

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 31, 2023

Ms. Melissa Hornbein
Senior Attorney
Western Environmental Law Center
103 Reeder's Alley
Helena, MT 59601

Dear Ms. Hornbein:

Thank you for appearing before the Subcommittee on Energy and Mineral Resources at an oversight hearing on Wednesday, October 25, 2023, on the following bills:

- **H.R. 1449 (Rep. Fulcher)**, "*Committing Leases for Energy Access Now Act*" or the "*CLEAN Act*";
- **H.R. 2855 (Rep. Soto)**, "*Sinkhole Mapping Act of 2023*";
- **Discussion draft of H.R. ___ (Rep. Valadao)**, "*Right of Way Application Transparency and Accountability Act*" or the "*ROWATA Act*"; and
- **Discussion draft of H.R. ___ (Rep. Boebert)**, "*Restoring American Energy Dominance Act.*"

Your testimony on H.R. ___ (Rep. Boebert) was extremely helpful in defining the Subcommittee's understanding of the issue and I appreciate the effort you took to prepare and present your testimony. While many questions were asked during the hearing, the Subcommittee has additional questions, attached, for your reply.

Please forward your responses to Lonnie Smith, Clerk of the Subcommittee on Energy and Mineral Resources, at Lonnie.smith@mail.house.gov by November 14, 2023. Your assistance in meeting this deadline is requested, as failure to meet it will be noted in the printed transcript.

Once again, thank you for your extensive effort in making this a valuable hearing.

Sincerely,



Pete Stauber
Subcommittee on Energy and Mineral Resources
Chairman

Enclosure

Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
Legislative Hearing
1324 Longworth House Office Building
October 25, 2023
3:00 PM

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Questions from Rep. Ocasio-Cortez for Ms. Melissa Hornbein, Senior Attorney, Western Environmental Law Center

1. The Inflation Reduction Act raised federal royalty rates on publicly owned oil and gas resources to 16.67 percent from 12.5 percent. The Bureau of Land Management’s proposed rule, on the “Fluid Mineral Leases and Leasing Process,” incorporates this updated rate and would allow the Bureau to raise federal royalty rates after ten years. However, H.R. 6009 would require the Bureau of Land Management to withdraw the proposed oil and gas rule, and prohibit any implementation or enforcement of any substantially similar rule. What are the consequences for federal taxpayers and state and local governments when federal royalty rates are not regularly updated?
2. According to the 2018 United States Geological Survey report, “Federal Lands Greenhouse Gas Emissions and Sequestration in the United States: Estimates for 2005-2014,” approximately one quarter of U.S. greenhouse gas emissions come from fossil fuels extracted from federal lands and waters. Given this, do you believe the Bureau of Land Management has the authority to phase down fossil fuel extraction on public lands?

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Questions from Rep. Grijalva for Ms. Melissa Hornbein, Senior Attorney, Western Environmental Law Center

1. A witness in a previous oversight hearing on the Bureau of Land Management’s proposed rule, on the “Fluid Mineral Leases and Leasing Process,” claimed that there is no problem with bonding or orphaned wells at a federal level because the Bureau of Land Management (BLM) has only identified 37 orphaned wells on the lands the agency manages, and BLM has only called on bonds 40 times in the past 10 years to reclaim wells. Could you please explain why these numbers do not capture the scope of the problem with unplugged, nonproducing wells? How do long-term idled and so-called temporarily abandoned wells affect the environment and public health?
2. What steps does BLM’s proposed “Fluid Mineral Leases and Leasing Process” rule take to make the oil and gas industry promptly clean up oil and gas wells at the end of their useful life? How does this shift the burden of environmental cleanup from taxpayers to polluters?
3. How does the draft rule help protect public health, especially for overburdened environmental justice communities?
4. What are other steps that BLM can take using their current authorities to better protect frontline communities and include them in federal oil and gas program decision-making that affects them?