



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 22 2023

The Honorable Joe Manchin
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted following the December 13, 2022, hearing on implementation of the Bipartisan Infrastructure Law. We apologize for the delay in our response.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure
cc: The Honorable John Barrasso
Ranking Member

Question from Chairman Manchin

Question 1: The Energy Act and IIJA established statutory deadlines for many different Departments and agencies, including Interior, to take action on critical minerals. At Interior, there are several deliverables related to USGS as well as reports and actions to improve the mine permitting process. These actions are needed to urgently address critical mineral production and strengthen vulnerable supply chains. Within DOI, are there mechanisms in place to track mining and critical minerals issues (including these missed deadlines) to ensure that these deliverables and actions are not viewed in isolation within a single office or bureau? If so, what office and personnel are responsible for this coordinating function?

Response: We are working to implement the Energy Act and Bipartisan Infrastructure Law (BIL) provisions relating to critical minerals, as well as to meet our obligations under the Inflation Reduction Act (IRA). As I said at the hearing, we have brought on a dedicated infrastructure coordinator, Winnie Stachelberg, to continue driving the Department and all its bureaus forward as we make important BIL and IRA investments. The Interagency Working Group on Mining Regulations, Laws, and Permitting, which I chair, is working on recommendations for reforms to the hardrock mining laws and permitting regulations. We have successfully met planned milestones and are keeping programs on target for our planned implementation goals.

Question 2: Unfortunately, Interior is not the only Department or office to miss deadlines related to critical minerals (such as the Executive office of the President, the Department of Defense, Director of National Intelligence, Department of Energy, the Small Business Administration, and the Department of Labor). In addition to deadlines and actions the Department of the Interior and its bureaus are directly responsible for, is DOI working within a broader interagency framework to align critical mineral policy across different Departments so that systematic issues in this policy area are identified? If so, how is that coordination done?

Response: President Biden has made clear that this is an important issue, and the Department has continued to take actions to ensure access to a reliable and sustainable supply of critical minerals as part of a whole-of-government approach. The Department is working closely with other agencies in government on the President's initiatives. We co-chair the National Science and Technology Council's interagency Critical Minerals Subcommittee, which was permanently authorized in the BIL. The subcommittee is charged with coordinating federal activities including research and development; education and workforce development; understanding of domestic resources; analyzing and strengthening supply chains; and international trade, standards, and cooperation. In addition, as I noted at the hearing, I chair the Interagency Working Group on Mining Regulations, Laws, and Permitting, which is working on recommendations for reforms to the hardrock mining laws and permitting regulations. The interagency group's highest priority is to hear from all stakeholders, Tribal governments, and the public and gather input on necessary reforms. The group will report to Congress on its findings and will provide

recommendations about any substantive changes needed to meet the Country's need for resources, including critical minerals, while honoring our Tribal Nations, protecting the environment, supporting communities, and addressing legacy mining issues.

Question 3: Similarly, can you please explain who is responsible for coordinating critical mineral efforts across federal agencies? For example, if a mining project receives DOE or DOD funding, would the environmental review and other permitting be prioritized for BLM review or are all projects processed "equally" without particular priority based on such considerations as DOD/DOE funding, or a critical minerals nexus?

Response: President Biden has outlined a whole-of-government approach to ensure that U.S. mining activity is sustainable, responsible, and efficient. DOI co-chairs and participates in the National Science and Technology Council's (NSTC) Critical Minerals Subcommittee which is comprised of agencies across government with responsibilities and interest in critical minerals. DOI also participates in the EOP/OSTP Sub-Interagency Policy Committee on Seabed Mineral Resources that brings interagency experts together to explore the scientific, technical, economic, environmental, industrial, legal and diplomatic issues surrounding seabed mineral resources. Consistent with such an approach, federal agencies will improve interagency cooperation and coordination during environmental review and permitting. This will be done in concert with project proponents, state and local governments, as well as Tribal Nations to improve permitting times, reduce conflicts with local communities, and improve environmental, social, and economic outcomes.

The President has also taken action to address the need for important minerals. He issued Executive Order 14017, *America's Supply Chains*, which directed federal agencies to strengthen critical mineral and advanced battery supply chains by expanding domestic production including mining, processing, and recycling. And as previously noted, the Administration also launched the Interagency Working Group, tasked with reviewing existing mining laws, regulations, and permitting processes to provide recommendations for both regulatory and legislative improvements to these processes and to provide permitting certainty to stakeholders.

Under the provisions of the Federal Land Policy and Management Act, the United States mining laws, the mineral leasing laws and other minerals-related authorities, the BLM is responsible for overseeing the development of minerals on public lands. Depending on factors such as the type of mineral and the location, development of these minerals is governed by different aspects of BLM's regulations. The BLM reviews project proposals for mineral development in accordance with the applicable regulatory framework, which depends on factors such as the type of mineral and the land status. An additional avenue for coordination is in the evaluation of proposed projects for funding. The National Science and Technology Council's interagency Critical Minerals Subcommittee provides subject matter experts to participate on member agencies' project evaluation panels, including for DOD and DOE. This sharing of expertise supports broad awareness across the federal agencies.

Question 4: Concerns have been raised that mineral withdrawals will preclude the discovery of minerals, including by preventing the geologic mapping and survey efforts performed by USGS through the Infrastructure law. Does a mineral withdrawal prevent USGS from performing these survey efforts, such as aeromagnetic and other work, to find new mineral deposits & provide information that could lead Congress to reconsider any statutory withdrawals?

Response: Withdrawals from one or more of the public land laws, or the U.S. mining laws, or mineral or geothermal leasing laws, or other minerals-related laws, generally do not preclude geologic mapping, airborne geophysical surveying, or other types of activities currently pursued by the USGS for determining mineral resource potential.

Question 5: Section 40803(b) of the Infrastructure Investment and Jobs Act specifically required the Forest Service and the Department of the Interior to use both the money provided in that law and other funding Congress has provided to significantly change the risk from wildfire (as measured by Fire Regime Condition Class) on 10 million acres—or half—of the land your scientists have identified as posing the greatest hazard. How many of these acres have you significantly changed the conditions on to date?

Response: In fiscal year (FY) 2022 the Department completed more than 2,034,089 acres of priority wildfire risk reduction treatment as tracked in the Department's National Fire Plan Operations Reporting System. The Department completed 81 percent of BIL funded treatments within the wildland urban interface to protect the places where people live on or adjacent to federal lands. Of the total acres treated in FY 2022, more than 750,000 acres moved to a better Fire Regime Condition Class utilizing all funding sources that were made available to the Department in FY 2022.

Question 6: What are the Department's plans for providing training for all the new AML employees it and the states will be hiring?

Response: The Office of Surface Mining Reclamation and Enforcement (OSMRE) developed six new BIL training courses aimed at providing personnel with necessary information to understand and implement the amendments to SMCRA made by the BIL. These courses are mandatory for all new OSMRE BIL-related personnel. In addition, OSMRE made these new BIL-related training courses available to State and Tribal AML Programs.

Question 7: I understand state agencies have been providing feedback and suggestions on how to distribute and oversee the new AML funding provided by the IIJA to ensure it is being delivered efficiently and effectively to the communities. Unfortunately, I have heard that many feel the process to attain the funding is overly complicated and administratively burdensome. Can you assure me that your Department will consider feedback from state agencies and are you willing to work with them to ensure this process is more efficient and user-friendly?

Response: Yes, OSMRE is actively engaging the state regulatory authorities to solicit and incorporate feedback as appropriate and within the statutory guidelines. OSMRE and the state regulatory authorities share a common goal with the BIL funding: to efficiently and effectively implement the BIL objectives. As of the end of February 2023, OSMRE has issued 22 out of 23 FY 2022 grant awards and will continue to prioritize processing new BIL grant applications.

OSMRE recently held an in-person meeting with State and Tribal AML program leaders that allowed its partners to provide feedback on the grant funding process. OSMRE is scheduling future roundtable discussions with State and Tribal AML partners on the BIL grant funding process and is remaining cognizant of its fiduciary responsibility to ensure that all applicable federal financial assistance regulatory requirements are met.

Questions from Ranking Member Barrasso

Question 1: The Infrastructure Investment and Jobs Act required the Department to submit a report by November 15, 2022, with an updated inventory of oil and gas wells that are orphaned or at risk of being orphaned. In a 2019 Government Accountability Office report, the Bureau of Land Management (BLM) noted that there were only 296 orphaned wells on lands managed by the BLM.¹ In fact, most orphaned wells on federal lands are on lands managed by the U.S. Forest Service. In May 2022, the Department announced \$33 million in grants to reclaim 277 orphaned wells on federal lands, including 22 orphaned wells on lands managed by BLM. Has the Department completed the required inventory of orphaned wells? If so, how many orphaned wells remain on lands managed by BLM? If not, when will the inventory be completed?

Response: As indicated in the Department's FY 2022 Report to Congress transmitted in November 2022 pursuant to section 40601 of the BIL, the orphaned well database is currently under development by the Department. The BLM estimates there are currently 37 orphaned oil and gas wells on BLM-managed lands, and 29 orphaned geothermal wells.

Question 2: How many times has an operator bond been used to plug an orphaned well on lands managed by the BLM in the past ten years?

Response: Since December 22, 2012, the BLM has required and received payment on 40 bonds from the surety or principal. The BLM uses bond money to plug as many wells tied to the bond as possible.

Question 3: Given how few orphaned wells are located on lands managed by BLM, what, if any, impacts does the Department anticipate will result from the recent, substantial increase in bonding requirements on BLM permits to drill?

Response: Neither the law nor the regulations related to bonding for federal onshore oil and gas development have changed in the past 34 years, and the minimum bond levels themselves have not been adjusted in over 60 years. Adjusting bond levels would protect taxpayers from potential future liability that would arise from operators going bankrupt. BLM does not expect that higher bonding levels would be a deterrent to companies seeking to obtain an APD.

Question 4: Please list the number of instances that the Secretary of the Interior has used its authority under section 11318 of the Infrastructure Investment and Jobs Act in each of the following states: Wyoming, New Mexico, North Dakota, Nevada, Colorado, Utah, Montana, and California.

Response: The BLM has utilized the authority provided under the BIL, which established a Categorical Exclusion for gathering and pipelines at least one time. The documented reliance on

¹ <https://www.gao.gov/assets/gao-19-615.pdf>, p. 14.

the CX to support a project in Colorado on July 12, 2022, allowed a company to install approximately 1,000 feet of four-inch, carbon steel, surface pipeline to connect the well to an existing, larger, production gathering line.

Question 5: The Infrastructure Investment and Jobs Act required the Department to compile a report outlining ways to make the permitting process for critical minerals projects more efficient. This report was due to Congress by November 15, 2022. We still have not received it nearly a month after the deadline. Instead, the Biden administration set up an Interagency Working Group (IWG) on mining reform to contemplate new regulations on critical minerals mining, which is already heavily regulated. Does the Department believe the work of the IWG on mining reform satisfies the statutory requirement to produce a report on improving the permitting process for critical minerals projects? If so, how is imposing new regulations on mining consistent with increased domestic production of critical minerals?

Response: The Interagency Working Group on Mining Regulations, Laws, and Permitting was created to meet the directives and reporting requirements of section 40206 of the BIL, and in response to a recommendation arising from reports produced pursuant to Executive Order 14017, *America's Supply Chains*. The working group is developing recommendations for reforms to the hardrock mining laws and permitting regulations. The interagency group's highest priority is to hear from all stakeholders, Tribal governments, and the public and gather input on necessary reforms. The group will report to Congress on its findings and will provide recommendations about any substantive changes needed to meet the Country's need for resources, including critical minerals, while honoring our Tribal Nations, protecting the environment, supporting communities, and addressing legacy mining issues.

Question 6: President Biden's Executive Order 14008, issued on January 27, 2021, established a goal of conserving thirty percent of U.S. lands and waters by 2030. In support of this goal, the Department of the Interior announced it would be leading the creation of a publicly available "American Conservation and Stewardship Atlas" to track the administration's progress. Public comments were solicited in the Federal Register on January 4, 2022.

- a. Has funding from the IIJA been obligated and/or expended for the creation of the Conservation Atlas?
- b. What organizations and other stakeholders have been consulted in the creation of the Atlas?
- c. What is the current status of the Atlas project?
- d. What is the expected date of release for the Atlas?

Response to a-d: The development of the Atlas is an ongoing and iterative process to ensure we include data that represent a variety of conservation efforts and that provide the information needed to assess the state of conservation nationally. In FY 2022, the U.S. Geological Survey was allocated \$1.5 million of the \$905 million in ecosystem restoration funding made available

to the Department to support the DOI Ecosystem Restoration Program. In support of this program, and to accomplish its ongoing mission of providing reliable scientific information to the Nation, the USGS assisted in bringing land and water conservation, restoration, and stewardship information into the Atlas. The Department's FY 2024 request includes \$25.5 million in the U.S. Geological Survey budget to fund the Atlas. This past year, there have been multiple public listening sessions, stakeholder conversations, and interagency efforts to gather input to inform the Atlas's development, garnering more than 34,000 written comments. Ultimately, we hope that the Atlas will be an enduring, useful tool for the public, land- and water managers, and policy makers to better support conservation, restoration, and stewardship action across America.

Question 7: In your testimony, you referenced the announcement of \$6.4 billion in total IJA projects for FY 2022.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?

Response to a and b: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here:

<https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

Question 8: In your testimony, you referenced the announcement of \$4.7 billion to cap orphaned wells, with \$1.15 initially available.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 9: In your testimony, you referenced the announcement of \$33 million to be allocated for well site cleanup on public lands.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 10: In your testimony, you referenced the announcement of \$560 million in phase one funding allocated to 24 states.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 11: In your testimony, you referenced the provision of an additional nearly \$11.3 billion to be allocated over 15 years for AML sites.

- a. How much of the funding in this announcement has been obligated?**
- b. How much of the obligated funding has been expended?**
- c. How much of this funding will be expended in FY 2023?**

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 12: In your testimony, you referenced the announcement of availability of nearly \$725 million in FY 2022 funding for 22 states for AML reclamation.

- a. How much of the funding in this announcement has been obligated?**
- b. How much of the obligated funding has been expended?**

Response to a and b: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

Question 13: In your testimony, you referenced the announcement of over \$643 million in awards in the last two months for several specific states.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 14: In your testimony, you referenced the announcement of the allocation of \$3.3 billion to IJA western water infrastructure programs, of which \$1.3 billion has been allocated.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 15: In your testimony, you referenced the announcement of \$1.7 billion to support completion of enacted Indian Water Rights Settlements.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 16: In your testimony, you referenced the announcement of more than \$10 million for Tribal water systems repairs.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 17: In your testimony, you referenced the announcement of another \$10 million for irrigation projects and power utilities owned by BIA.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 18: In your testimony, you referenced the allocation of \$407 million in IIJA funding for wildland fire workforce, including \$105 million allocated to date.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 19: In your testimony, you referenced the allocation of \$257 million in IIJA funding to accelerate the pace and scale of fuels management work.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 20: In your testimony, you referenced approved allocations of \$39 million in IIJA funds to accelerate the pace and scale of burned area rehabilitation, and \$5 million for fire science research.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 21: In your testimony, you referenced the joint announcement of the America The Beautiful Challenge including \$375 million in IIJA funding from DOI.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here:

<https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 22: In your testimony, you referenced the announcement of over \$91 million in America The Beautiful Challenge grants this year.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 23: In your testimony, you referenced the announcement of an additional \$115 million for locally led projects to restore or protect rivers, streams, aquatic habitat, sagebrush areas, and outdoor recreation access.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 24: In your testimony, you referenced the announcement of over \$74 million across 30 states to invest in geospatial data, including \$64 million from IJA.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 25: In your testimony, you referenced the announcement of \$45 million, including \$20 million from IIJA, to build climate resilience in tribal communities.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 26: In your testimony, you referenced the commitment of \$115 million for Tribes impacted by climate change related threats.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?
- c. How much of this funding will be expended in FY 2023?

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

- d. Please provide the spend plan for the funds in FY 2024 through FY 2026.

Response: DOI's spend plans for FY 2024 through FY 2026 are included in the annual Budget Justification released with the President's Budget. Spend plans will continue to be updated in subsequent Budget Justifications.

Question 27: In your testimony, you referenced the announcement of \$43 million for FY 2023 IIJA projects to date.

- a. How much of the funding in this announcement has been obligated?
- b. How much of the obligated funding has been expended?

Response to a and b: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here:

<https://portal.max.gov/portal/document/SF133/Budget/FACTS%20II%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

Question 28: The Bureau of Reclamation has been managing reservoirs on the Colorado River to protect infrastructure on the river. What on-the-ground solutions does Reclamation have for addressing engineering issues at Glen Canyon?

Response: The continued drought within the Colorado River Basin poses an increased risk of Lake Powell declining to critically low elevations that would adversely impact Reclamation's operations at Glen Canyon Dam. This would threaten both routine water deliveries to the Lower Basin and Mexico and the generation of hydropower. Following responsive actions in 2021 and 2022, in order to address these and other infrastructure risks across the Basin broadly, Reclamation is working to ensure that revised operational rules are analyzed and available to be put in place in 2023. By accelerating review and adoption of revised operational rules, Reclamation will be prepared to take responsive action in 2023 if hydrologic conditions warrant.

Reclamation is also accelerating ongoing maintenance actions and studies to determine and enhance the reliability and use of the river outlet works, commonly referred to as the bypass tubes, at Glen Canyon Dam for extended periods. In addition, Reclamation has modified the water delivery system for the City of Page, Arizona, and the Lechee Chapter of the Navajo Nation to enable delivery of water from lower reservoir elevations at Lake Powell. Reclamation is also pursuing Glen Canyon Bypass and Intake Generation Appraisal Studies to gather more information about potential modifications to Glen Canyon Dam that would allow for hydropower generation and water releases below current critical levels with results expected in 2024.

Questions from Senator Hickenlooper

Question 1: With the potential for increased funding under the Surface Mining Control and Reclamation Act (SMCRA), we encourage the Office of Surface Mining Reclamation and Enforcement (OSMRE) to utilize current and proven processes to expedite expenditure of IIJA funds, without adding significant administrative burdens to delegated state programs. In order to minimize additional burdens on state programs, where additional administrative requirements are necessary, will OSMRE consider and incorporate state feedback to ensure implementation is best tailored to meet individual and unique state priorities?

Response: Yes, OSMRE is committed to accepting feedback, and incorporating suggestions as applicable and appropriate, from its State and Tribal AML partners on the implementation of the Bipartisan Infrastructure Law (BIL). OSMRE recognizes the historic investment made in the Nation's coalfield communities by the BIL and is actively working to ensure that the grants are made available to states and Tribes in a timely fashion.

Question 2: Our changing climate presents many uncertainties for water users in the West – particularly in the Colorado River Basin where demand for water has outstripped supply for years. Unfortunately, one of the only certainties for water users on the Colorado River is that we all need to reduce our water usage. While I appreciate that investments from the IIJA and IRA are working to provide immediate, short-term, and voluntary reductions in consumptive use, I would like to hear the Bureau's plan for turning these short-term savings into long-term reductions on the scale necessary to balance supply and demand on the Colorado River system.

Response: The continued drought within the Colorado River Basin poses an increased risk of Lake Powell declining to critically low elevations that would adversely impact Reclamation's operations at Glen Canyon Dam – threatening both routine water deliveries to the Lower Basin and Mexico and the generation of hydropower. Following responsive actions in 2021 and 2022, in order to address these and other infrastructure risks across the Basin broadly, Reclamation is working to ensure that revised operational rules are analyzed and available to be put in place in 2023. By accelerating review and adoption of revised operational rules, Reclamation will be prepared to take responsive action in 2023 if hydrologic conditions warrant.

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Question 3: WaterSMART Program Funding opportunities typically are only open once a year. With the infusion of funding from the IIJA, will the Bureau of Reclamation consider releasing funding opportunities at a greater frequency for each Program?

Response: As of February 28, Reclamation has allocated over \$3.32 billion through our FY 2022 and FY 2023 spend plans and has announced more than 250 BIL-funded awards for a total of \$1.7 billion at the project level. This includes allocations of \$160 million in WaterSMART grant opportunities for water conservation and drought projects in the FY 2022 Spend Plan and additional WaterSMART funds of \$149 million are part of the FY 2023 BIL spend plan, along with BIL funding for other WaterSMART categories such as the Title XVI Water Recycling Program and Cooperative Watershed Management. WaterSMART now includes twelve categories of funding, with several new categories under development to implement new and expanded authorities.

Reclamation's approach has been to stagger WaterSMART funding opportunities throughout the year so that potential applicants have sufficient time to give full consideration to each category and to prepare applications accordingly. We expect at least six new funding opportunities to be released this spring and summer. Reclamation also regularly reviews its funding opportunities and solicits input from our stakeholder community to provide feedback from applicants on how we can improve the application process. We are always open to suggestions on how we can better ensure the process is easier and better meets its authorized purpose, including the frequency of funding opportunities, while also balancing our staffing capacity and availability.

Question 4: As the drought situation on the Colorado River worsens, all water users need to be looking at what they can voluntarily do to conserve water. Turf removal is one tool in the tool kit for our cities and suburbs in particular. Colorado recently enacted bipartisan legislation, HB22-1151, which establishes a turf-removal program to help empower private landowners to swap out their lawns for more water-efficient alternatives. What existing authorities does the Bureau of Reclamation have to systematically support turf-removal efforts and policies such as Colorado's at basin-wide scale? Are there any relevant limitations to these authorities that could slow or prevent lawn-owners from achieving the full water-saving potential of this strategy?

Response: Reclamation has several authorities to support conservation programs that can be used to accrue new water for the benefit of the system. Through provisions in the Inflation Reduction Act, Reclamation will issue a request for proposal to solicit longer-term durable system efficiency projects, which includes ornamental and non-functional turf removal and other on the ground activities.

In addition to the IRA, the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14) provided the Reclamation with authority to undertake a variety of system efficiency activities and projects in the Lower Basin. Finally, the Consolidated Appropriations Act of 2023 (PL 117-328, 136 Stat. 445) re-authorizes the System Conservation Pilot Program in 2023 and 2024 and will provide authority for Reclamation to work with the Upper Basin states on a basin-

wide scale and support their efforts and policies. Reclamation is working with the Upper Basin states and the Upper Colorado River Commission to relaunch the System Conservation Pilot Program in the Upper Colorado River Basin. In February the Bureau made up to \$125 million available for that program. These are voluntary water conservation programs that can help address drought in the region.

Question 5: Many rural counties have high wildfire and postfire risk, but often have generally low capacity to apply for and manage federal funds. How does DOI intend to support small-community access to funding? What resources should small and rural communities be aware of to stay atop funding opportunities?

Response: A small portion of the Department's Wildland Fire Management program funding is made available to small and rural communities through grants or other application processes. For the majority of Wildland Fire Management program funds, the Department works closely with local communities and other partners to collaboratively identify priority workloads and projects. Beyond the Department's base Wildland Fire Management program, the BIL provides funding to establish and implement a pilot program to provide local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted and operated as fire engines. DOI is coordinating closely with the USDA Forest Service on the implementation of this program and expect to have the first round of funding opportunities posted in the spring.

The Department is also dedicating \$24 million for a pilot program to support risk reduction work on private lands adjacent to federal lands through the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program and Coastal Program. The funding will support 24 fuels reduction projects in 13 states including Arizona, California, Florida, Idaho, Maine, Mississippi, Nebraska, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, and is intended to reduce unwanted vegetation on approximately 94,000 acres as well as 144 linear miles along critical energy infrastructure, while also supporting fish and wildlife habitat improvements and the protection of endangered species. Projects are voluntary and customized to meet landowners' needs. Additionally, the Bureau of Land Management in Washington and Oregon has established funding opportunities for cooperative agreements with Tribal, state, and local partners to assist with fuels management and community fire assistance program activities that are funded by BIL.

Question 6: What are the DOI agencies doing to encourage the use of prescribed fire and thinning, including planning and community acceptance, so that IIJA investments can be as effective, long lasting, and ecologically appropriate as possible? How is Interior taking a strategic approach to thin-and-burn operations in order to maximize the likelihood that it can best mitigate the worst fire risks with the resources it has.

Response: The Department partners with the USDA Forest Service and The Nature Conservancy in the Fire Adapted Communities Learning Network to connect people and communities working on wildfire resilience. This partnership provides a platform to consult, coach, and educate communities about tools such as thinning and prescribed fire that are effective and long-lasting in reducing wildfire risk and help restore ecosystems. The Department uses a risk-informed approach to strategically implement fuels management actions to maximize the effective use of its funding.

Question 7: Utilities in Colorado report that they are having great success in working with federal agencies to provide vegetation management within infrastructure rights-of-way in order to reduce wildfire risk. A continuing challenge is working in areas adjacent to the rights-of-way, particularly where federal lands border state and privately-owned lands. What is the Department of Interior doing to prioritize work near critical infrastructure? What are the various agencies doing to coordinate efforts with state and private landowners to have greater impact and reduce the overall wildfire risk?

Response: At DOI, the BLM works closely with the utilities sector to mitigate fire risk related to critical infrastructure. The BLM sponsored a virtual meeting with industry representatives on November 1, 2022, to listen to their needs and concerns, and hosted an in-person meeting in Washington, DC, on January 19, 2023. On November 7, 2022, the BLM published a proposed rule that included a section on vegetation management that is anticipated to improve the process for coordinating with industry on wildfire risk related to vegetation management. The BLM also coordinates closely with local utilities and state and local government agencies to facilitate management of wildfire risk. Each local manager has authority to develop processes that best meet the needs of their communities.

Question 8: A big priority for Coloradans is cleaning up the abandoned hardrock mines that are ubiquitous across much of our state. Congress is currently considering providing funding for the Sec. 40704 abandoned hardrock mine program in IIJA. By law, 50% of these funds are required to be distributed to states and tribes in the form of grants. If the program is funded, what steps does the Department plan to take to provide states and tribes with guidance to apply for and receive these funds? Similarly, has the Department developed MOUs with other federal agencies (e.g., Forest Service, EPA) to ensure efficient and effective implementation of the program? Lastly, does the Department have a plan or criteria in place to determine which projects and purposes FY-23 funding will initially go toward and to prioritize future funding allocations?

Response: The Department has begun developing guidance to States and Tribes on how to apply for available funding under Section 40704 of the BIL. The initial elements of this program include drafting an assistance listing and notice of funding opportunity and soliciting grant proposals in the coming months. The Department has been meeting with the Interstate Mining Compact Commission (IMCC) and its state members to identify focus areas for the grants given the appropriated levels of funding. The Department will also hold Tribal Consultation sessions to brief Tribes and seek feedback on the program. IMCC member states have stated a need for AML emergency funding for those sites that pose an imminent threat to public safety. The Department has also established a federal work group to provide guidance for AML reclamation on federal land. The workgroup has developed an implementation plan and is drafting MOUs with the appropriate federal agencies to promote building partnerships and sharing resources. The workgroup has also drafted a scoring matrix for prioritization of reclamation projects to begin in FY 2023. Initial funding will focus on AML sites that pose the highest risks, and on continuing to inventory and populate the USGS database of mine features.

Question 9: Getting IIJA funds to the ground quickly will address drought conditions and support ecosystem restoration efforts, especially in the West. One challenge to the quick deployment of the ecosystem restoration and drought resilience funds in IIJA is project permitting and approvals. Fortunately, the Fish and Wildlife Service has an existing categorical exclusion for small-scale stream restoration projects. Is there any reason why other agencies within the Department, such as the Bureau of Reclamation, cannot use this small-scale restoration CE to advance conservation projects?

Response: Funding from the BIL will support programs and projects needed to help build a path to a more resilient future, and this is critical for the west which has been impacted by the historic drought conditions. We are focused on getting funding to states, Tribes, and recipients efficiently, with appropriate oversight and controls, to address both short- and long-term investments. We are keeping programs on target for our planned implementation goals. And, where appropriate, the Department supports the goal of advancing projects through the development of new categorical exclusions through the agency's administrative process.

Questions from Senator Risch

Question 1: Up until 2019, the U.S. Fish and Wildlife Service afforded the state of Idaho the ability to offset livestock losses from verified (confirmed and probable) wolf kills to livestock producers through the Wolf Livestock Loss Demonstration Project grants. In 2020, the USFWS rescinded past agreements and removed the ability for the USFWS regional office in Portland to fund probable kills in Idaho. Earlier this year, I asked Secretary Haaland if USFWS could restore the ability of the Portland office to fund probable kills in Idaho. Her answer indicated that the Department would not reinstate this ability as it was removed to create consistent program delivery in line with congressional instruction from the Omnibus Public Lands Management Act of 2009.

- a. Can you expand upon Secretary Haaland’s explanation of “inconsistent program delivery?”
- b. Does the Department have alternate plans to address rampant wolf livestock depredation in Idaho and other states?

Response: Wolves have recovered from near extinction, thanks in large part to the protections of the ESA and decades of hard work by partners. Subtitle C of the Omnibus Public Lands Management Act of 2009 (P.L. 111-11) authorized the Wolf Livestock Loss Demonstration Project to provide funding to reimburse livestock producers for livestock losses due to predation by wolves and to assist livestock producers in undertaking proactive, nonlethal activities to reduce the risk of livestock loss due to such predation by wolves. The FWS uses confirmed, not probable, kills as the basis for objective evaluation of applications and distribution of funds through the competitive grant process for this program. As the Department has noted, the FWS considers the limitation of grant funding to compensation of only confirmed kills to be consistent with Congressional direction and the most fair and equitable means to distribute available depredation funding to participating states. Other compensation programs include the Livestock Indemnity Program, authorized by the Farm Bill and administered by USDA.

Question 2: The proposed Lava Ridge Wind Energy Project in Idaho is a point of great interest to many of my constituents, who have shared their concerns with my office as the Bureau of Land Management works on the Draft Environmental Impact Statement. How is the Bureau currently engaging local stakeholders and leaders throughout this process, and how do you plan to continue incorporating their concerns in this Draft?

Response: Early in the evaluation process of the Draft Environmental Impact Statement (DEIS) for the Lava Ridge Wind Project proposal, the BLM engaged with grazing permittees, initiated consultation with Native American Tribes, and established agreements with cooperating agencies that included local counties, the State of Idaho, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. Additionally, the BLM coordinated with the Idaho Resource Advisory Council (RAC), which then established the Lava Ridge Wind Project RAC Subcommittee comprised of members from stakeholder communities who represent

a wide variety of public land users and groups with specific resource concerns. The BLM also coordinated with the Department's Collaborative Action and Dispute Resolution staff to engage with Japanese American stakeholders with ties to the Minidoka National Historic Site.

In addition to the nearly 50 meetings and discussions with the stakeholder groups held over the past year, the BLM has hosted multiple field tours attended by Tribal members, local government leaders, congressional staff, cooperating agencies, grazing permittees, and other stakeholder groups. The BLM released the DEIS for public comment on January 20, 2023, and it is available here: <https://www.federalregister.gov/documents/2023/01/20/2023-00646/notice-of-availability-of-the-draft-environmental-impact-statement-for-the-proposed-lava-ridge-wind>. The BLM hosted multiple virtual and in-person public meetings for stakeholders and engaged with the RAC subcommittee, Native American Tribes, and specific stakeholder groups during the public comment period.

Question 3: Earlier this year, the Idaho congressional delegation wrote a letter to U.S. Fish and Wildlife Service Director Williams regarding Idaho's petition to delist the grizzly bear within the lower forty-eight states. The Endangered Species Act requires that USFWS decide within 90 days whether or not a filed petition contains evidence that delisting is warranted. Idaho's petition has now gone unanswered for far longer.

a. When can Idahoans expect an answer on this petition?

Response: The FWS issued its findings on the petition in early February, finding the petition did not present substantial scientific or commercial information indicating the petitioned actions may be warranted.

Question 4: Geothermal energy is a zero-emission, baseload power source that has the potential to provide a tremendous amount of clean energy generation for the grid. One of the biggest barriers to increasing geothermal energy production is the permitting process for resource confirmation wells. I have a bill that would legislatively extend categorical exclusions for geothermal exploration wells, but the Biden Administration also has the ability to create this categorical exclusion administratively.

a. Is the Department open to creating this categorical exclusion administratively as we look at moving my bill through the legislative process?

Response: The efficient deployment of renewable energy from our nation's public lands is important to achieving the Biden Administration's goal of a carbon pollution-free power sector by 2035. Geothermal energy has the capability to generate baseload electricity with minimal carbon emissions. It is also an abundant resource, especially in the western United States. The Department supports the goal of enhancing and expediting permitting for geothermal production,

including through the development of new categorical exclusions through the agency's administrative process where appropriate.

Question 5: Idaho contains some of the richest untapped mineral resources in the country, many of which are and will continue to be extremely important for many industries, including the energy grid. However, many of these minerals are unable to be tapped because of miles of regulatory red tape and permitting delays. Section 40206 of the Infrastructure Investment and Jobs Act required the DOI and the U.S. Forest Service to develop a report for Congress that lays out regulatory and legislative changes that would improve the efficiency of the permitting process. This report was due in November, and has not yet been received by Congress.

- a. When will this report be delivered to Congress?
- b. What regulatory changes must be made in order to speed up permit approval processes?

Response: President Biden has been clear that responsible and sustainable development of these important minerals is a priority for the Administration. The Interagency Working Group on Mining Regulations, Laws, and Permitting was created to meet the directives and reporting requirements of section 40206 of the BIL, and in response to a recommendation arising from reports produced pursuant to Executive Order 14017, *America's Supply Chains*. The working group is developing recommendations for reforms to the hardrock mining laws and permitting regulations. The interagency group's highest priority is to hear from all stakeholders, Tribal governments, and the public and gather input on necessary reforms. The group will report to Congress on its findings and will provide recommendations about any substantive changes needed to meet the Country's need for resources, including critical minerals, while honoring our Tribal Nations, protecting the environment, supporting communities, and addressing legacy mining issues.

Question 6: The IIJA appropriated nearly \$1 billion for Department operations and ecosystem restoration. What is the Department's plan to center and incorporate local stakeholder and state government input and leadership as you complete ecosystem restoration projects in the West?

Response: The Department and its bureaus have been proactively engaged with partners, tribes, and stakeholders as we invest in ecosystem restoration projects. This funding has provided a significant down payment in protecting our shared natural heritage. The \$1 billion America the Beautiful Challenge, jointly announced with the Department of Agriculture and Department of Defense last year, combines federal funding, including \$375 million in funding provided to DOI through the BIL, along with other federal conservation programs and private sources and will invest in projects that advance collaborative conservation, use the best available science, innovative practices, and Indigenous Knowledge to help conserve and protect lands and waters.

This allows for more impactful cross-boundary projects, which engaged states, Tribes, Territories, local groups, non-governmental organizations to apply for multiple funding sources with one application. DOI has also announced millions of dollars in funding for locally-led projects to restore rivers and streams and protect aquatic habitat, conserve strategic sagebrush areas and increase outdoor recreation access. Examples of projects being carried out with this funding can be found here: <https://www.doi.gov/priorities/investing-americas-infrastructure/ecosystem-restoration>.

Question 7: The U.S. Forest Service has recently entered into agreements with private sector organizations in order to effectively and efficiently complete the forest and watershed restoration directives of the IIJA. Could you describe how the Department is also engaging in partnerships to fulfill these restoration objectives?

Response: See the response to the previous question.

Question 8: Despite the clear congressional directives within the IIJA, many conservation and restoration projects are currently delayed by permitting hurdles and slow approvals within the Department of the Interior.

- a. Is the Department considering how to use tools, like categorical exclusions or other expedited processes under the National Environmental Policy Act, to advance these projects?
- b. Has the Department identified any areas where legislative assistance may be required in order to speed up approval processes?

Response to a and b: Funding from the BIL will support programs and projects needed to help build a path to a more resilient future. We are working hard to ensure the efficient implementation of this legislation. We are focused on getting funding to states, Tribes and recipients quickly, with appropriate oversight and controls. We have successfully met planned milestones and are keeping programs on target for our planned implementation goals. Where appropriate, the Department supports the goal of advancing projects through the development of new categorical exclusions through the agency's administrative process.

Question 9: There are many concerns from the state of Idaho’s wildlife management agencies, landowners, and other stakeholders regarding the seemingly unnecessary effort to reintroduce a small number of grizzly bears into the unoccupied North Cascades Ecosystem.

- a. Can the Department guarantee this reintroduction effort will not delay or forestall the delisting efforts of presently recovered grizzly bear populations in the North Continental Divide and Greater Yellowstone Ecosystems?

Response: The effort you reference in your question is separate from the FWS’s pending decisions on petitions received to delist grizzly bears in other parts of the species' range. The potential reintroduction project reflects a continued commitment to recover grizzly bears in the Lower 48 states. Establishing a population of bears in the North Cascades recovery area would contribute positively toward the status of the species, which in turn would be factored into future assessments of the status of grizzly bears in the Lower 48 states.

Questions from Senator Daines

Question 1: Deputy Secretary Beaudreau, the recently published Waste Prevention, Production Subject to Royalties, and Resource Conservation proposed rule states that “the requirements now proposed by the BLM would apply only to operations on Federal or Indian lands, where the BLM has express authority and responsibility to regulate both for the prevention of waste and for the protection of the environment.” Does the BLM take the position that if a horizontal well penetrates federal minerals at any point along the wellbore path that such well would be considered as “operations on Federal or Indian Lands”, and would be subject to all provisions of the new venting and flaring rule, even if the facilities for the wells are located on fee or state lands (where they will already be subject to the existing rules of the state)?

Response: Any well that produces federal or Indian oil or gas would be subject to the proposed regulation to assure that public or Indian owned minerals are not wasted. The BLM's authority to regulate the waste of federal oil and gas is not limited to operations that occur on federal surface lands, but also extends to operations on non-federal lands where federal oil and gas is produced under a unit or communitization agreement.

Question 2: Deputy Secretary Beaudreau, because of horizontal development, operators may find it necessary to develop federal leases in a spacing unit even if the federal lease represents a small proportion of the overall minerals in the spacing unit. Does the BLM believe it has the authority to curtail or prevent development of state and fee leases in a manner contrary to the existing rules of the state to protect a minority interest in a spacing unit?

Response: The BLM has the authority to regulate the waste of federal minerals from operations on fee and state lands by requiring royalty payments and setting appropriate rates of development and production. This conclusion is consistent with the assessment of the BLM's authority expressed by the court that vacated the 2016 Waste Prevention Rule.

Question 3: Deputy Secretary Beaudreau, where development of federal minerals is necessary to develop a spacing unit, and those federal minerals are a minority interest in a spacing unit, how will the BLM take into consideration the interests of nonfederal mineral owners when determining whether to approve an APD, direct a well to be shut in, or curtail production?

Response: The BLM only receives Applications for Permits to Drill (APDs) for federal and/or Indian wells defined as producing from federal and/or trust minerals. The BLM will verify that an oil well APD applicant has a plan for the sale or use of associated gas as assurance against undue waste of associated gas from an oil well production. If the applicant is unable to demonstrate that there is a plan for the sale or use of the associated gas, the BLM will delay approval of the APD until the applicant is able to demonstrate that there will be no waste of

federal minerals during production. A number of state regulatory authorities require a similar waste prevention plan be submitted with the APD.

In the proposed Waste Prevention Rule, the BLM could use its authority to curtail or shut-in production in a very narrow set of circumstances in which the operator has met the threshold in the regulation for excessive waste. The BLM would engage state authorities in any action to shut-in or curtail production when non-federal and non-Indian interests are affected.

Question 4: Deputy Secretary Beaudreau, do you believe that the minority interest of the BLM outweighs or supersedes the private or state majority interests in a spacing unit?

Response: The BLM has a statutory mandate to protect the public and trust mineral interests.

Question 5: Deputy Secretary Beaudreau, when the BLM is a minority interest in a spacing unit, will the BLM choose not to approve an APD or direct the operator to curtail production due to the proposed waste prevention rules, even if doing so would prevent full development of the spacing unit?

Response: The BLM approves federal or Indian APDs that meet the requirements in Onshore Order #2 and is proposing to require the operator to include a Waste Minimization Plan that meets the requirements of the proposed rulemaking at 43 CFR subpart 3179. In that proposal, the BLM may seek to curtail production only when substantial volumes of oil-well gas are flared resulting in unreasonable and undue waste of federal or Indian gas, defined as the reporting of flaring in excess of 4,000 Mcf per month for three consecutive months in cases where the BLM has authority. In some circumstances, the BLM will contact the state regulatory authority and request that the state take appropriate action to limit the waste of gas. For these reasons, the BLM does not anticipate the proposed Waste Prevention Rule would prevent full development of a spacing unit when the federal government has a minority interest in the spacing unit.

Question 6: Deputy Secretary Beaudreau, do you believe that the proposed Waste Prevention rule disproportionately affects small producers and operators of stripper wells?

Response: The regulatory impact analysis accompanying the proposed regulation, which is currently available for public review and comment at <https://www.federalregister.gov/documents/2022/11/30/2022-25345/waste-prevention-production-subject-to-royalties-and-resource-conservation#citation-90-p73599>, contains an analysis and discussion of the BLM's finding that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Question 8: Deputy Secretary Beaudreau, do you believe that the proposed Waste Prevention rule will result in less production on federal land?

Response: Production on federal lands and waters is currently at an all-time high. As discussed in the regulatory impact analysis accompanying the proposed regulation, the BLM estimates that the proposed rule would result in an incremental increase in natural gas production of around 15.3 Bcf per year, or 0.0375 percent of total domestic production.

Question 9: Deputy Secretary Beaudreau, the deadline to provide comments on the proposed Waste Prevention rule is January 30, 2023. Given the complexity of the proposed rule, and its interaction with several other recently released draft rules, will the BLM extend the comment deadline?

Response: The Department agrees that robust public participation is important as this process moves forward, and we are committed to carefully reviewing the feedback received from the public and stakeholders during the comment period on the proposal, which ended on January 30, 2023. The Department does not plan to extend or re-open the comment period.

Question 10: Deputy Secretary Beaudreau, both the original 2016 Waste Prevention rule and the subsequent 2018 rescission were litigated and ultimately vacated in federal court. What makes the current proposed rule different from previous iterations which were caught up in litigation?

Response: Previous court decisions have informed BLM's current approach in the proposed Waste Prevention Rule. Since the courts disagreed on whether the BLM's regulatory authority allows for all of the 2016 Waste Prevention Rule provisions, the BLM has chosen a regulatory approach that seeks to improve upon NTL-4A while forgoing elements of the 2016 Waste Prevention Rule that were the focus of an unfavorable court ruling. Further, the court determined the BLM's interpretation of its statutory authority was unjustifiably limited in the 2018 Revision Rule, and as a result failed to meet the BLM's statutory mandate to protect the public welfare. The proposed rule considers these court decisions and is tailored to provide a regulatory framework for the prevention of waste.

Question 11: Deputy Secretary Beaudreau, a partisan new methane fee was enacted in the Inflation Reduction Act and recently the EPA has proposed their own methane rules. How is the BLM's proposed waste rule consistent or conflict with these other prohibitive actions?

Response: The proposed rule contains a review and analysis of EPA regulations and an explanation of the need for the proposed BLM rule. I will continue to work with my colleagues in EPA as needed to fulfill the duties assigned to me in Department of Interior.

Question 12: Deputy Secretary Beaudreau, since President Biden took office in January, 2021, there has been one oil and gas lease sale completed in the State of Montana. The Mineral Leasing Act requires the BLM to hold quarterly lease sales in each state with eligible federal land. Do you believe that the Department is in compliance with the law, despite deliberately missing 7 of the 8 required lease sales?

Response: Yes. The Mineral Leasing Act provides the Secretary significant discretion when determining the timing and composition of oil and gas lease sales.

Question 13: Deputy Secretary Beaudreau, what justification does the Department have for missing seven lease sales in the State of Montana?

Response: As stated above, the Mineral Leasing Act provides the Secretary significant discretion when determining the timing and composition of oil and gas lease sales. The BLM continues to address concerns raised in numerous and conflicting court decisions, and we are actively working toward continuing oil and gas lease sales in Montana. The BLM Montana/Dakotas Office began scoping on January 6, 2023, for an oil and gas lease sale.

Question 14: Deputy Secretary Beaudreau, when will the next oil and gas lease sale take place in the State of Montana?

Response: The BLM started scoping its next oil and gas lease sale in Montana on January 6, 2023, with a proposed lease sale in the third quarter of FY 2023.

Question 15: Deputy Secretary Beaudreau, how does the Department of the Interior interpret the Mineral Leasing Act's requirement for the BLM to hold quarterly lease sales in each state where eligible lands are available?

Response: Under 30 USC 226(b), the BLM holds lease sales in each state where eligible lands are available. When making this determination, the BLM considers the Secretary's obligations to manage public lands for multiple use and sustained yield and to take any action required to prevent unnecessary or undue degradation of the lands and their resources, along with other applicable legal requirements. Therefore, eligible lands are available only after completion of National Environmental Policy Act analysis and satisfaction of all other legal requirements.

Question 16: Deputy Secretary Beaudreau, please define the word "quarterly"?

Response: Once every quarter of a year.

Question 17: Deputy Secretary Beaudreau, please define the term "eligible lands"?

Response: The term, as used in the Mineral Leasing Act, is not defined in the statute.

Question 18: Deputy Secretary Beaudreau, have there been any lands nominated in Montana since January 2021?

Response: Yes, the BLM has received expressions of interest for lands in Montana during that period.

Question 19: Deputy Secretary Beaudreau, please describe the process for designating nominated lands as eligible or ineligible for quarterly lease sales.

Response: In compliance with the Inflation Reduction Act (IRA) and other applicable laws, the BLM has recently outlined its updated process for evaluating expressions of interest and parcels for inclusion in lease sales, including in Instruction Memoranda 2023-006, 2023-007 and 2023-010, which can be found here: <https://www.blm.gov/policy/instruction-memorandum>.

Question 20: Deputy Secretary Beaudreau, have any lands been deemed “eligible” in Montana since the June 2022 lease sale? If so please list specific land descriptions and the total amount of acres.

Response: Yes. The table below lists eligible lands for federal lease sales in Montana, which were received through expressions of interest since June 30, 2022:

Eligible Land for Federal Lease Sales in Montana						
Nomination ID	Submitted Date	Status	State	Land Summary	County	Acres
MT00018486	7/21/2022	Parceled	MT	T. 35 N., R. 1 E., PRIN MER, MT, Sec. 8 SWNE	Toole	40
MT00018486	7/21/2022	Parceled	MT	T. 35 N., R. 1 E., PRIN MER, MT, Sec. 9 SENW	Toole	40
MT00018486	7/21/2022	Parceled	MT	T. 35 N., R. 1 E., PRIN MER, MT, Sec. 30 SENW	Toole	40
MT00018486	7/21/2022	Parceled	MT	T. 35 N., R. 1 E., PRIN MER, MT, Sec. 32 NWNE, NENW	Toole	80
MT00018486	7/21/2022	Parceled	MT	T. 35 N., R. 1 E., PRIN MER, MT, Sec. 35 E2NE, NESE	Toole	120
MT00018497	7/26/2022	Parceled	MT	T. 11 N., R. 30 E., PRIN MER, MT, Sec. 12 LOTS 1,2	Musselshell	384.87
MT00018513	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 8 NESW	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 14 NWNE, SWSE	Blaine	80
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 14 SENW	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 22 SENE	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 22 NESE	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 23 NENW	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 26 SWNW	Blaine	40

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MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 27 NWNW	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 19 E., PRIN MER, MT, Sec. 28 NENE	Blaine	40
MT00018514	8/10/2022	Parceled	MT	T. 32 N., R. 20 E., PRIN MER, MT, Sec. 19 NWNW, SWNE, NWSE	Blaine	120
MT00018596	9/7/2022	Parceled	MT	T. 1 N., R. 24 E., PRIN MER, MT, Sec. 4 LOTS 1-4	Yellowstone	162.44
MT00018598	9/9/2022	Parceled	MT	T. 32 N., R. 11 E., PRIN MER, MT, Sec. 1 S2SW,S2SE	Hill	160
MT00018599	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 5 LOTS 3,4	Hill	70.18
MT00018600	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 6 LOTS 3-7	Hill	174.49
MT00018601	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 7 LOTS 1,2	Hill	73.85
MT00018602	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 18 SE	Hill	160
MT00018603	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 20 SWSW	Hill	40
MT00018604	9/9/2022	Parceled	MT	T. 33 N., R. 4 E., PRIN MER, MT, Sec. 1 LOTS 1,3,4	Liberty	120.29
MT00018605	9/9/2022	Parceled	MT	T. 33 N., R. 4 E., PRIN MER, MT, Sec. 22 W2NE,E2NW,NWSE	Liberty	200
MT00018606	9/9/2022	Parceled	MT	T. 34 N., R. 4 E., PRIN MER, MT, Sec. 9 NWNW	Liberty	40
MT00018607	9/9/2022	Parceled	MT	T. 36 N., R. 6 E., PRIN MER, MT, Sec. 7 N2NE,NENW	Liberty	120
MT00018608	9/9/2022	Parceled	MT	T. 36 N., R. 6 E., PRIN MER, MT, Sec. 17 W2SW	Liberty	80
MT00018609	9/9/2022	Parceled	MT	T. 36 N., R. 6 E., PRIN MER, MT, Sec. 18 LOTS 4	Liberty	26
MT00018610	9/9/2022	Parceled	MT	T. 33 N., R. 4 E., PRIN MER, MT, Sec. 22 NENE	Liberty	40
MT00018612	9/9/2022	Parceled	MT	T. 36 N., R. 14 E., PRIN MER, MT, Sec. 20 NENE	Big Horn	40
MT00018613	9/9/2022	Parceled	MT	T. 36 N., R. 14 E., PRIN MER, MT, Sec. 20 NWNW,S2NE,S2NW,N2SE,SESE	Big Horn	320
MT00018497	7/26/2022	Parceled	MT	T. 11 N., R. 30 E., PRIN MER, MT, Sec. 12 W2NE, NW, SWSW	Musselshell	384.87
MT00018623	10/2/2022	Parceled	MT	T. 37 N., R. 5 E., PRIN MER, MT, Sec. 30 SWNE,SENE,E2SW	Liberty	160
MT00018599	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 5 S2NW,SW	Hill	260
MT00018600	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 6 SENW,E2SW	Hill	120
MT00018601	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 7 E2 EXCL SCHOOL (1 AC)	Hill	319
MT00018604	9/9/2022	Parceled	MT	T. 33 N., R. 4 E., PRIN MER, MT, Sec. 1 SWNW,W2SW	Liberty	120
MT00018609	9/9/2022	Parceled	MT	T. 36 N., R. 6 E., PRIN MER, MT, Sec. 18 SESW	Liberty	40
MT00018601	9/9/2022	Parceled	MT	T. 32 N., R. 12 E., PRIN MER, MT, Sec. 7 E2NW	Hill	80
					TOTAL	5455.99

Note: The BLM received one additional expression of interest that the BLM is still reviewing. The BLM excluded this EOI from the results above.

Question 21: Deputy Secretary Beaudreau, have any lands been deemed ineligible in Montana since the June 2022 lease sale? If so please list specific land descriptions, the total amount of acres. and reasoning for ineligibility.

Response: Yes. The table below lists Expressions of Interest for lands that were deemed ineligible for federal lease sales in Montana, received since June 30, 2022:

Expressions of Interest that were Deemed Ineligible for Federal Lease Sales in Montana						
Nomination ID	Submitted Date	Status	Geo. State	Land Summary	County	Acres
MT00018494	7/23/2022	Unavailable: No Federal Mineral Rights	MT	T. 31 N., R. 4 E., PRIN MER, MT, Sec. 1 See Free Form Description	Beaverhead; Deer Lodge; Golden Valley; Granite; Lewis and Clark; Powder River; Ravalli; Roosevelt; Sheridan; Teton	200
MT00018611	9/9/2022	Unable to Process: Unclear Locality Information	MT	T. 36 N., R. 14 E., PRIN MER, MT, Sec. 20 A tract of land in the NE¼NW¼, and a tract of land in the NW¼NE¼	Hill	6.68
MT00018615	9/16/2022	Unable to Process: All Money Not Paid	MT	T. 37 N., R. 4 E., PRIN MER, MT, Sec. 25 NWNW	Liberty	40
MT00018615	9/16/2022	Unable to Process: All Money Not Paid	MT	T. 37 N., R. 4 E., PRIN MER, MT, Sec. 25 S2NW	Liberty	80
					TOTAL	326.68

Note: The BLM received one additional expression of interest that the BLM is still reviewing. The BLM excluded this EOI from the results above.

Question 22: Deputy Secretary Beaudreau, the BLM recently released seven instruction memorandums providing guidance to BLM field offices for consistency with oil and gas leasing provisions in the Inflation Reduction Act. What stakeholder and state outreach occurred when drafting the IMs?

Response: The BLM coordinated internally with subject matter experts within the BLM and the Department in order to quickly inform the BLM field and regional offices of the new oil and gas leasing instructions that the BLM must follow pursuant to enactment of the Inflation Reduction Act. Additionally, the BLM's ongoing conversations with various stakeholders also helped inform the seven IMs that were issued as temporary guidance. The BLM looks forward to receiving additional feedback from our stakeholders, lessees, and operators as it works towards issuing regulations or policy.

Question 23: Deputy Secretary Beaudreau, what actions has the Department taken to comply with the requirements in Section 50265 of the Inflation Reduction Act relating to limiting certain rights of way until onshore lease sales have been held?

Response: The Department is committed to taking action that reflects a balanced approach to responsible energy development and management of our public lands, and the requirements in the Inflation Reduction Act will enable the Department to continue playing a leading role in the transition to a clean energy economy. Following enactment of the IRA, the BLM coordinated with subject matter experts within the BLM and the Department to inform the BLM field and regional offices of the new oil and gas leasing instructions that the BLM must follow, including with regard to the requirements in section 50265. The IRA also provided important modernization of the BLM's oil and gas leasing program, including increasing the minimum royalty rate, minimum bid, and rental rates; assessing a fee for the filing of Expressions of Interest; and eliminating non-competitive leasing. The Department has begun scoping for the next onshore oil and gas lease sales consistent with the terms of the law.

Question 24: Deputy Secretary Beaudreau, how does the restrictive criteria in IM 2023-007 help or hinder the Department's ability to comply with the quarterly lease sale requirement in the Mineral Leasing Act and the leasing requirements in Section 50265 of the Inflation Reduction Act?

Response: The evaluation of parcels in IM 2023-007 will allow the BLM to strategically select parcels to offer in sales that will minimize resource conflicts, reduce speculation, and ensure parcels with a higher likelihood of development are offered. The expectation is that IM 2023-007 will help the Department complete quarterly lease sales.

Question 25: Deputy Secretary Beaudreau, in relation to IM 2023-010, what constitutes an "interested group," and who makes the decision if a group qualifies or does not qualify for public participation as part of the review of parcels?

Response: The BLM has referred to "interested groups" since May 17, 2010, when it issued IM 2010-117. Interested groups include organizations as varied as the Western Energy Alliance and WildEarth Guardians. The BLM expects to continue its process of informing interested groups, individuals, and potentially affected split estate surface owners of field office leasing and NEPA activities with updates to BLM's websites and email lists.

Question 26: Deputy Secretary Beaudreau, I have recently heard concerns that there is a backlog on approving assignment of leases and changes of operators in the state of Montana. What is the current average timeline for the completion of these actions and will the Bureau continue to leverage fines on operators if there is a pending change requested?

Response: As of December 2022, the BLM's Montana/Dakotas State Office had 1,745 pending transfers of interest for Record Title and/or Operating Rights of federal oil and gas leases. Several factors have impacted pending transfers, including the sudden increase of activity in the

Bakken, staffing constraints (i.e., vacancies), and varied shifts of workload priorities over the years. Longer processing times can also occur when submissions are incomplete and require further coordination. The Montana/Dakotas Fluid Minerals Adjudication Section is now fully staffed, and the office has added a part-time position that exclusively processes transfers. Along with managing oil and gas lease sales and the maintenance of federal leases, the team is working to eliminate the backlog.

Question 27: Deputy Secretary Beaudreau, Section 40206 of IIJA requires the Department of the Interior to review and expedite permitting on critical minerals. It also requires individual and annual reports. Please detail what actions the Department has taken to implement this section of the law and when do you expect each report to be delivered to Congress?

Response: President Biden has been clear that facilitating responsible and sustainable development of these important minerals is a priority for the Administration. The Interagency Working Group on Mining Regulations, Laws, and Permitting was created to meet the directives and reporting requirements of section 40206 of the BIL, and in response to a recommendation arising from reports produced pursuant to Executive Order 14017, *America's Supply Chains*. The working group is developing recommendations for reforms to the hardrock mining laws and permitting regulations. The interagency group's highest priority is to hear from all stakeholders, Tribal governments, and the public and gather input on necessary reforms. The group will report to Congress on its findings and will provide recommendations about any substantive changes needed to meet the Country's need for resources, including critical minerals, while honoring our Tribal Nations, protecting the environment, supporting communities, and addressing legacy mining issues.

Question 28: Deputy Secretary Beaudreau, has the average permitting timeline for a critical mineral mine increased or decreased since the passage of the IIJA?

Response: The Interagency Working Group for Mining Regulations, Laws, and Permitting is carrying out the review and developing the report required by the BIL and will have a final report available for review soon. That report will provide baseline data for mines proposed and permitted before the enactment of the BIL and will include recommendations for making the permitting process more efficient and effective.

Question 29: Deputy Secretary Beaudreau, what actions has the Department taken to expedite small conduit hydropower and pumped storage hydropower as required by the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act and the amendments made to it as part of Section 40335 of the IIJA?

Response: Reclamation's hydropower program supports the Administration's and the Department's clean energy and climate change initiatives and delivers domestic energy and economic security benefits by increasing Reclamation Project hydropower capabilities and value.

Reclamation is committed to facilitating the development of non-federal, renewable hydropower on existing, non-powered Reclamation Project facilities – authorized via a Lease of Power Privilege (LOPP) contract or Federal Energy Regulatory Commission license. Reclamation has developed technical hydropower resource assessments and streamlined our LOPP process – which actively implements small conduit hydropower development and pumped storage authorities, established in the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act (P.L. 113-24), and Bipartisan Infrastructure Law (Infrastructure Investment and Jobs Act) (P.L. 117-58).

As of December 2022, 15 LOPP facilities operate on Reclamation Projects, comprising 57 megawatts (MW) of capacity. 12 of the 15 facilities have been brought online since 2009. Four of the 15 online facilities are small conduit hydropower development projects – initiated and developed in accordance with P.L. 113-24 authorities. At this time, Reclamation is also utilizing P.L. 117-58 authorities in the Columbia-Pacific Northwest Region, for a non-federal pumped storage project proposed on the Columbia Basin Project. Reclamation will continue to assess technical hydropower resource potential on Reclamation Projects and optimize our LOPP process, as authorities allow.

Question 30: Deputy Secretary Beaudreau, what actions has the Department taken to implement Section 40704 of the IIJA related to abandoned hardrock mine reclamation?

Response: The Department has begun developing guidance to states and Tribes on how to apply for available funding. The initial elements of this program include drafting an assistance listing and notice of funding opportunity and soliciting grant proposals in the coming months. The Department has been meeting with the Interstate Mining Compact Commission (IMCC) and its state members to identify focus areas for the grants given the appropriated levels of funding. The Department will also hold Tribal Consultation sessions to brief Tribes and seek feedback on the program. IMCC member states have stated a need for AML emergency funding for those sites that pose an imminent threat to public safety.

The Department has also established a federal workgroup to provide guidance for hardrock AML reclamation on federal land. The workgroup has developed an implementation plan and is drafting MOUs with the appropriate federal agencies to promote building partnerships and sharing resources. The workgroup has also drafted a scoring matrix for prioritization of reclamation projects to begin in FY 2023. Initial funding will focus on AML sites that pose the highest risks, and on continuing to inventory and populate the USGS database of mine features.

Question 31: Deputy Secretary Beaudreau, in Montana, all three coal companies are confronting the need for revised NEPA documents in light of adverse judicial decisions remanding the original NEPA documents for lease modifications back to the Office of Surface Mining for supplemental analysis. I am concerned that a drawn out and extended review at OSM will risk a shutdown at the mines and devastating impacts to the Montana economy. Will you commit that OSM will expeditiously complete these pending NEPA reviews?

Response: Yes, OSMRE intends to expeditiously complete the pending NEPA reviews for these mining plan modifications.

Question 32: Deputy Secretary Beaudreau, in September, Judge Watters ruled against OSM's approval of the Area F mine plan at the Rosebud Mine. Why has the DOI decided not to appeal the Watters decision?

Response: The Department generally does not comment on the reasoning of individual litigation matters. The Department of Justice, in consultation with the Department, considers many factors when determining whether to appeal adverse decisions.

Question 33: Deputy Secretary Beaudreau, Judge Watters provided the OSM with 19 months to correct its NEPA analysis and issue an updated EIS or she would otherwise vacate the OSM's approval of the Area F. Is the OSM on track to complete its NEPA analysis by that deadline?

Response: The Department is working expeditiously on the remedial NEPA and has not yet sought any further extensions of the Court's deadline.

Question 34: Deputy Secretary Beaudreau, in *350 Montana v. Haaland*, a challenge to an expansion at the Bull Mountain Mine for which 4 environmental assessments have been prepared, is back before Judge Molloy. Will the OSM defend its prior position that mining may continue while this matter is remanded to the OSM for further NEPA review?

Response: The Department generally does not discuss individual litigation matters. OSMRE has consistently argued that no vacatur, or alternatively deferred vacatur, is appropriate in this matter.

Questions from Senator Cassidy

Question 1: In an August 2022 presentation done by BOEM on the CO₂ sequestration rulemaking, it is suggested potential research including an injection pilot project to full-scale demonstration project may be necessary. I'm told several oil and gas companies such as Equinor and Shell are working on an OCS project in the North Sea and off the coast of Norway. There seems to be an obvious opportunity for governments to learn from one another.

What synergies is the Department exploring in order to reduce the time needed to start commercial leasing for CO₂?

Response: As part of the rule-making process, BOEM and BSEE seek to leverage the expertise of other countries and have collected information from other governments, including Norway, the Netherlands, Australia, Japan, Brazil, the United Kingdom, and the European Commission. In addition, BOEM and BSEE have engaged extensively with other federal agencies with related programs. The bureaus have also consulted with stakeholders with expertise in offshore geologic carbon sequestration and used the capabilities of BOEM and BSEE scientists and engineers with specialized geological, environmental, and offshore energy expertise.

Question 2: I mentioned during the hearing the Department included a royalty rate surcharge of 2 ¼ percentage points to account for the social cost of upstream greenhouse gas emissions from production in order to reach the new statutory maximum royalty rate of 18 ¾ percent for Lease Sale #258.

Because deepwater Gulf operators already pay an 18 ¾ percent royalty, will the Department be including this social cost of greenhouse gas emissions in the bid requirements, rentals or in other fees for future leasing in the Gulf of Mexico?

Response: Because the Department decides on the appropriate fiscal terms during the decision-making process for each individual lease sale, it is premature to say what those terms will be for future sales. However, as noted at the hearing, we will implement the law and any royalty rate chosen will comply with statutory maximum set in the Inflation Reduction Act of 18 ¾ percent for 10 years and the statutory minimum set in the OCS Lands Act. As outlined in the Final Notice of Sale for Lease Sale 259, the royalty rate for all leases in the sale will be 18 ¾.

Questions from Senator Marshall

Question: The projects funded by IIJA, like mitigating orphan oil and gas wells, advancing water infrastructure to address draught and supply clean water, restoring ecosystems and building resilient tribal communities will require vast amounts of construction materials like stone, sand and gravel.

These materials are mined and produced across thousands of quarries and plants, including operations on federal lands. Unfortunately, polices (ESA, NEPA, Mining withdrawals) proposed by the department seek to shut down and make it harder to mine materials needed build.

How does the department plan to execute the construction of critical infrastructure projects while also perusing polices that would shut down aggregates operations?

Response: President Biden made long overdue investment in our nation's critical infrastructure a cornerstone of his commitments to the American people, and at the Department we are working hard to ensure the efficient implementation of this legislation, as well as to meet our obligations under the Inflation Reduction Act. We have brought on a dedicated infrastructure coordinator, Winnie Stachelberg, to continue driving the Department and all its bureaus forward as we make these important investments. We have successfully met planned milestones and are keeping programs on target for our planned implementation goals. With regard to actions under the statutes you reference in your question, we have been clear that the Department will follow the laws enacted by Congress, including the Endangered Species Act, the National Environmental Policy Act, and others, and will comply with all applicable court decisions.