to deliver on the incredible resources in your state. We are on track for 13 gigawatts, and there is a whole bunch coming up right behind it. What this rule is going to enable us to do is be smart and thoughtful about where and how that development happens.

Ms. LEE. Thank you. The Office of ORIA typically reviews all significant rulemakings, and I understand that ORIA has claimed that this rule, one that has been characterized as a seismic shift in land management, is somehow not significant and therefore not subject to ORIA review. I also understand that BLM intends to apply a categorical exclusion to the proposed rule then run it through the NEPA process.

Wouldn't it make sense for ORIA and BLM to subject this Public Lands Rule to more thorough review now to minimize the potential for mutual headaches and misunderstandings with clean energy advocates as well as agricultural, recreational stakeholders, we are hearing several other stakeholder views here today, down the road?

Ms. STONE-MANNING. Congresswoman, thank you for the question. The final rule is going to have a categorical exclusion right along with it because this rule is procedural in nature and therefore doesn't require the full extent of NEPA. Some of the things that it may do, like restoration projects, those, of course, as they happen, will undergo NEPA.

But the rule itself is largely procedural. We are talking about landscape health assessments, and gathering science and data, and doing a lot of procedural steps. That is why it has a cat ex.

Ms. LEE. That is good to hear. It sounds like BLM would be able to quickly course correct in the event that when this takes effect, that some of these concerns of the clean energy community bear out. Is my understanding correct that BLM would be able to quickly course correct then?

Ms. STONE-MANNING. Yes. Again, we can walk and chew gum at the same time. I am confident we are going to be able to not only meet our gigawatt goals for 2025 but exceed them, and into the future, do that same level of work.

Ms. LEE. And then finally, we have been dealing in Nevada with delays, primarily because of staffing. Can you comment on what the impact of the proposed Republican budget would have on your staffing and being able to process all of these applications?

Ms. STONE-MANNING. Congresswoman, I have heard the number 25 percent, and I am certain that we would fail to deliver for the American people if our budget was slashed by 25 percent. For example, in renewable energy, we are working on 64 projects right now that are going to deliver, if all go through, 30 gigawatts of capacity. And there are 147 projects waiting in the wings. What I need to get those projects off the ground are people, which is why you see the budget increase that you see in this proposed budget of the President's of 77 percent in the renewable energy management line.

Ms. LEE. Thank you, I yield.

Mr. STAUBER. Thank you very much. The Chair now recognizes Mr. Hunt from Texas for 5 minutes.

Mr. HUNT. Thank you, Mr. Chairman, and thank you so much for being here, to the witnesses, I really appreciate your time.

My first question is for you, Ms. Stone-Manning. I have a question for you, and it is, is the oil and gas industry important to the future of our country, ma'am?

Ms. STONE-MANNING. Congressman, it is.

Mr. HUNT. So, I think I would actually, obviously, 100 percent agree with that. A little background on me. I am from Houston, Texas, the energy capitol of the world. The entire energy corridor is in my district, so this is an issue that is very near and dear to my heart. And I can tell you that oil and gas will be a part of our future for a very long time, at least for sure in my lifetime.

And one of my favorite quotes actually came from Bill Gates when he said, and this is kind of paraphrasing, of course, that if we were able to miraculously snap our fingers, and if every single American drove an EV tomorrow, we would only decrease the demand of a barrel of oil by 8 percent. We would still use 92 percent of a barrel of oil because of all the by-products of the industry. So, I think it is clear that we are not going anywhere for the foreseeable future, and I want to ensure that we continue to make production as easy and as attainable for companies to provide us with energy and goods for the future.

Is it true that your Department has a statutory obligation to approve or deny an application for a permit to drill within 30 days of receipt of a complete APD package?

Ms. STONE-MANNING. Yes, Congressman.

Mr. HUNT. Are you aware of the average APD issuance timeline by your field offices to date?

Ms. STONE-MANNING. Congressman, there is a back and forth. We ask the company for information. Sometimes it takes them quite a bit of time to get us that information back. I have looked at the timelines, I have dug in and asked why there are sometimes delays. Some of it is on us, 109 days on BLM. But it is 162 days on average that we wait for information to come back from the company.

Mr. HUNT. So, given the 30-day statutory requirement, do you think that is an acceptable timeline, considering that is significantly more than the 30 days allotted? And I know there are a lot of challenges here, but go ahead, ma'am.

Ms. STONE-MANNING. Yes, for a complete application, we need to make sure that everybody is crossing T's and dotting I's so that we follow the law. And sometimes it takes a while for the companies to get back to us, sometimes we have delays over litigation, and frankly, sometimes our delays are because our staff are burning the candle at both ends.

Mr. HUNT. I understand that. So, in order to get this, I think, within better compliance, do you have a plan or an idea of what we can do to implement anything, or how can we actually help you to achieve these goals to get it closer to that 30-day limit?

Ms. STONE-MANNING. I appreciate the question, and I would ask us also to look at the big picture. There are over 6,700 APDs that are sitting unused by the industry right now.

Mr. HUNT. How many, can you say it again? I am sorry, I didn't hear that.

Ms. STONE-MANNING. Over 6,700.

Mr. HUNT. OK. Lastly, ma'am, I do want to say this. These timelines are really putting a burden on a lot of companies, especially in my district, that impacts us every day, and it is also a symbiotic relationship between my district in Houston, Texas and the Permian Basin, and I am hearing from companies every single

day that these timelines are absolutely crippling the industry, and I am not kidding. I get calls to my staff every day. And I really want to make sure that we work together, R or D, I really don't care, to get this within compliance.

So, as a question, just so we can work together here, would you commit to decreasing the average time of an APD by 25 percent by the end of the year?

Ms. STONE-MANNING. Congressman, I would ask that you support the President's budget, which reflects an increase of \$10.4 million in our oil and gas management line. That would help.

Mr. HUNT. OK. Well, thank you so much, ma'am.

I yield back my time.

Mr. STAUBER. Thank you very much. The Chair now recognizes Representative Velázquez from New York for 5 minutes.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman.

Director Stone-Manning, welcome. The Inflation Reduction Act, which Democrats passed last Congress, included several boosts to clean energy infrastructure through more than \$1 billion in the IRA for Federal agency permitting offices. How is the Bureau of Land Management using Inflation Reduction Act funds to shrink timelines for permitting, specifically for renewable energy projects on Federal land?

Ms. STONE-MANNING. Congresswoman, thank you for the question, and also thank you for the congressional support for speeding up permitting in the form of extra people. We are using some of that permitting funding for the Solar Programmatic Environmental Impact Statement which will help us guide solar development to the right places so that when projects come in, we have done a bunch of the analysis up top. I think that is really going to help.

Ms. VELÁZQUEZ. And can you give an overview of how the deep budget cuts proposed by Republicans impact the Bureau's ability to promote renewable energy development on our public lands?

Ms. STONE-MANNING. Thanks for the question. Again, we have over 170, I think, proposals that are waiting in the wings to be analyzed, which is why you see the request in this budget for a 77 percent increase in the renewable energy management line. That is people. That is people doing the work and doing the analysis.

If we faced deep cuts, it takes people to do this work, so we would not be able to deliver on our commitment for an energy secure future to the American people.

Ms. VELÁZQUEZ. Thank you. And as you mentioned, the Fiscal Year 2024 budget includes \$72.5 million for the renewable energy management program. This funding increase, among others, will help meet the Administration's renewable energy and greenhouse gas emission reduction goals.

Can you talk briefly about how the proposed budget will allow renewable energy coordinating offices to meet the expected demand for renewable energy development over the next couple of years? And if there are additional ways Congress can support your work to deploy renewable energy, please share with us.

Ms. STONE-MANNING. Yes, thank you for that question, Congresswoman. I think I mis-spoke a second ago. There are 147 projects waiting in the wings that would deliver over 50 gigawatts of power.

The additional funding from Congress would help us do the analysis necessary to get those projects out the door but also help us coordinate with other agencies. There are many equities involved. Often we need to work with our colleagues at the Fish and Wildlife Service to ensure that we are meeting laws guiding sensitive species. So, the additional support would help us do what the American people are asking us to do which is have a fully functioning approach to governing.

Ms. VELAZQUEZ. In other words, budgets have consequences.

Ms. STONE-MANNING. Indeed.

Ms. VELÁZQUEZ. Thank you. I yield back.

Mr. STAUBER. Thank you very much. And the Chair would like to mention that, Director Stone-Manning, you mentioned there are 147 projects waiting in the wings. I will submit to you, H.R. 1 will help as well.

The next speaker is Mr. Fulcher from Idaho, 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman, and, Director Manning, Deputy Director Owens, thank you for being here today.

On March 28, 2023, in the House Appropriations Committee, it was Secretary Haaland that stated the BLM has permitted more than 126 renewable energy projects, meaning wind, solar, geothermal. During the same hearing, she also said since 2021, the BLM has approved 20 mines or mine modifications. And I think just a little bit ago you said 22 is like 3,000, if I heard correctly. And then Deputy Director Owens I think came up with one possible mine modification or mine approval.

First of all, can you speak to the disparity there, or is there a disparity, or is there just a misunderstanding? And secondly, what criteria does the BLM, or Department of the Interior, use to prioritize one project over another?

Ms. STONE-MANNING. Congressman, thanks for the question. There are over 20 mines that have been expanded, or modified, or permitted in the first 2 years, ranging from everything from gold to lithium.

Mr. FULCHER. And what was the 3,000 number that you had referenced a little bit earlier? Was that just simply renewable or what was that? Just a few minutes ago you had referenced a number of over 3,000.

Ms. STONE-MANNING. Oh, I believe that was applications to drill for oil and gas.

Mr. FULCHER. Applications, not permits.

Ms. STONE-MANNING. APDs. That is a permit, yes.

Mr. FULCHER. OK. What is the criteria that the Department of the Interior uses when they prioritize one project over another?

Ms. STONE-MANNING. Thank you. We respond to what comes to us, so in hard rock mining, for example, a proposal walks in the door, and we respond to it, right. The 1872 Mining Law says—

Mr. FULCHER. So, 126 versus 20, if that is right, that is a pretty significant difference.

Ms. STONE-MANNING. Thank you. I think you are asking about the renewable energy projects. We do have a prioritizing project sort of screen. Is it close to transmission? Are there threatened endangered species on the site? Basically, is it ready for prime time?

Mr. FULCHER. OK. So, there is a prioritization process.

Ms. STONE-MANNING. There is, yes.

Mr. FULCHER. So, given that prioritization process of renewable, in this case, compared to that of mining, does the BLM intend to similarly prioritize conservation leases over mining projects with this new rule?

Ms. STONE-MANNING. Congressman, thank you for the question. Again, we will take requests as they come in the door and analyze them, like we do in all of our other work.

Mr. FULCHER. So, just as a reminder, if you take the language in your rule proposal at face value, that makes conservation a use, which is, as Congressman Westerman indicated, by default that means other stuff doesn't employ conservation. So, you have a real conflict there, and I hope you recognize that.

Director Manning, I want to encourage you to hold some in-person public hearings in my home state of Idaho, and I think it would be great if you would be there on this Public Land Rule and personally attend those. And I also want to just point out to you that part of the reason that we are here is FLPMA is a job and those rules in putting those things in place, that is something that we are supposed to be doing as opposed to an agency. Now you can always argue that we are not doing it well enough but, frankly, that is our job, and I want to just point that out to you.

In 2022, S&P Global Report stated to meet electronic vehicle demand, unless there is a massive new supply that comes on-line in a timely way, the goal of the net-zero emissions by 2050 will be short-circuited and remain out of reach. And as you know, the Biden administration is also seeking to create a carbon pollution-free power sector by 2035. Director Manning, where are those minerals going to come from?

Ms. STONE-MANNING. Congressman, I am pleased to share, as I hope you saw, we issued a notice to proceed on the Thacker Pass Lithium Mine a month ago. That mine is going to deliver 20 percent of the nation's lithium needs.

Mr. FULCHER. One mine?

Ms. STONE-MANNING. There is another mine coming right up behind it that we are analyzing now, and there are, as I understand—

Mr. FULCHER. Why not just go ahead and say, you know what, this is something we don't want to do, we want to get it all from China? Why not do that?

Ms. STONE-MANNING. Congressman, we follow the law. The 1872 Mining Law says that when developers come to us with a valid claim, we respond, and we go through the NEPA process to—

Mr. FULCHER. Director Manning, I am about out of time, so I just have to tell you, at this pace, there is no way we are even close. It is a bankrupt argument to say that somehow, some way, we are going to control this domestically because right now we are dependent on foreign lands.

Mr. Chairman, I want to enter into the record a letter sent to Director Manning last week by the Idaho Delegation requesting in-person public meetings to be held in Idaho.

Mr. STAUBER. Without objection.

[The information follows:]

IDAHO CONGRESSIONAL DELEGATION

May 11, 2023

Hon. Tracy Stone-Manning
 Director, Bureau of Land Management
 U.S. Department of the Interior
 1849 C Street, NW
 Washington, DC 20240

Dear Director Stone-Manning:

As the Bureau of Land Management (BLM) considers a major shift in the long-standing and well understood multiple-use approach of federal land management, we are discouraged to see Idaho was not listed as one of the sites for in-person public meetings regarding the proposed Public Lands Rule. Further, we were disappointed to see not only was Idaho not included, but the in-person locations are geographically concentrated away from many of BLM's constituents. For example, the closest in-person meeting for Idaho residents is Reno, Nevada, a trip that can take anywhere between 5 and 14 hours by car.

Additionally, while significant strides have been made in rural broadband development, some Idaho residents still lack reliable coverage needed to communicate and participate in a virtual meeting. This includes those in sparsely populated areas. With the COVID emergency ending, it is important for the BLM to meet with shareholders in person and face the public.

Idaho has 12 million acres of BLM managed land, and this rule will significantly impact how Idahoans interact with those public lands. By categorizing conservation as a use, rather than an outcome, this rule will effectively ensure the uses Idahoans have traditionally enjoyed on our public lands will be placed in competition with conservation, rather than in harmony. This action is in direct conflict with the congressional mandate to manage public lands for multiple use.

Given the impact this rule will have on all Idahoans, we urge you to hold in-person meetings in Idaho to gather feedback from the stakeholders that this proposed rule will impact. The BLM is proposing extensive management practice changes with the capacity to severely disrupt multiple uses from grazing to recreation as well as other considerations such as Tribal access. Therefore, it is imperative that the BLM hears directly from Idahoans, in the state of Idaho, in-person. We would also encourage you to personally attend these in-person meetings as head of the BLM. That would offer both direct feedback and good interaction with your Idaho State Director and her team. We look forward to a modification of the schedule for in-person meetings soon.

Sincerely,

Mike Crapo
 U.S. Senate

James E. Risch
 U.S. Senate

Mike Simpson
 House of Representatives

Russ Fulcher
 House of Representatives

Mr. FULCHER. Thank you, Mr. Chairman, I yield back.

Mr. STAUBER. Thank you. The Chair now recognizes Mr. Mullin from California for 5 minutes.

Mr. MULLIN. Thank you, Mr. Chair, and thank you, Director Stone-Manning for all the work BLM is doing to promote renewable energy deployment on public lands. The rapid deployment of renewable energy on our public lands is critical for our country's clean energy transition.

I would like to explore just a little bit how we can get those renewable sources built out and generating power as efficiently and safely as possible. Many of the figures shared by the agency

focused on permitted capacity, which is understandable as the Bureau's direct authority over this part of the process.

But can you tell us a little bit about any disconnect between permitted and deployed capacity, and can you ballpark the average wait time between when a project is permitted and when it is completed and connected to the grid, in other words, actually deployed, can you talk a little bit about that challenge?

Ms. STONE-MANNING. Congressman, thanks for the question. I can't ballpark because it really depends on the project, it depends on the financial backing of the project, it depends on a lot of things that are completely out of BLM's control. Once projects are approved, I think what is in the BLM's control is ensuring that there is transmission available to get those electrons to the people who need it, which is why we are so laser focused on transmission development as we speak.

Mr. MULLIN. I understand that transmission is quite a hurdle here. What other obstacles stand between a project being permitted and being deployed, and what can Congress do to help that process move forward?

Ms. STONE-MANNING. Congressman, I would proffer that you might want to talk to developers to find out how to fill those gaps for themselves. Once BLM has done its job and gotten the permit, it is out of our hands. So, I expect they would give you a better answer than I will.

Mr. MULLIN. With that, I yield back. Thank you.

Mr. STAUBER. Thank you, Mr. Mullin. H.R. 1 will help. I now recognize Mr. Tiffany from Wisconsin for 5 minutes.

Mr. TIFFANY. Director Stone-Manning, we are going to have a hearing this afternoon in the Federal Lands Subcommittee about wildland fires, and one of the quotes in there is from the gentleman that runs that unit. And I didn't realize this. There are 154 wildland firefighters that have died over the last number of years, and his quote is this, "We're losing people at a terrifying rate."

Why would you spend \$7 million on EV infrastructure when you have this tremendous backlog of land that needs to be dealt with, and that needs work, and that these people need pay increases, they need the equipment to be able to do their job? Why would you spend \$7 million on EV infrastructure?

Ms. STONE-MANNING. Congressman, thank you for the question. This is an Administration priority in part to address climate change and, of course—

Mr. TIFFANY. Do you support that priority by the Administration?

Ms. STONE-MANNING. I do, Congressman, because climate change is in part what is driving the dramatic increase in wildfires on our landscape.

Mr. TIFFANY. What if you are wrong about climate change? What if it turns out that we don't see 3 degrees additional global temperatures by 2050? What if you are wrong about that?

Ms. STONE-MANNING. Congressman, I am not going to second guess scientists from all over the country and all over the globe.

Mr. TIFFANY. How about the over 1,000 scientists that disagree with that, that say, sure, there is climate change, but it is not man-driven?

Ms. STONE-MANNING. Congressman, again, I am not going to second guess climate science that is widely accepted.

Mr. TIFFANY. We just heard that we are going to see the end of the world by 2030 by the person sitting in the Ranking Member's chair in opening remarks. We had a Vice President that said the end of the world was coming in 10 years. He said it in 2007. And then by 2017, he said basically the end of the world is coming.

Is it possible that it may not happen, that climate change may not be the end of the world, as so many people, like yourself, claim?

Ms. STONE-MANNING. Congressman, I believe it is incumbent upon all of us to fix a problem that we know exists in our world and in our country. It is our obligation to future generations to do that work.

Mr. TIFFANY. But what if you are wrong?

Ms. STONE-MANNING. Congressman, again, I am not going to second guess what is known to be true.

Mr. TIFFANY. So, it is dogmatic, it is faith-based that you simply believe it, even though there has been a pause over about the last 10 years when you read some of the leading climate scientists who are saying there has been a pause for about the last 10 years.

Ms. STONE-MANNING. Congressman, I believe we are going to agree to disagree on this one.

Mr. TIFFANY. You talked about protection of landscapes and the conservation portion of what you are attempting to do. That is one of the priorities, protection of landscapes. Does the public want to see windmills and solar arrays on those public lands?

Ms. STONE-MANNING. Congressman, thank you for the question. Change is difficult, and it is our job to work with local communities to ensure that any impacts are mitigated.

Mr. TIFFANY. Does the public want to see transmission lines where they have never seen them before and are perhaps unnecessary if we didn't go this route?

Ms. STONE-MANNING. Congressman, again, thanks for the question. I think what I know the public wants is to ensure that the public lands that we manage into the future are as healthy as possible, that they deliver clean water, they deliver wildlife habitat, and addressing climate change is going to enable that.

Mr. TIFFANY. I am glad you mentioned wildlife habitat. Does the public want to see all the endangered species that are being killed by these Cuisinarts in the sky, by the solar arrays? What do they call them, flamers, that go through? Like what is it, the Ivanpah Project out in California? They call them flamers where endangered birds would fly through there and they would just be incinerated. Is that what the public wants?

Ms. STONE-MANNING. Congressman, it is our job to work with our colleagues at the Fish and Wildlife Service to ensure that any development we do takes into account the needs of threatened fish and wildlife, and we do that work.

Mr. TIFFANY. Are you familiar that FERC last week, the Federal Energy Regulatory Commission, a few of the Commissioners, in fact, there was like three of them, they said there was an elevated chance of blackouts, and they are deeply concerned about the coal plant closures that are being proposed as a result of climate change?

Ms. STONE-MANNING. Congressman, I am not familiar with that FERC study. I am familiar with the need for transmission which is why we are working so hard to develop it, and I hope you will fund it through this budget.

Mr. TIFFANY. They didn't just talk about transmission, they talked about production of energy. They said we are going to fall short if we continue in this direction that we are going.

Final question. In regards to the letter that you wrote to the United States Forest Service, and you said you always follow the law, is tree spiking following the law?

Ms. STONE-MANNING. Congressman, I always follow the law and always have.

Mr. TIFFANY. Did you follow the law when you wrote that letter to the U.S. Forest Service?

Ms. STONE-MANNING. Congressman, I didn't write the letter, I re-typed the letter, and I always follow the law. I have been through a confirmation process. This old history was thoroughly vetted by the U.S. Senate, and they confirmed me, and I am here before you today to talk about the priorities of the Bureau.

Mr. TIFFANY. Did anyone go to prison as a result of writing a letter threatening logger's lives?

Ms. STONE-MANNING. I am sorry, could you repeat that question?

Mr. TIFFANY. Did anyone go to prison as a result of that letter that was written threatening logger's lives?

Ms. STONE-MANNING. People went to prison as a result of my testimony against them.

Mr. TIFFANY. While you participated in the process.

Ms. STONE-MANNING. I did not participate.

Mr. TIFFANY. I yield back.

Mr. STAUBER. Thank you. The Chair now recognizes Mr. Collins from Georgia for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

Director Stone-Manning, every administration has added new lease acreage to the pipeline for future production; however, as the Chairman stated earlier, you and this Administration have leased fewer acres for oil and gas drilling offshore and on Federal land than any other administration in its early stages dating back to World War II. According to the EIA, global energy consumption is on track to grow by nearly 50 percent by 2050 and conventional energy sources like petroleum will remain the largest energy source over that time.

Don't you think that future demands should be met by production in this country where we do it cleaner and safer than anywhere else in the world?

Ms. STONE-MANNING. Congressman, thank you for the question. President Biden and Secretary Haaland are very focused on energy security which is why they are asking us to transition to the clean energy economy that we are aiming to deliver.

Mr. COLLINS. OK. I wanted to switch gears a little bit and ask you about some other things that you have been stating, particularly that you say you need more analysts and stuff. Your Fiscal Year 2024, \$1.7 billion if I am right.

Ms. STONE-MANNING. Yes.

Mr. COLLINS. That is a \$200 million increase over the 2023 budget, correct?

Ms. STONE-MANNING. Yes.

Mr. COLLINS. All right. So, out of the \$200 million, how much of that is going to go for additional employees?

Ms. STONE-MANNING. Congressman, I should have the FTEs off the top of my head, but I do not. I can tell you the areas in which we are going to focus—

Mr. COLLINS. Well, I mean, if it is so important that you added analysts, I would think that you would have those numbers readily available to support your sales pitch.

Ms. STONE-MANNING. I am happy to provide them for the record. We are going to focus on increasing staff in renewable energy, increasing staff in oil and gas, increasing funding for the wild horse and burro program.

Mr. COLLINS. What percentage of that will go for oil and gas, since Mr. Hunt was asking about decreasing the time?

Ms. STONE-MANNING. The oil and gas program is asking for a \$10 million increase, which is 5 percent of the overall increase that we are requesting in this budget.

Mr. COLLINS. And you don't know how much of that will go toward people power.

Ms. STONE-MANNING. No, but I can find out for the record for you.

Mr. COLLINS. OK. Yes, I would love to know that. How many people are still at home working?

Ms. STONE-MANNING. Congressman, we have people remote working, we have people teleworking, we have people working in the office. I don't have the breakdown of the numbers for you.

Mr. COLLINS. When did you require them all to return back to the office and start working from the office?

Ms. STONE-MANNING. If I can be clear about one thing, the 10,000 people at the Bureau of Land Management who have a 25 percent vacancy rate are doing the work of two people at a time, and they work hard every day. Where they are working I think is less relevant to me than how they are working.

Mr. COLLINS. Ma'am, I would like to say that just because you are working harder doesn't mean that you are productive. That is why we have offices, and the pandemic was over, I don't know if you realized it, earlier this week, and we have required that all Federal employees get back in the office to go to work.

You are up here saying that you need more analysts, more analysts, I need more staff. We hear this every time somebody comes in. But then when we ask, where is everybody at? Well, a third of them are still at home watching *The Price is Right* when they should be working from the office where you can be more productive.

We are \$31 trillion in debt. How much debt is too much debt for this country?

Ms. STONE-MANNING. Congressman, I believe that is a job for the Congress to consider.

Mr. COLLINS. No, I am sure you had input on getting the extra \$200 million put into your budget. You are a part of this debt. So, how much is too much? Where do we stop?

Ms. STONE-MANNING. Congressman, I might respectfully say that a \$1.7 billion budget is a lot of money, but equated to the overall budget of the United States of America, this Bureau is the biggest land management agency in the country, and we are the least funded.

Mr. COLLINS. I think a dollar is a dollar to the American people, which you say you are committed to do the American people's work. I also think that you have leased fewer acres for drilling oil. And I think that just because you say you need analysts but you can't answer the questions of how many is a prime example of what we face up here every day when we have hearings that we can't get true answers on.

With that, Mr. Chairman, I yield back.

Mr. STAUBER. Thank you. The Chair now recognizes Mr. Rosendale for 5 minutes.

Mr. ROSENDALE. Thank you, Mr. Chair. Good to be here today.

Director Stone-Manning, always good to see you. We continue to hear about transparency and the perception of self-interest in this Committee in regards to the Directors and senior staff. As a known former collaborator with ecoterrorists, it is hard for me and many of my constituents to be confident that your decisions are guided by what is best for this country instead of being guided by what is your political activism and extremism.

Two prime examples of this are the most recent rule disregarding 70 years of best range management practices to benefit one lessee in North Central Montana better known as the APR, which you and I have discussed many times over. The other is the new proposed rule that conflicts with the Taylor Grazing Act which hurts Montana's significant ranching industry and threatens the long-standing relationship between our ranchers and public lands managements.

In 2008, while you were the regional director for Senator Tester, you received a large loan from one of his major donors at a below market rate that you had previously undisclosed until you were up for Senate confirmation for your current post. We had a lot of information brought out during that hearing that we had never heard before.

Just 2 years prior to receiving that loan, while you were executive director of the Clark Fork Coalition, you made what you yourself described as an unprecedented act of supporting this donor's development project in Missoula. This, combined with your past history of collaboration with ecoterrorism, further gives the perception that you do not have the best interest of the American people in mind, and instead, will prioritize your own personal beliefs and friendships over those of the American people and this country.

The new rule proposed by the BLM is in direct conflict with the Taylor Grazing Act, and the people that are going to be impacted by it the most are being severely deterred from participating and testifying because of the selected hearing locations being so far away from the areas that it is going to impact. Will you accommodate the request from this Committee, several of the Members individually and the Committee as a whole, to change or add locations to hold hearings in the actual communities that are being impacted by this proposed rule?

Ms. STONE-MANNING. Congressman, last evening, we had our first Public Lands Rule meeting. It was virtual. Over 300 people came. It lasted until 9 eastern time in the night.

Mr. ROSENDALE. I am not concerned about the previous meetings for this proposed rule. What I am asking you is that the locations that you have proposed to hold the hearings for this rule are in locations that are in urban areas that are far removed from the people that are going to be impacted. You just heard Representative Fulcher request, I have requested, and this Committee's letter will probably hit your desk tomorrow, that says will you add additional locations or change the locations so that the people that are going to be impacted, such as Fergus County, Montana in Lewistown, would be added on to your hearing locations?

Ms. STONE-MANNING. Congressman, I look forward to that letter, and we will consider it.

Mr. ROSENDALE. Will you commit to this body that you will hold the hearings in the communities that are going to be impacted?

Ms. STONE-MANNING. I am going to take that request back to the team and consider it.

Mr. ROSENDALE. In your testimony, you mentioned how your agency manages 700 million acres of mineral estate, yet the Biden administration has just canceled and withdrawn some leasing from some of the most mineral-rich land in the country. Do you believe that this withdrawal was proper?

Ms. STONE-MANNING. I am sorry, do I believe this withdrawal—

Mr. ROSENDALE. Withdrawal from leasing was proper.

Ms. STONE-MANNING. I do, Congressman.

Mr. ROSENDALE. And why is that?

Ms. STONE-MANNING. We have 700 million acres of subsurface minerals, and there are the right places to mine in this country and there are some places that are just too special and the watershed above the Boundary Waters is one of those places.

Mr. ROSENDALE. So, that is not the only place, is my understanding—

Mr. STAUBER. Mr. Rosendale, would you yield to me?

Mr. ROSENDALE. I will yield, Mr. Chair.

Mr. STAUBER. Director Stone-Manning, you just said the Boundary Waters is not a place where you mine, is that what you just said?

Ms. STONE-MANNING. I said the watershed above the Boundary Waters.

Mr. STAUBER. You said the Boundary Waters. Do you know there is going to be no mining in the Boundary Waters or the buffer zone around it? And let's be clear about that.

Ms. STONE-MANNING. Congressman—

Mr. STAUBER. I yield back to Mr. Rosendale.

Mr. ROSENDALE. Thank you.

Ms. STONE-MANNING. There was a preposition there. Above the Boundary Waters, because everybody understands that water flows downhill.

Mr. STAUBER. Above the what? Would you yield?

Mr. ROSENDALE. I yield, Mr. Chair.

Mr. STAUBER. Tell me the watershed above the Boundary Waters, explain that to us.

Ms. STONE-MANNING. The Rainy Creek Watershed is hydrologically above the Boundary Waters.

Mr. STAUBER. The Rainy River Watershed.

Ms. STONE-MANNING. Yes.

Mr. STAUBER. And what is below? What is the watershed below?

Ms. STONE-MANNING. The Rainy River Watershed flows into the Boundary Waters.

Mr. STAUBER. Director Stone-Manning, Lake Superior Watershed, Rainy River Watershed are the two watersheds we are dealing with the mining. The Biden administration pulled the leases for purely political reasons, and I can specifically say that, Director, because they wouldn't let an EIS go through, which as you know, is the highest scrutiny the Federal Government can give a mine plant of operation. They won't even let that go through.

Mr. Rosendale, I yield.

Mr. ROSENDALE. Thank you very much. I see that I am out of time, Mr. Chair, but if I could, could I ask one last question?

Mr. STAUBER. Go ahead.

Mr. ROSENDALE. Thank you very much.

Director Stone-Manning, as we see that you are trying to elevate conservation above just best management practices in these new rules, do you see similar withdrawals in the pipeline of what you have already shared with us?

Ms. STONE-MANNING. Congressman, thanks for the question. You may know that we are currently analyzing one at a place called the Thompson Divide in Colorado. We are currently analyzing one in a place called Chaco.

Mr. ROSENDALE. So, you do see similar withdrawals in the pipeline because you have elevated conservation measures above best management practices.

Thank you. I yield back, Mr. Chair.

Mr. STAUBER. Thank you. The Chair now recognizes Mr. Gosar from Arizona for 5 minutes.

Dr. GOSAR. Thank you.

Good morning, Director. The Administrator of ORIA makes a determination of whether or not a rule is major, although this information would have been submitted by the BLM. Major rules include those that are likely to result in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individuals, industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The proposed Conservation Rule was not determined to be a major rule. Yet, in 2023, BLM published a blog noting the recreation activities on the BLM public lands contributed about \$11.4 billion to the national economy. In fact, your own testimony states, and I quote, "Programs administrated on public lands managed by the BLM supported on an estimated \$201 billion in economic output and approximately 783,000 jobs."

As conservation leases will potentially lock off these lands to current BLM permittees, I would like to understand how the Bureau determined that this proposed rule did not have the impact of more than \$100 million per year on the national economy or would potentially create an impact in cost for state and local governments as their local tax revenue could potentially dry up from all of this economic output. Will you share the entire economic analysis conducted by the agency and submitted to ORIA to make that determination with the Committee?

Ms. STONE-MANNING. Congressman, thank you for the question. As we were discussing earlier, the Public Lands Rule is largely procedural in nature, implementing existing law through FLPMA, and therefore, it received the determination that it received from ORIA.

Dr. GOSAR. I mean, this is a major impact, and it should have the valuation because of its impact to state and local communities, so let's talk about this. Arizona came into the Constitution as statehood. It was first rejected by Taft. In the second attempt, Taft required that Arizona take the Federal estate and then coerced Arizona, said in lieu of we would have the multiple purpose aspects of the land in respect. So, forming a contract with Arizona.

So, withdrawal of this is huge, and the impact on Arizona would be immense. I don't know why it bypassed that because it has special designation to it. I want to know that you are going to show how you came about that this was not a major rule.

Ms. STONE-MANNING. Congressman, again, thank you for the question. ORIA made that determination, I believe, because this rule is largely procedural in nature.

Dr. GOSAR. But it is a major economic impact, so doesn't that take that rule and change it?

Ms. STONE-MANNING. Any work that we do to restore the landscape to ensure our multiple use and sustained yield mission into the future, in fact, adds economic benefit. For example, say we restore 250 acres of cheatgrass and get it back into a bunch grass community that is good forage, that actually is of economic value. Any time we invest in the landscape to make it more productive in the future, which is what this rule is going to do, it benefits the American people.

Dr. GOSAR. OK, so let's go there. BLM did not schedule a listening session in my state of Arizona on this proposed rule, which has, like I said, the potential to dramatically alter the way in which many of my constituents engage with the agency on a day-to-day basis. Not to mention its longer-term impact on their businesses, which are often generally owned. I understand that BLM is offering two virtual sessions, but you are making the assumption that everyone either has the ability to travel hundreds of miles in person to attend a listening session or to access broadband that is strong enough for these virtual sessions.

For an administration that proclaims to value input from tribal communities and rural communities, I would think you would understand the challenges of Wi-Fi in rural areas, or the lack thereof. I am not sure if you have ever visited these areas, but often there is not even running water, much less reliable Wi-Fi. I would like you to commit to holding a listening session in my state of Arizona for all those impacted by this proposed rule.

Ms. STONE-MANNING. Congressman, again, I will take that back to the team, and we will get back to you.

Dr. GOSAR. Last question. Have you ever been contacted by an entity on behalf of a foreign entity or government or a group representing an interest in a BLM decision?

Ms. STONE-MANNING. I am sorry, can you repeat that?

Dr. GOSAR. Have you ever been contacted by an individual or foreign person representing a foreign entity or government representing their interest in a BLM decision?

Ms. STONE-MANNING. Representing our interest in a BLM matter?

Dr. GOSAR. Yes. Their interest. Have you ever been approached by a foreign entity or those representing a foreign entity on behalf of a BLM decision?

Ms. STONE-MANNING. Not to my knowledge, Congressman. I know that there are some companies that are in Canada, for example, or in Australia that I have met with over mining interests.

Dr. GOSAR. Just really curious, if you remember Rob Bishop looking into some of the antics of China and Russia in regards to some decisions, trying to push money in publicity of these events, so we are just trying to make sure what is going on in those lines. Thank you.

I yield back.

Mr. STAUBER. The Chair now recognizes Ms. Porter from California for 5 minutes.

Ms. PORTER. Thank you very much, Mr. Chairman.

Director Stone-Manning, the Bureau of Land Management has a really important job. Your bureau is responsible for making fossil fuel companies clean up the messes that they make, and to do that, you have to make them pay for it so that taxpayers are not. As you may know, the typical cost of actually plugging an oil well and doing surface reclamation is \$76,000. Currently, the Bureau only requires Big Oil to put up a \$10,000 bond to reclaim a well.

So, let's do a little math. Roughly what percentage of clean-up costs would \$10,000 cover for the typical well?

Ms. STONE-MANNING. Congresswoman, not enough.

Ms. PORTER. Not enough. The true answer is 13.2. \$10,000 bond, \$76,000 actual cost. Would you say an oil or gas company is cleaning up their mess if they only pay for like one-eighth or even less of the cost?

Ms. STONE-MANNING. I would not.

Ms. PORTER. So, with requirements like this \$10,000 bond, companies are sticking the American taxpayers with the bill for their mess. Today, I am asking the Bureau that is supposed to be protecting taxpayers exactly what you have been doing to stop this. What are BLM field offices supposed to do if they find the \$10,000 minimum bond for an oil and gas lease is not enough to likely cover the cost of cleanup in their region?

Ms. STONE-MANNING. Congresswoman, thank you for the question; it is an important line of questioning. As I hope you know, we have a forthcoming rulemaking on oil and gas that includes looking at our old bonding provisions.

Ms. PORTER. I appreciate that, Director Stone-Manning, but before we get to the forthcoming rule, let's look at what the law currently says before we go make a new regulation.

BLM's policy as of at least since 2013 says, "It is the responsibility of the BLM state office to raise the bond amount above the minimum, \$10,000, required by the regulations when there is an unacceptable degree of risk and potential liability to the Federal Government for the plugging and reclamation cost of non-plugged wells."

So, BLM offices have had now for at least a decade not only the authority to raise the bond, but they are required by their own policy that I just read to raise the bond above the minimum requirement when the \$10,000 minimum is not covering the actual cost of cleanup and reclamation. So, what percent of BLM's own proposed bond increases, because they have the authority to ask for more, the duty, the requirement to ask for more, what percentage of BLM's own proposed bond increases has it actually secured from fossil fuel companies?

Ms. STONE-MANNING. Congresswoman, I do not have that in front of me. I would happily get it to you.

Ms. PORTER. According to the Bureau's own 2019 memo, it was 16 percent. 16 percent. So, if BLM can't enforce its own rules, and you are telling us you are going to write new ones, how do I have confidence that we are not going to have a repeat of the exact same problem? How do we trust that BLM this time is going to actually collect from fossil fuel companies an appropriate bond when it has failed to do so in the past?

I agree that raising the minimum bond would help, and I heard from Secretary Haaland that they are working on a proposed rule for the revision. So, first, can you confirm today that your proposed rule will raise the \$10,000 bonding minimum?

Ms. STONE-MANNING. I look forward to sharing it with the public once it is through all of its internal review.

Ms. PORTER. So, that is a no, you can't confirm it yet. Second, what factors should you be considering as part of your rulemaking to make sure that the bonding minimum actually covers the cost of cleanup and reclamation?

Ms. STONE-MANNING. Thanks for that question. There have been a handful of reports, including from the GAO, that we are taking a very close look at on this very topic to inform the work that you will see and, I hope, comment on shortly.

Ms. PORTER. Because in the Bipartisan Infrastructure Law we had to obligate \$10 million, \$20 million to cleaning up these oil wells, to cleaning up the mess of the fossil fuel companies, and while I know it is tempting to point the finger at fossil fuel companies, and I have and will do so when they break the rules, we have to also be willing to hold ourselves to accountable as environmental stewards, including at the BLM.

I would just urge you to think about how you are going to reassure Members on both sides of the aisle of this Committee that when the new regulation comes out, we will have a better system and a better structure, so that when BLM asks for a higher bond, they are not getting 16 cents on the dollar.

I yield back.

Mr. STAUBER. Thank you very much. The Chair now recognizes Mr. Duarte from California for 5 minutes.

Mr. DUARTE. Hello, Director, thank you for being here today.

Reading about wild horses. Great American visual, but a bigger problem than what we are actually addressing. In your report here, you are asking for \$154 million to keep the ponies in a corral, 60,000 of them. We have agreed upon, I think it was quite a process that agreed that 27,000 wild horses on the American plains was an ideal number, at least that was the compromise.

Currently there are 80,000 by your estimates, plus. And I believe from wild horse seminars I have been to, odd as that is, they grow by about 20 percent in population a year if left unchecked, and the detriment of these uncontrolled wild horse herds on the western plain, these are non-native wild horses, so they interrupt with native species, they interrupt with grazing plans where ranching families are attempting to sustainably graze their rangeland, make sure the wild horses don't eat too much of the feed stock around the water holes lest their cows can't get between the forage and the water hole.

And young horses and old horses can't get between the forage and the water hole in many of these areas, and they simply die of either dehydration or starvation, so this is an ugly thing. This is ugly. The only real way to deal with it is to eradicate wild horses from the plains. That is the reality, I believe.

You can put them on trains and send them to Mexico for horse slaughter, we can revise our horse slaughter laws here in America, or we can appropriate \$154 million this year per your budget request, and something more next year, and something more again the following year until we have 120,000 horses in captivity and 160,000 horses on the plains.

Do you have a plan otherwise?

Ms. STONE-MANNING. Congressman, I appreciate the question, and I appreciate you understanding the rock and the hard place that we find ourselves between with the Wild Horse and Burro Program. We are, in fact, responsible for 150,000 animals, 82,000 of them on public lands and 60,000 of them either in corrals or off-range pastures. We use every tool that we are given, and we are asking for your help in more funding so that we can do the work of getting especially that 82,000 number back down to 27,000 both for the health of the horses and the benefit of the range.

Mr. DUARTE. And to do that, you are looking at sterilization, you are looking at birth control for wild horses.

Ms. STONE-MANNING. Fertility is a big part of our work.

Mr. DUARTE. So, a wild horse takes, what, 2 or 3 years to get to gestational age? At this point, we have tens of thousands of horses. We all know we are heading into a budget crunch here, so we can either eradicate the horses, which I know is not something any of us want to watch, but it is the reality, or we can appropriate hundreds and hundreds of millions of dollars over the next 5 to 10 years, maybe up to a billion total to provide birth control for wild horses and store up excess inventory, or we can open up capture and export for horse slaughter.

Ms. STONE-MANNING. Congressman, that is a question for Congress.

Mr. DUARTE. Thank you. I will take the challenge.

I will waive back.

Mr. STAUBER. Thank you very much. The Chair now recognizes Mr. Carl from Alabama for 5 minutes.

Mr. CARL. Thank you, Mr. Chairman.

I would like to begin by thanking the witnesses for being here today. As you both know, there is a mine operating in my home state of Alabama, the name Warrior Met Coal, that has been working on a lease by application for years. The LBA began its scope in 2014, and it is still pending. After a number of discussions with individuals at your department, I understand we are working toward a resolution on this issue, and I thank you for that.

I appreciate you working with me and the Members of my Delegation on this issue. I look forward to receiving the information about approval timeline on the LBA later this week, so I am told.

Ms. Owens, I have a question on another issue. I understand your agency published a proposed rule on April 25 known as the 10-day notice to modify existing regulations to address potential violations under the Surface Mining Control and Reclamation Act as well as how citizens complain, I think that is right, are handled in the manner they are handled. I believe the states are doing a great job in this position right now, given their borders.

Given the 10-Day Notice Rule that was just updated in 2020, and is working well I might add, why do you need to make such major changes to balance the state and Federal authority in a new proposed rule?

Ms. OWENS. Thank you for the question, Congressman. As you mentioned, a 10-Day Notice Rule was published in 2020. In 2021, the Department took a look, we wanted to review and examine the 2020 rule. After that review, it was determined that there are areas in which the rule could be improved, so we engaged in the rulemaking and have, as you also mentioned, on April 25 published a revised 10-Day Notice Rule.

And among the reasons for the revision to the 10-Day Notice Rule is that there remained burdens on citizens who wanted to file complaints or share information with the state regulatory authority or OSMRE regarding potential violations at mining sites. And there was also a need for clarity for the procedures of issuing and receiving responses in determining whether appropriate actions had been taken in response to those 10-day notices.

So, the recent 10-Day Notice Rule was published to address all of those concerns that were disclosed upon a re-examination of the 2020 rule.

Mr. CARL. So, you think the Federal Government can do a better job than the state in processing those complaints?

Ms. OWENS. OSMRE, under SMCRA has a responsibility, SMCRA gives citizens the ability to file a citizen's complaint and, in fact, the 10-day notice process is established in the Surface Mining Act.

Mr. CARL. Yes, ma'am. When you have a government that takes 9 years to process an application, I don't think they are going to process complaints quite as fast as they would in the state. The

state level has a way of moving quicker, and they still get criticized for time. Thank you for your response.

Director Manning, let me hit you up real quick. Congresswoman Porter kind of touched a nerve when she was talking about the reclamation of the oil fields. What is the bond cost for the solar fields, and what is the bond cost for the wind farms?

Ms. STONE-MANNING. Congressman, we do bond for both of those activities, and I am going to have to talk with the team and get you those numbers. They are not in front of me.

Mr. CARL. Do you think that is enough to clean that up, whatever the bond is on it?

Ms. STONE-MANNING. Congressman, I am under the working assumption that we have learned from the oil and gas program and we are carrying that forward to the renewable program.

Mr. CARL. Well, I would be curious, because I don't know those numbers. It is not a trap question. I would really love to look at that.

With that, Mr. Chair, thank you.

Mr. STAUBER. Thank you. The Chair now recognizes the gentlelady from Colorado, Ms. Boebert, for 5 minutes.

Mrs. BOEBERT. Thank you, Mr. Chairman, and thank you to our witnesses for being here today.

Director Stone-Manning, in Mesa County, one of the great counties that I represent, we have been waiting more than 5 years for a particular parcel. We have been waiting for the BLM to sell this 31.1-acre parcel of land in Clifton. It would be sold at a fair market value, and it is on the disposal list currently. I am just curious if this is an issue that is on your radar?

Ms. STONE-MANNING. Congresswoman, you just put it there, and I commit to you that I will look into it.

Mrs. BOEBERT. I would love to work with you on this. This is a big deal for my constituents in Mesa County. I have toured the site and have legislation to support this, so if there is something that we could find to work together on, this parcel of land would be a great place to start.

Now, my colleagues in this Committee and in the House, they have claimed numerous times during debate that wilderness designations don't prevent or restrict active forest management. I am curious if you agree with those sentiments.

Ms. STONE-MANNING. Congresswoman, we do manage wilderness differently than we manage the front country, but we do have tools at our disposal.

Mrs. BOEBERT. What are some of those tools? Because, particularly, mechanical thinning is something that is prevented in wilderness areas, and we are reduced down to old, long two-man hand saws. Do you think that that is enough to manage our forests with 6 billion standing dead trees in the West?

Ms. STONE-MANNING. That and prescribed fire I think is what is necessary for wilderness.

Mrs. BOEBERT. A hand saw and prescribed fire rather than mechanical thinning? As a follow-up, if we are serious about actively managing our forests, and I believe that we all are to some degree, we just have different ideas on how to get there, we have to prevent these catastrophic wildfires, and certainly prescribed

burns is one great way to do that, and forest cleanup, and reducing the fuels that are on the ground. But would you say that we need more mechanical thinning on a larger scale in these overgrown areas?

Ms. STONE-MANNING. Congresswoman, we are focusing that work with great intent around the Wildland Urban Interface in order to protect people and communities. Last year, we did about a million acres of mechanical treatment. This year, we have a goal of about 1.3.

Mrs. BOEBERT. And are you intending to increase the use of mechanical thinning?

Ms. STONE-MANNING. Around communities, yes, we are. We are focusing the work in places that——

Mrs. BOEBERT. Well, in my district, we don't have as many of those communities that would be affected, but we certainly have areas that my colleagues are trying to designate wilderness and already have, and that prevents us from actively managing our forests. And I believe that the greatest way to do this on a larger scale is to increase mechanical thinning.

We have to reduce the 234 million acres of forest that is currently considered high risk for these dangerous and catastrophic wildfires. That is another thing that I would love to work with you on, because we have to be good stewards of the land that we have been given and actively managing our forests is one way to do that.

Now moving on, mineral lease sales are required by law to take place at least quarterly. Accordingly, there should have been at least nine rounds of lease sales in the past 2 years. With gas prices as high as they are, there should have probably been more than nine, how many rounds of onshore lease sales has the BLM held in the last 28 months?

Ms. STONE-MANNING. Congresswoman, thank you for the question. We held a lease sale in Fiscal Year 2022 that was five sales, if I am remembering properly. We have regular sales coming starting this month. But I think that the——

Mrs. BOEBERT. How many sales are scheduled for this month? Because I am showing that the answer is one. We have had one lease sale, and the BLM is not currently complying with the law here and truly hurting domestic energy production. So, how many sales do you have planned?

Ms. STONE-MANNING. Congresswoman, oil and gas production is at an all-time high on Federal lands, and oil and gas corporate profits are at an all-time high, 14 percent of——

Mrs. BOEBERT. I live in a drilling community, and I can testify that we have been regulated into poverty with our oil and gas production because politicians get into office, and virtue signal, and make these false claims about our good, clean energy production, and, unfortunately, it is hurting my constituents. So, if we could work together to increase these sales and increase future production, I think that would help the future revenues for essential services like schools, roads, firefighting, and all of the things that we care about so much.

Director Stone-Manning, I am over my time, and I thank you so much for your answers.

Mr. STAUBER. Thank you very much. The Chair now recognizes Representative Hageman from Wyoming for 5 minutes.

Ms. HAGEMAN. Thank you.

Ms. Stone-Manning, Governor Mark Gordon of my home state sent a letter on April 25 to Secretary Haaland asking when the mine plan amendment for the Black Butte Mine near Rock Springs would be forthcoming from the Department. This application was approved by the state in 2021, but OSMRE has continuously requested more and conflicting information from the operator. The amendment has been through three NEPA reviews, all of which have been completed, but I understand it is still pending at the Office of the Solicitor.

Why does this approval continue to be delayed, and when can we expect it to be completed?

Ms. STONE-MANNING. Congresswoman, thank you for the question, but I believe that is a question for Deputy Director Owens.

Ms. OWENS. Yes.

Ms. HAGEMAN. OK. Deputy Director Owens.

Ms. OWENS. Yes, thank you for the question. We are processing the Black Butte Mining Plan Modification. As you noted, it is with the solicitors. We have had some recent adverse court decisions on our mining plan decisions, so we want to make sure that as we move forward the decisions that we make are going to be durable, they are going to be legally defensible.

Ms. HAGEMAN. Do you have an estimated date by when you will have it completed?

Ms. OWENS. I don't have an estimated date, but I can say that we are hoping that it will be out soon.

Ms. HAGEMAN. Before the end of the year?

Ms. OWENS. I can't say that today, but I can get a better understanding and give you a better answer.

Ms. HAGEMAN. Director Stone-Manning, are you aware that the USDA Forest Service has administrative responsibility to manage the Taylor Grazing Act grazing districts in the National Forest System under the Federal Land Policy Management Act?

Ms. STONE-MANNING. Yes.

Ms. HAGEMAN. When writing the Conservation and Landscape Health Rule, did BLM confer with USDA Forest Service?

Ms. STONE-MANNING. Congresswoman, thank you for the question. We did confer with several different departments across the Federal Government.

Ms. HAGEMAN. Did you confer with the USDA Forest Service?

Ms. STONE-MANNING. We did.

Ms. HAGEMAN. Are you aware that NEPA requires agencies to assess and resolve programmatic conflicts before moving forward with a rule, yet BLM has claimed a categorical exclusion for this rule under NEPA, is that correct?

Ms. STONE-MANNING. Congresswoman, yes, this rule is procedural in nature which is why it only requires a cat ex.

Ms. HAGEMAN. Well, that doesn't seem right. Director Stone-Manning, another question has to do with the conservation leasing system proposed by the BLM Conservation and Landscape Health Rule. Under the current Interior system, oil and gas leases on BLM

lands are valued using a market analysis and FLPMA requires the Secretary of the Interior to maximize revenues for the benefit of the American people. Are you aware of that?

Ms. STONE-MANNING. Can you repeat that?

Ms. HAGEMAN. Are you aware that the FLPMA requires the Secretary of the Interior to maximize revenues for the benefit of the American people?

Ms. STONE-MANNING. Yes, and I am also aware that FLPMA asks us to balance those uses.

Ms. HAGEMAN. OK. And to my knowledge, there is no system currently that exists for determining how conservation lease values would be established which will then leave it to valuation by third parties or pure speculation. That seems by definition to be arbitrary, wouldn't you agree?

Ms. STONE-MANNING. Congresswoman, I would not agree with that.

Ms. HAGEMAN. OK. Director Stone-Manning, we have a chart—I guess we don't have a chart in here, oh, right over here—that shows oil production on tribal lands has decreased during this Administration and consequently approval of tribal drilling permits has declined significantly under your watch. In fact, in Fiscal Year 2020, under the Trump administration, the BLM approved 405 tribal APDs, and since you have been here, there have only been 158 that have been approved. The revenues from energy production on tribal lands are very important for tribal economies, as I am sure you are most likely aware.

This Administration often talks about equity and about how energy development and production are somehow racist, yet the Department of the Interior itself estimates that undeveloped reserves of coal, natural gas, and oil on tribal lands could generate nearly \$1 trillion in revenues for tribes and surrounding communities. For many tribes, energy development is the primary revenue generator to fund education, infrastructure, and other public services on tribal land. Getting those permits approved is essential for many tribes. And I think it is worth pointing out that this Administration's policies are very destructive to the interests of our tribes and our Native populations.

Will you commit to working with Congress and the tribes to expedite approval of tribal applications for permits to drill?

Ms. STONE-MANNING. Congresswoman, thank you for the question. We work very closely with our colleagues at BIA in implementing Indian allotments. And I would also proffer, again, that we are at an all-time high of production on our Federal lands.

Ms. HAGEMAN. You haven't answered my question. Will you work closely with Congress and the tribes to ensure that we can expedite the tribal applications for permits to drill?

Ms. STONE-MANNING. Congresswoman, I would happily work with your office and with your tribal constituents on implementing the law fairly.

Ms. HAGEMAN. Again, you didn't answer my question, but that is just the way that it goes with this Administration.

Thank you, and I yield back.

Mr. STAUBER. Thank you very much. I would like to thank all the witnesses for the valuable testimony today and the Members for their questions.

The members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to these in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Friday, May 19. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 12:20 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submission for the Record by Rep. Westerman

Statement for the Record

Alton Coal Development, LLC Addressing Coal Mine Bonus Payments

The Department of the Interior has a long history of leasing federal land containing coal deposits to mining companies willing to mine those deposits under the Mineral Leasing Act of 1920. Successful bidders pay a per-acre lease rental as well as “bonus payments” that represent the fair market value of the lease. Coal mining, however, is presently facing multiple challenges in the United States.

Environmental NGOs often bring lawsuits seeking to stop coal leasing broadly, or to impede or stop individual leases as has happened, for example, in Utah. (*See, Utah Physicians for a Healthy Environment et al v. Bureau of Land Management*, Case No. 2:29-cv-00256 (D. Utah)). Further, in August 2022 the U.S. District Court for the District of Montana reinstated a federal coal leasing moratorium nationwide. These lawsuits and the coal leasing moratorium can make it difficult for lessees to continue mining operations.

At one mine in Utah, the mine plan progresses by mine block and requires a mine plan amendment for each added block. To progress from one completed mine block to another, the mining company is required to have approval of its submitted mine plan amendment from the State of Utah and the Department of Interior’s Office of Surface Mining Reclamation and Enforcement. In view of the lawsuit and the moratorium, approval is unlikely. Without these approvals, the coal company will be prevented from exercising its exclusive rights under the lease to mine the coal within the lease. Under this scenario, however, a coal company cannot terminate and return the lease, and reclaim and close the mine.

The company in Utah paid a “bonus payment” of over \$12,000,000 at the time the lease was issued. If it terminated the lease because of the moratorium and environmental lawsuit, the company would be owed more than \$11,000,000 based on the amount of coal left in the ground. However, the coal leasing law—the Mineral Leasing Act of 1920, as amended (30 U.S.C. § 181-287—has no statutory provision for reimbursing bonus payments for early mine closures. This breach of contract and simple fairness principles warrant reimbursement under these circumstances (e.g., energy transition, moratorium, policy-driven litigation).

In cases where a company has paid the required “bonus payment” for a federal lease well in advance of coal being extracted, but is unable to operate that mine, fairness and good faith requires that the U.S. reimburse any advance payments for coal that cannot be mined. In the face of potential mine closures due to the coal leasing moratorium, OSMRE and the Department of the Interior ought to reimburse companies that are not able to fully mine their leases.

Visuals Shown During the Hearing by Rep. Hageman