

S. HRG. 117-354

DANIEL-DAVIS, TOUTON, AND BRONIN NOMINATIONS

HEARING BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

TO

CONSIDER THE NOMINATIONS OF LAURA DANIEL-DAVIS TO BE AN ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT), CAMILLE C. TOUTON TO BE COMMISSIONER OF RECLAMATION, AND SARA C. BRONIN TO BE CHAIRMAN OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

SEPTEMBER 21, 2021



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DANIEL-DAVIS, TOUTON, AND BRONIN NOMINATIONS

TUESDAY, SEPTEMBER 21, 2021

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOE MANCHIN III, U.S. SENATOR FROM WEST VIRGINIA

The CHAIRMAN. We will officially come to order.

We are meeting today to consider three pending nominations. The three nominations are Ms. Laura Daniel-Davis to be the Assistant Secretary of the Interior for Land and Minerals Management, Ms. Camille Touton to be the Commissioner of Reclamation, and Ms. Sara Bronin to be the Chair of the Advisory Council on Historic Preservation. Welcome to all three of you and also to your families here today. We want to thank you for the willingness to serve in these important positions, and welcome, again, to your family members.

With that, I will go through the nominees that we have.

The Assistant Secretary for Land and Minerals Management nominee, Ms. Laura Daniel-Davis, would oversee four of the great bureaus and offices at the Department of the Interior: the Bureau of Land Management (BLM), the Office of Surface Mining (OSMRE), the Bureau of Ocean Energy Management (BOEM), and the Bureau of Safety and Environmental Enforcement (BSEE). All six of the Department's Assistant Secretaries have broad portfolios and perform essential functions, but the responsibilities of the Assistant Secretary for Land and Minerals Management are especially broad, and they are of particular interest to many members of this Committee. Fortunately, Ms. Daniel-Davis understands the challenge she is taking on. She is not new to the Department of the Interior or the issues before it. She served as a Chief of Staff to the Deputy Secretary of the Interior during the Clinton Administration and as Chief of Staff to Secretary Salazar and Secretary Jewell during the Obama Administration. She has been serving as the Principal Deputy Assistant Secretary for Land and Minerals Management since January. Ms. Daniel-Davis will bring a wealth of knowledge and experience to the job.

Second, we have Ms. Touton. I think I am pronouncing that correctly. Is it Touton or Toten? Am I right? Touton, oh, I am sorry.

The same can be said of our next nominee, Camille Touton, who has been nominated to be the Commissioner of Reclamation. The Commissioner's job is to manage much of the water in the Western states and oversee a vast system of nearly 500 dams and over 300 reservoirs on which over 30 million Americans depend. In addition, the Commissioner is responsible for producing 40 billion kilowatt-hours of hydroelectric power each year. It is a big job, but one for which Ms. Touton is exceptionally well prepared. She has worked on these issues on the House Natural Resources Committee, the House Transportation and Infrastructure Committee, and on this Committee when Senator Cantwell was our Ranking Member. She also served as Deputy Assistant Secretary for Water and Science during the Obama Administration and has been serving as the Deputy Commissioner of Reclamation since January. Like Ms. Daniel-Davis, Ms. Touton brings a wealth of knowledge and experience to this position for which she has been nominated.

Finally, our third nominee is Sara Bronin, who has been nominated to Chair the Advisory Council on Historic Preservation. The law that established the Advisory Council was enacted with the belief that the spirit and the direction of the nation are founded upon and reflected in a historic heritage and that our historic foundation should be preserved. The Council was created to ensure that other federal agencies take our national heritage into account before they take actions that might harm or destroy nationally significant sites. The Advisory Council is just that, an advisory body, not a regulatory one. It cannot command or control. Its powers are to advise, to encourage, to recommend, to review, to comment, to inform, and, most importantly, to educate. The 24-member Council is an extraordinary body. It is made up of the Cabinet Secretaries and other agency heads, a governor, a mayor, the Architect of the Capitol, the heads of certain historic preservation organizations, and several other historic preservation experts and citizens appointed by the President.

The Chairman alone serves full-time as the only member who is confirmed by the Senate. For this reason, I think it is especially important that the Chair be someone of great ability and achievement who will have the respect of the Council she must lead and the agency heads she will seek to advise and persuade. I believe Ms. Bronin's academic achievements and her record of public service show that she is well qualified for this important task.

I want to thank all three nominees for being with us this morning and for their willingness to accept these important nominations.

At this point I will recognize Senator Barrasso for his opening statement.

Senator Barrasso.

**STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thank you very much, Mr. Chairman, and I would like to add my welcome to yours to Laura Daniel-Davis, to Camille Touton, and to Sara Bronin. I want to welcome you to the Senate Energy and Natural Resource Committee, and it is nice to see Senators from Connecticut who are here to do intro-

ductions as well. Well, congratulations to each of you on your nomination.

Ms. Daniel-Davis has a long history working at Interior. She previously served at Interior as Chief of Staff for Secretaries Ken Salazar and Sally Jewell and in many other roles, and currently serves as the Principal Deputy Assistant Secretary of Interior for Lands and Mineral Management. Under Daniel-Davis' supervision, Interior imposed an oil and gas leasing moratorium on federal lands. She has rescinded previously granted grazing permits. In March, she directed all Interior agencies handling energy and land management decisions to go through her office for approval. This action undermines energy projects on federal lands. It creates unnecessary bureaucracy and backlogs. It causes delays and uncertainty, and it causes significant cost and headaches.

We need someone in this important role who understands and supports the need for U.S. energy security. It is all the more critical based on the actions that the House Democrats are taking on their \$3.5 trillion reckless tax and spending blowout. The House Natural Resource Committee just passed legislation that will effectively kill oil, natural gas, coal, and hard rock mineral production on federal lands and in federal waters. If enacted, it would surrender America's energy independence and make us dependent on OPEC, on Russia, and on China. It will cost thousands of U.S. jobs, devastate communities in New Mexico, Wyoming, Louisiana, Nevada, Colorado, and Montana. We need leadership at the Department of the Interior that recognizes the importance to our international competitiveness of maintaining robust energy and mineral development on federal lands and waters.

Ms. Touton has been nominated to serve as Commissioner of Reclamation at Interior's Bureau of Reclamation. She has experience working at Interior on issues relating to the Bureau of Reclamation, including the Deputy Commissioner of the Bureau of Reclamation since January and as Deputy Assistant Secretary for Water and Science during the Obama Administration. For much of her career she served on Congressional staffs, including the democratic professional staff for Senator Cantwell who was Ranking Member of this Committee at the time. In Wyoming and across the West, there is no more important resource than water. Our agriculture industry, cities, forests, and wildlife all depend on strong and healthy watersheds. This Committee needs a commissioner who will work with members of both parties to strengthen desperately needed Western water infrastructure, to improve Interior's management of water resources, and to listen to state and local officials. I think that she is up to the job.

Last, Ms. Bronin has been nominated to serve as Chairman of the Advisory Council on Historic Preservation. If confirmed, she will be in charge with ensuring that historic preservation needs are balanced with federal project requirements. She will also make recommendations regarding historic preservation to the President, to Congress, and to the heads of other federal agencies. She currently serves as a Professor of City and Regional Planning at Cornell University's College of Architecture, Art, and Planning and a Professor at Cornell Law School. She has experience in the historic preservation field, including serving as an Advisor to the National Trust for

Historic Preservation. I am interested in hearing more about her views on the role of this Council in advising others on the designation, preservation, and rehabilitation of historic sites. I look forward to hearing her explain her vision for the Council.

So congratulations to each of the nominees. I look forward to hearing more about your qualifications, your policy views, and your plans for ensuring the work of these agencies, how they will benefit all Americans, including those in my home State of Wyoming.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Before I recognize my colleagues to make introductions, Senator Kaine is not able to join us this morning, but he has asked that his letter of support for Ms. Daniel-Davis be included. So I ask unanimous consent to enter into the record a letter of introduction for Ms. Daniel-Davis from Senator Kaine.

Objection?

[No response.]

The CHAIRMAN. Without objection, it will be included.

[Letter of introduction from Senator Kaine for Ms. Daniel-Davis follows:]

STATEMENT OF SENATOR TIM KAINE
NOMINATION OF LAURA DANIEL-DAVIS
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Chairman Manchin, Ranking Member Barrasso, distinguished colleagues on the committee. I am pleased to recommend and support my constituent Laura Daniel-Davis to be Assistant Secretary of the Interior for Lands and Minerals Management.

Ms. Daniel-Davis has had a long and distinguished career in energy and public lands policy, which includes numerous senior positions in the Interior Department in the Clinton, Obama, and recently Biden Administrations, as well as on Capitol Hill for then-Rep. Mark Udall of Colorado. She worked on public lands policy at the international firm Latham & Watkins, served as Deputy Executive Director of the Democratic Governors Association, and prior to joining the Biden Administration this year was heavily involved in work to advance the Great American Outdoors Act as Chief of Policy & Advocacy for the National Wildlife Federation.

I know Ms. Daniel-Davis as a thoughtful and mainstream professional in this field, and testaments to her experience and temperament are numerous and include members of my staff who worked with her in the past. I ran into her recently in Virginia where she was representing the Interior Department on a milestone announcement for the historic offshore wind project off Virginia Beach. This project is strongly supported in Virginia by both the business and environmental communities and is a testament to the Department's ability, with the right personnel, to work collaboratively on large complex projects and help move them forward with strong buy-in from all stakeholders.

Laura Daniel-Davis is qualified by experience and temperament among many other metrics, and I encourage the Committee to look favorably upon her nomination.

The CHAIRMAN. In addition, I ask unanimous consent to insert additional letters of support for the nominees from various tribal organizations, water authorities, and historic preservation groups—including two notable letters, one from former Secretary of the Interior, Bruce Babbitt, in support of Ms. Daniel-Davis and one from our House colleague, Dan Newhouse, the Chairman of the Western Caucus, in support of Ms. Touton.

Hearing no objections, these letters will be inserted into the record.

[Letters of support for the nominees follow:]

The Honorable Joe Manchin
Chairman
Committee on Energy and Natural
Resources
U.S. Senate
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural
Resources
U.S. Senate
Washington, D.C. 20510

September 20, 2021

Dear Chairman Manchin and Ranking Member Barrasso:

As members of organizations dedicated to historic preservation, we are pleased to urge Senate confirmation of Professor Sara Bronin as Chair of the Advisory Council on Historic Preservation (ACHP).

Our organizations represent thousands of archaeologists, cultural resource management specialists, historians, historic preservationists, and anthropologists with a long-standing history of working directly with the ACHP to identify, document, and protect America's cultural and historic resources. We believe that Professor Bronin's experience and background make her exceptionally well-qualified to lead the ACHP.

A Rhodes scholar, graduate of Yale Law School, Professor of the Cornell College of Architecture, Art, and Planning, an Associated Faculty Member of the Cornell Law School, and a Faculty Fellow of the Cornell Atkinson Center for Sustainability, Professor Bronin's academic and professional credentials are impressive. Professor Bronin's experience with interdisciplinary work will be an asset as she leads the ACHP in making recommendations to the President, Congress, and heads of federal agencies on how best to preserve America's cultural heritage.

Professor Bronin has shown the ability to leverage her academic and legal work to help create meaningful changes in communities across America. Through her scholarship on historic preservation, architecture, land use, and property law, Professor Bronin has demonstrated expertise in the complex ways in which preservation policy can improve the public's quality of life and strengthen local economies. Her experience working with real estate developers on major rehabilitation and new construction projects shows how historic preservation is a powerful catalyst for economic development and job creation.

Professor Bronin has been a long-standing advocate for historic preservation policies that protect America's special places while celebrating the diversity of our national heritage. We applaud her advocacy on behalf of preservation through the National Trust for Historic Preservation, Preservation Connecticut, the City of Hartford's Historic Preservation Commission, and Latinos in Heritage Conservation.

Professor Sara Bronin is eminently qualified to serve as our nation's Chair of the ACHP. We respectfully urge you to vote in support of Professor Bronin's nomination, and we appreciate your consideration of our views.

Sincerely,

Abre Croche Cultural Resources LLC
Advisory Council on Historic Preservation
Foundation
American Anthropological Association
American Battlefield Trust
Asian and Pacific Islander Americans in
Historic Preservation
Coalition for American Heritage
Connecticut Main Street Center
Connecticut Preservation Action
Cultural Heritage Partners, PLLC
Green Latinos
Heritage Ohio
Heritage Results LLC

Kirk Huffaker Preservation Strategies
National Parks Conservation Association
National Trust for Historic Preservation
Pennsylvania Archaeological Council
Preservation Action
Preservation Connecticut
Preservation League of New York State
Preservation Maryland
Preservation Resource Center of New
Orleans
Preserve Arkansas
Professional Archaeologists of New York
City
Society for Historical Archaeology

cc: Members of the Senate Committee on Energy and Natural Resources



July 27th, 2021

Senator Joe Manchin, Chair
Senate Committee on
Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Senator John Barrasso, Ranking Member
Senate Committee on
Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of our 355,000 members, supporters and volunteers across the nation, American Rivers writes today in strong support of the nomination of Laura Daniel-Davis to be the Assistant Secretary for Land and Minerals Management at the U.S. Department of Interior, and we urge a prompt confirmation.

American Rivers' mission is to protect wild rivers, restore damaged rivers and conserve clean water for people and nature. Since our founding in 1973, we have led efforts to conserve more than 150,000 miles of rivers across the country, making us one of the most trusted and influential river conservation organizations in the United States.

The Office of Land and Minerals Management oversees the Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, Office of Surface Mining Reclamation and the Bureau of Land Management (BLM), whose actions dramatically impact our water resources—streams, rivers, wetlands and floodplains. The BLM encompasses 245 million acres of public lands across the U.S., more than any other federal agency¹. These lands are home to some of our nation's most beloved free-flowing rivers, including such gems as the Gulkana River in Alaska, Rogue River in Oregon, upper Missouri River in Montana, lower Salmon River in Idaho, Arkansas River in Colorado and Rio Chama in New Mexico. These rivers and their surrounding lands are part of a robust outdoor recreational economy—fishing, hunting, boating and camping—which generates billions of dollars in economic impacts and directly supports millions of jobs².

Ms. Daniel-Davis brings more than two decades of leadership and experience from her roles with Congress, at Interior and with the non-profit sector. The complexities of the Office of Land and Minerals call for a leader who shares Ms. Daniel-Davis' understanding of the interconnectedness between Congress, the White House, the

¹ *BLM National: What We Manage*. U.S. Department of the Interior, Bureau of Land Management. <https://www.blm.gov/about/what-we-manage/national>

² *Outdoor Recreation Satellite Account, U.S. States, 2019*. Bureau of Economic Analysis, U.S. Department of Commerce. <https://www.bea.gov/news/2020/outdoor-recreation-satellite-account-us-and-states-2019>

public and non-profit sectors. She served as the Deputy Chief of Staff for then-Congressman Mark Udall (CO-2) from 2007 to 2009, working on topics such as Farm Bill Conservation programs. In addition to her time with Congressman Udall, Ms. Daniel-Davis served as Chief of Staff to Interior Secretaries Sally Jewell and Ken Salazar during the Obama administration, as well as Chief of Staff to then-Deputy Secretary David Hayes during the Clinton administration. While serving in the Department of Interior, Ms. Daniel-Davis was involved with efforts to protect the Klamath watershed, a 10 million acre basin depended upon by Tribes such as the Yurok, Karuka and Hoopa and the heart of a once-thriving habitat for over 400 species³. Her experience in two other presidential administrations will allow for a seamless transition to a leadership position in the Biden administration. Most recently, Ms. Daniel-Davis held the position of Chief of Policy and Advocacy at the National Wildlife Federation, where she advocated for conservation legislation, such as the permanent authorization and full funding of the Land and Water Conservation Fund.

Ms. Daniel-Davis is a stalwart for environmental conservation and is not bound by partisanship; she previously stated, “we need to create new opportunities for those passionate about protecting our natural resources to work across the aisle for common sense solutions.” She has remained a respected conservationist and known pragmatist during her more than two-decade career in environmental policy and resource management. Therefore, we urge her swift confirmation to the position of Assistant Secretary for Land and Minerals Management so she can continue her efforts to sustain our public lands, waters and natural resources.

Sincerely,



Tom Kiernan
President and CEO
American Rivers

³ *The Klamath River: Wild, Scenic, and Dammed*. 2019. Oregon Wild.
<https://oregonwild.org/waters/klamath/the-klamath-river>

Bruce Babbitt
5169 Watson St NW
Washington, DC 20016

August 2, 2021

Senator Joe Manchin, Chairman
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Senator John Barrasso, Ranking Member
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

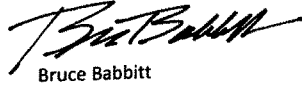
I write in strong support of the nomination of Laura Daniel-Davis to be Assistant Secretary of Land and Minerals Management at the Department of the Interior.

Laura worked for me during the time I was Secretary of the Interior. She has a deep understanding of the agency and the equities and authorities across bureaus and programs. She is collaborative and thoughtful in her decision-making, and seeks input from a broad range of interests inside and outside the Department.

Laura is a problem-solver and consensus-builder, and I know her to be a forthright and honest communicator. I often asked her to jump in and assist on challenging and timely issues, and she delivered results while building allies for the Department and its programs.

I am confident that Laura's long tenure and proven experience at the Department will make her an excellent fit for this important role, and I urge that she be confirmed swiftly.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Babbitt', with a stylized flourish at the end.

Bruce Babbitt

cc: Members of the Senate Energy and Natural Resources Committee



June 29, 2021

Chairman Joe Manchin
Energy and Natural Resources Committee
U.S. Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member John Barrasso
Energy and Natural Resources Committee
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the Columbia Basin Development League (the League), I am writing in support of the nomination of *Camille Calimlim Touton* as Commissioner of the Bureau of Reclamation (Reclamation). We work closely with irrigation districts that receive water from Reclamation projects, and we know the significance of Reclamation for irrigators and recreationalists.

The Bureau of Reclamation is responsible for delivering water to millions of Americans throughout the west. Reclamation plays a critical role in the production of our nation's food supply and the economies of so many rural communities. The League believes that Ms. Calimlim Touton is an excellent nominee for Commissioner of Reclamation. Her vast knowledge of western water gives us confidence she will be an outstanding Commissioner and help guide our country through important water infrastructure decisions.

The League is made up of farmers, businesses, civic and economic groups, and individuals who recognize the value of the Bureau of Reclamation's Columbia Basin Project and the need for infrastructure investment for continued Project development. We are dedicated to the rehabilitation and improvement of Columbia Basin Project water supply facilities. Since 1964, the League has supported the Columbia Basin Project, which delivers essential water supplies to the northcentral region in Washington state. Many of our members have worked with Ms. Calimlim Touton during her time with the Washington delegation, and we believe she will excel during her time as Commissioner.

Again, we would like to express our support of Ms. Calimlim Touton as Commissioner of the Bureau of Reclamation. Please contact me should you have any questions.

Sincerely,

Vicky Scharlau
Executive Director

Cc: Senator Patty Murray, Senator Maria Cantwell



EAST COLUMBIA BASIN IRRIGATION DISTRICT

55 North 8th
P.O. Box E

OTHELLO, WASHINGTON 99344

Phone 509 488 9671
Fax 509 488 6433

July 13, 2021

Chairman Joe Manchin
Energy and Natural Resources Committee
U.S. Senate
306 Hart Senate Office Building
Washington, D.C. 20510

Ranking Member John Barrasso
Energy and Natural Resources Committee
U.S. Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

The East Columbia Basin Irrigation District would like to express our support of Camille Calimlim Touton as the next Commissioner of the Bureau of Reclamation. As one of the three irrigation districts in Reclamation's expansive Columbia Basin Project we are aware of the impacts that Reclamation's commissioner has on the West's federally irrigated lands.

We have had over a decade's worth of opportunities to work with Ms. Calimlim Touton on numerous Reclamation-related issues during her time serving House and Senate members and committees. Ms. Calimlim Touton has earnestly engaged with us in a collaborative manner as we work collectively toward solutions. It is this type of commitment to Reclamation's projects and their success that assure us that she is a fitting appointee to lead that organization.

The East Columbia Basin Irrigation District currently serves over 167,000 irrigated acres and is currently partnered with Reclamation and the State of Washington in development of an additional 70,000 acres in a groundwater replacement project. Ms. Calimlim Touton has previously visited this project to see the progress being made and has assisted us with completion of our contract with Reclamation. We need a commissioner that is knowledgeable about the issues Reclamation contractors are addressing. Our experiences with her over many years leaves us no doubt that she would serve all of us well as the Commission of Reclamation.

Please note our steadfast support and endorsement of Ms. Camille Calimlim Touton as the Commissioner of Reclamation. We expect you will also find her a suitable leader for Reclamation.

Sincerely

Duaine Anderson
President, Board of Directors



Chairman Manchin
Ranking Member Barrasso
July 13, 2021
Page 2

CNS:wl

cc: Senator Patty Murray
Senator Maria Cantwell
ECBID Board of Directors

Resolution No. 159-2021

Fort Belknap Indian Community

A RESOLUTION URGING THE SWIFT CONFIRMATION OF LAURA DANIEL DAVIS AS ASSISTANT SECRETARY FOR LAND & MINERALS

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboiné Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December 1935;

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community;

WHEREAS, pursuant to its inherent sovereignty and the Constitution and By-Laws of the Tribes, the FBIC Council is charged with the duty to promote and protect the health, security, and general welfare of the Tribes, including among other things, the responsibility to engage in the Assiniboiné and Gros Ventre Tribes' nation-to-nation relationship with the United States, including the United States Department of the Interior;

WHEREAS, Ms. Laura Daniel Davis has been nominated by President Biden to serve as the Assistant Secretary of Land and Minerals for the Department of the Interior;

WHEREAS, Ms. Davis is well known to us, serving as current acting Principal Deputy Assistant Secretary. We also know this is her third tour of duty at the Department, having served in the Clinton and Obama Administrations as well, including as Chief of Staff to Secretaries Salazar and Jewell;

WHEREAS, Ms. Davis understands a broad range of issues important to Indian Country, including land use, gaming, fire management, species issues, and Treaty rights; and

WHEREAS, Ms. Davis has shown deep respect for tribal sovereignty and support for greater inclusion of tribes in the federal matters that affect us.

THEREFORE BE IT RESOLVED, that the FBIC Council has the utmost confidence in Ms. Davis' professional qualifications. We also value her experience and perspective.

THEREFORE BE IT FURTHER RESOLVED, that the FBIC Council urges Senators Daines and Tester to support Ms. Davis' swift confirmation in the Senate.

BE IT FINALLY RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to sign any and all documents necessary to effect this action.

ATTEST:



 Andy Werk, President
 Fort Belknap Community Council

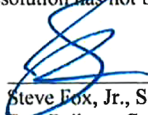


 Steve Fox, Jr., Secretary/Treasurer
 Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 10 (ten) members of whom 7 members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 15 day of September 2021; and that the foregoing Resolution of the Fort Belknap Indian Community Council was duly adopted and approved the affirmative vote of 7 for; 0 opposed; 0 not voting; 0 temporary absent; 3 excused absent; and that the said Resolution has not been rescinded in any way.

DATE: 15 Sep 21



 Steve Fox, Jr., Secretary/Treasurer
 Fort Belknap Community Council



July 7, 2021

The Honorable Joe Manchin, Chairman
Senate Committee on Energy
and Natural Resources
via: renae_black@energy.senate.gov

The Honorable John Barrasso, Ranking Member
Senate Committee on Energy
and Natural Resources
via: richard_russell@energy.senate.gov

Dear Chairman Manchin and Ranking Member Barrasso—

I offer an unequivocal endorsement of Ms. Maria Camille Calimlim Touton's nomination to become the next Commissioner of the Bureau of Reclamation. Ms. Touton has outstanding credentials that cover a broad set of experiences in water resources management. Unquestionable integrity and credibility are the hallmarks of her leadership abilities.

I have personally worked with Ms. Touton during her career in the federal government, both as a federal executive and congressional staffer. She is a patient listener who has a unique skill in distilling issues down to the most pertinent facts, leading to productive discussions and optimal decision making. Her career has keenly focused on improving water resources management across the nation.

Most recently, I have interacted with Ms. Touton in my role as Executive Director of the National Water Supply Alliance (NWSA). NWSA is a national organization formed to advance the interests of water supply providers before the United States Congress and federal agencies whose actions impact water supply storage and projects. As Professional Staff on the House Committee on Transportation and Infrastructure, Ms. Touton was receptive and inquisitive of NWSA's issues and policy focus, taking great care to listen and ask questions to better understand NWSA's key priorities. Her attention and ability to fully engage with water resources stakeholders will be a critical asset as Commissioner of Reclamation.

Ms. Touton is an exceptional leader of high character, expertise, and integrity. I wholeheartedly endorse her nomination to become the next Commissioner of the Bureau of Reclamation. I am available to the Committee to further discuss Ms. Touton's attributes for the position. Please do not hesitate to contact me if I can be of assistance.

Sincerely,

Dave Mitamura

President, Darren Gore, PE, City of Murfreesboro, TN
Vice President, Dan Buhman, PE, Tarrant Regional Water District
Secretary, Katherine Zitsch, PE, BCEE, Atlanta Regional Commission
Treasurer, Glenn Page, PE, Cobb County-Marietta Water Authority
Director, Andrew Dehoff, PE, Susquehanna River Basin Commission

Director, Jennifer Verleger, Esq, PE, State of North Dakota
Director, Brad Brunett, Brazos River Authority
Director, Greg Volkhardt, Tacoma Water
Director, Cara Hendricks, PE, Kansas Water Office
Dave Mitamura, Executive Director

National Water Supply Alliance
Advancing the Interests of Water Supply Providers
P.O. Box 342396, Austin, TX 78734 (512) 608-7742



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

P.O. BOX 19189
WASHINGTON, D.C. 20036-9189
(202) 628-8476
INFO@NATHPO.ORG
WWW.NATHPO.ORG

September 20, 2021

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural Resources Dirksen Senate Office Building, SD-304
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural Resources Dirksen Senate Office Building, SD-304
Washington, DC 20510

Dear Senators Manchin and Barrasso:

The National Association of Tribal Preservation Officers (NATHPO) strongly supports the nomination of Sara C. Bronin to serve as Chairman of the Advisory Council on Historic Preservation (ACHP). Ms. Bronin has shown a strong commitment to equity in historic preservation, including the protection of sites that are important to Tribal Nations.

NATHPO is a national non-profit membership organization of tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. The Chairman of our Board serves as an ex-officio member of the ACHP.

At a time when Tribal Nations' sacred sites and cultural resources are in particularly great need of protection, we believe Ms. Bronin has the intellect, experience, dedication, and integrity needed to lead the ACHP. As a leading scholar of historic preservation law, Ms. Bronin understands how the existing legal and policy framework can be used to protect places significant to Tribal Nations and lead ACHP's engagement in strengthening protections, while also considering the needs of the U.S. as a whole with regard to improving required review processes for projects including infrastructure.

President Biden has shown a strong commitment to Tribal sovereignty and engaging in regular, meaningful, and robust consultation with Tribal officials. We are confident that if Ms. Bronin is confirmed as Chairman of the ACHP, she will be a passionate advocate who will work with Tribal Historic Preservation Officers as they use traditional knowledge to preserve and rebuild the foundations of culture that the federal government systematically dismantled.

Sincerely,

Valerie J. Grussing, PhD
Executive Director

PROTECTING NATIVE PLACES



September 16, 2021

The Honorable Sen. Joe Manchin III
Chair, Senate Committee on
Energy and Natural Resources
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on
Energy and Natural Resources
Washington, D.C. 20510

Dear Chair Manchin and Ranking Member Barrasso,

On behalf of the National Audubon Society and our over 1.8 million members, I write to express our strong support for Laura Daniel-Davis as you consider her confirmation to the position of Assistant Secretary of the Interior for Land and Minerals Management. With over two decades of experience focused on public lands conservation and partnerships, we believe Ms. Daniel-Davis is an exceptional choice to take on this leadership position at the Department of Interior.

For 115 years, Audubon has fought for common-sense solutions to protect birds and everything they and people alike need to thrive—clean air and water, intact habitat, flourishing marine and coastal resources, and a healthy climate. Audubon is our country's oldest bird advocacy organization and one of the oldest conservation groups in the country. The benefits of conserving birds extend beyond the environment because birds have strong public appeal and are enjoyed by millions of Americans at home, in local natural areas, and on public lands. Our focus includes ensuring that public lands remain healthy, accessible, and resilient. Now, more than ever, America's public lands provide vital benefits for people – this includes clean water, clean air, biodiversity, and access to nature-based recreation.

We support the confirmation of Ms. Daniel-Davis to be Assistant Secretary of the Interior for Land and Minerals Management. Ms. Daniel Davis has spent her career working in public policy – in government, with over a decade working at the Department of Interior, in Congress, and in the non-profit space, where she led many successful efforts focusing on conservation, public lands, and wildlife. Each of these roles required vision, leadership, and the ability to engage with stakeholders across the country and across the political spectrum. Her depth of experience, collaborative approach to solving problems, and ability to build and maintain relationships proves that Ms. Daniel-Davis will excel as a leader at the Department of Interior.

We believe Ms. Daniel-Davis will provide essential experience and vision to guide the Department of Interior's efforts to build resiliency and restore our forests, grasslands and sagebrush, increase partnerships with private landowners, improve relationships with Tribal communities, recover imperiled wildlife, diversify the nation's energy portfolio, expand recreation opportunities, and break down barriers so all Americans can fully benefit from our nation's public lands and waters. We fully support her confirmation and look forward to working with her.

Sincerely,

Sara Brodnax
Sara Brodnax

Director, Public Lands Policy
National Audubon Society



September 16, 2021

The Honorable Sen. Joe Manchin III
Chair, Senate Committee on
Energy and Natural Resources
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on
Energy and Natural Resources
Washington, D.C. 20510

Dear Chair Manchin and Ranking Member Barrasso,

On behalf of the National Audubon Society and our over 1.8 million members, I write to express our strong support for Camille Touton as you consider her confirmation to the position of Commissioner of Reclamation in the Department of Interior. Ms. Touton is exceptionally well qualified to lead the Bureau's critical work managing water systems and hydroelectric plants in the West.

For 115 years, Audubon has fought for common-sense solutions to protect birds and everything they and people alike need to thrive—clean air and water, intact habitat, flourishing marine and coastal resources, and a healthy climate. Audubon is our country's oldest bird advocacy organization and one of the oldest conservation groups in the country. We focus on ensuring clean and abundant water in rivers, lakes, streams, wetlands, and marshes in landscapes where this is paramount to birds' survival. Audubon connects science, policy, and advocacy to provide measurable and scalable impact.

We support the confirmation of Ms. Touton to lead the Bureau of Reclamation, as she is a proven leader with unparalleled expertise in water policy. Ms. Touton brings over a decade of experience working in water policy at the Congressional level, enriched by her background as a civil engineer and her understanding of the Western United States landscape. In her previous roles in the Department of Interior and as senior Congressional staff, Ms. Touton has proven her ability to work with a wide variety of stakeholders at every level of government, with industry and non-governmental organizations alike, earning her the respect of leaders across the political spectrum. Audubon believes that leaders must be able to build bridges to address our water challenges and Ms. Touton has the experience, knowledge, and ability to get the job done.

As the Western United States faces unprecedented drought, Ms. Touton's leadership at the Bureau will have an immediate and positive impact on the ecosystems that birds and humans both rely on. We fully support her confirmation and look forward to working with her.

Sincerely,

A handwritten signature in blue ink that reads "Julie Hill-Gabriel".

Julie Hill-Gabriel, Esq.
Vice President, Water Conservation
National Audubon Society

DAN NEWHOUSE
4th District, Washington
www.newhouse.house.gov

504 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
OFFICE (202) 225-2810
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CHAIRMAN
CONGRESSIONAL WESTERN CAUCUS



Congress of the United States
House of Representatives

HOUSE COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEE ON AGRICULTURE,
RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED
AGENCIES

SUBCOMMITTEE ON ENERGY AND WATER
DEVELOPMENT AND RELATED AGENCIES

SUBCOMMITTEE ON LEGISLATIVE BRANCH

September 20, 2021

The Honorable Joe Manchin III
Chairman
Senate Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso, M.D.
Ranking Member
Senate Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

I write today to share my support for the nomination of M. Camille Calimlim Touton to be Commissioner of the Bureau of Reclamation. Ms. Touton's nomination demonstrates a continued tradition of putting forth pragmatic, solutions-oriented leaders to head Reclamation, and I am confident in her ability to address the water storage, delivery, and supply needs of families, businesses, agriculture producers, tribes, local governments, and ecosystems throughout the West. I respectfully urge the swift advancement of her nomination to ensure Reclamation is equipped with the requisite leadership to tackle the nation's pressing water challenges.

As a Nevadan and long-time Pacific Northwest water policy expert, Ms. Touton understands – and has worked to address – the concerns of farmers, local landowners and water users, tribes, and rural communities alike. I have seen her constructive approach firsthand through our work together on significant water supply efforts in the Yakima Valley in my home state of Washington. The Yakima River Basin Water Enhancement Project Workgroup, comprised of federal and local government partners, regional irrigation districts, the Yakama Nation, and environmental organizations, has developed a world-class model for the development of a balanced, collaborative plan – known as the Yakima Basin Integrated Plan – to address the most complex of water challenges in the region.

Through her time serving the Senate Committee on Energy & Natural Resources during Senator Cantwell's tenure as Ranking Member, I worked extensively with Ms. Touton to advance the Integrated Plan and successfully authorize the next phase of this important project. Together, we built upon the collaboration and hard work espoused by the Workgroup, honoring their consensus-driven efforts. I believe Ms. Touton will approach her role as Commissioner with this same spirit of partnership, which is at the heart of Reclamation's mission to work with local and state partners in addressing the water needs of communities throughout the West.

As you well know, water is the lifeblood of rural America, and our communities are currently facing devastating drought conditions. With over 90% of the West experiencing the impacts of a historic drought, crops and livestock are struggling, and whole communities are running out of drinking water.

3100 GEORGE WASHINGTON WAY, SUITE 130
RICHLAND, WA 99354
PHONE (509) 713-7374

402 EAST YAKIMA AVENUE, SUITE 1000
YAKIMA, WA 98901
PHONE (509) 452-3243

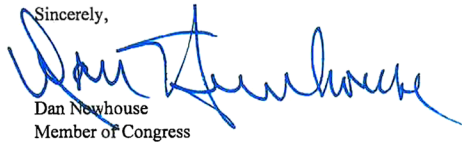
PO Box 135
GRAND COULEE, WA 99133
PHONE (509) 433-7780

Our need for stable, long-term water storage and delivery solutions has never been more evident. Meanwhile, we continue to face aging federal infrastructure, including projects that are over 100 years old and in desperate need of maintenance. This aging infrastructure poses threats to the hydroelectric generation, irrigation, and flood control benefits our local communities rely on.

We need a Commissioner who will understand the urgency of addressing these complex water challenges. These issues are not political or partisan; Ms. Touton recognizes this and will lead accordingly.

It is of the utmost importance that senior leadership for Reclamation is installed expeditiously, and I believe Ms. Touton's nomination fulfills the long-held tradition of putting forth non-ideological leaders for this integral role. I encourage you to provide Ms. Touton's nomination full and fair consideration and send it to the full Senate for confirmation as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Newhouse", with a stylized flourish at the end.

Dan Newhouse
Member of Congress



September 20, 2021

The Honorable Joe Manchin
Chairman
Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Manchin and Ranking Member Barrasso,

On behalf of the Outdoor Recreation Roundtable (ORR), we would like to express our strong support for the nomination of Laura Daniel-Davis to be the next Assistant Secretary for Land and Minerals Management at the Department of the Interior. We are hopeful that the Senate will confirm Ms. Daniel-Davis in a timely manner to ensure that the Department can move forward with supporting the \$788 billion outdoor recreation economy.

ORR is the nation's leading coalition of outdoor recreation trade associations — made up of 34 national members — as well as other nonprofit organizations and business entities — serving more than 110,000 businesses. According to the most recent data from the Bureau of Economic Analysis released last year, the recreation industry generated \$788 billion in economic output, accounted for 2.1 percent of GDP, supported 5.2 million jobs and was growing faster than the economy as a whole in every indicator.

As Assistant Secretary, Ms. Daniel-Davis will help lead management policies for the Bureau of Land Management, which stewards many of our nation's most important public lands. Additionally, she will play a key role in implementation of the Great American Outdoors Act, which provides much-needed investments in the deferred maintenance backlog on public lands and waters, as well as full funding of the Land and Water Conservation Fund. Industry leaders who strongly supported these policies throughout the legislative process look forward to partnering with your committee and Department leadership on these important initiatives.

ORR is encouraged by the Biden Administration's goal to grow diversity, increase access and combat climate change through the America the Beautiful initiative. As former Chief of Policy and Advocacy at the National Wildlife Federation, Ms. Daniel-Davis has extensive knowledge of the conservation issues facing our nation and the crucial role outdoor recreation plays in maintaining our public lands and waters. We look forward to working with Congress to make sure that through this initiative, Americans continue to have access to the public spaces that make outdoor recreation possible and that help to fuel so much of the nation's economy.

Additionally, we look forward to working with Ms. Daniel-Davis and her team on the many issues that the Department will be leading on that impact outdoor recreation. The Department of the Interior, and the Bureau of Land Management specifically, is well positioned to ensure outdoor recreation supports the Build Back Better plan, revitalizes our economy and provides equitable access to all forms of recreation for every American. We

are hopeful that the Department will also work with the outdoor recreation industry on pending departmental rulemaking and decisions related to outdoor recreation that will allow our industry to continue to make important contributions to healthy people, places, communities and economies.

As the nomination process continues, we appreciate you considering ORR's support for Ms. Daniel-Davis and hope that questions regarding outdoor recreation and its critical role in the wellbeing of America's families and economy are incorporated in the upcoming hearing.

We look forward to working with the Senate Energy and Natural Resources Committee in the 117th Congress on important issues for outdoor recreation that will help grow our industry and the nation's economy as a whole.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jessica Turner", is written over a faint, dotted rectangular box.

Jessica Turner
Executive Director



June 29, 2021

The Honorable Joe Manchin
Chairman
Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural Resource
U.S. Senate
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Regional Water Authority (RWA) and the Water Forum, we write to express our strong support of President Biden's nomination of Ms. Camille Touton to become the Commissioner of the U.S. Bureau of Reclamation.

The RWA represents the interests of 20 local water purveyors that collectively provide water to two million residents in the greater Sacramento, California region. The mission of the RWA is to serve, represent and align the interest of regional water providers and stakeholders for the purpose of improving water supply reliability, availability, quality, and affordability.

The Water Forum is a diverse group of business and agricultural leaders, citizen groups, environmentalists, water managers, and local governments working together to balance two co-equal objectives: 1) to provide a reliable and safe water supply for the Sacramento region's long-term growth and economic health; and 2) to preserve the fishery, wildlife, recreational, and aesthetic values of the lower American River.

We support this nomination after working with Ms. Touton over the past several years and the professionalism she has displayed over the last six months serving as Deputy Commissioner addressing the generational challenges of water scarcity in the west. The unrelenting drought persists with forecasts of increasing severity and impacts on water supply for western municipalities, agriculture, and ecosystems. We believe her confirmation would ensure that USBR will have able leadership prepared to take the historic steps to protect our investments and provide for a safe and reliable water supply.

Ms. Touton's experiences are several. A native of Nevada she knows first-hand the importance of balancing water supply and ecosystem protection needs. She is an engineer with expertise in how water supply and production systems operate. She also holds a Master's in public policy. These academic achievements, along with her prior work as professional staff to the House Committee on Natural Resources and the Committee on Transportation & Infrastructure, provide her with a comprehensive understanding of the federal policies that drive programs to ensure reliable water

The Honorable Joe Manchin and the Honorable John Barrasso
June 28, 2021
Page two of two

supply and energy production solutions. We note that over the past few months, Ms. Touton has been tasked with managing historic and extraordinary drought conditions. Her ability to work with stakeholders and to identify and to act swiftly on responses to help mitigate drought impacts only strengthens our belief that she is the right person for these unprecedented times.

We look forward to the committee scheduling her nomination confirmation hearing on her nomination and a swift vote of confirmation to ensure that vital leadership is in place at USBR.

Sincerely yours,



Jessica Law
Executive Director
Water Forum



James Peifer
Executive Director
Regional Water Authority

St. Mary Rehabilitation Working Group

PO Box 170 Havre, MT 59501

Phone (406) 265-9225 Fax (406) 265-560

Chairman Joe Manchin
Energy and Natural Resources Committee
U.S. Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member John Barrasso
Energy and Natural Resources Committee
U.S. Senate
307 Dirksen Senate Office Building
Washington, DC 20510

July 7, 2021

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the St. Mary's Rehabilitation Working Group (SMRWG), I am writing in support of the nomination of Camille Calimlim Touton as the Commissioner of the Bureau of Reclamation (Reclamation). As an origination that represents irrigators who receive water from Reclamation's Milk River Project, we know the significant role that Reclamation plays in the lives of irrigators, recreationalists, and the American people throughout the West.

The Bureau of Reclamation is responsible for delivering water to millions of Americans throughout the west and plays a critical role in the production of our nation's food supply. The SMRWG believes that Ms. Calimlim Touton is an excellent nominee for the Commissioner of Reclamation position. Her vast knowledge of western water makes me confident that she will be an outstanding Commissioner and will help guide our country through the extreme drought impacting so many states.

The Milk River Project irrigates over 140,000 acres of agricultural land and provides municipal water to thousands of residents in communities throughout the Hi-Line of Montana. The SMRWG looks forward to working with Mr. Calimlim Touton to address the aging infrastructure needs in Montana and throughout the West.

Again, we would like to express our unwavering support of Ms. Calimlim Touton as Commissioner of the Bureau of Reclamation. Please do not hesitate to contact me should you have any questions.

Sincerely,



Marko Manoukian, Co-Chair
St. Mary Rehabilitation Working Group

Cc: Senator Steve Daines
Senator Jon Tester



President
Gilbert Trejo
El Paso Water, TX

Vice President
Craig Lichty
Black & Veatch, CA

Treasurer
Karen Pallansch
Alexandria Renew
Enterprises, VA

Secretary
Bart Weiss
Hillsborough County
Public Utilities, FL

Past President
Paul Jones, II
Eastern Municipal Water
District, CA

June 29, 2021

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

The Honorable John Barrasso, Ranking Member
Committee on Energy and Natural Resources
United States Senate

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of our hundreds of municipal agencies, businesses, and institutional members, we write in support of the nomination of Camille Touton as Commissioner of the U.S. Department of Interior's Bureau of Reclamation.

The WateReuse Association is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that advocate for water recycling. WateReuse and its state and regional sections represent nearly 250 water utilities serving over 60 million customers, and over 200 businesses and organizations across the country.

Camille Touton brings years of experience in developing policies and implementing programs related to water resources development and management, including those that support water recycling in the West and across the country. As a member of staff for the House Transportation and Infrastructure Committee, Ms. Touton effectively engaged external stakeholders and navigated a wide range of complex water policy issues. Before working for the House Subcommittee on Water Resources and Environment, Ms. Touton served as the Department of Interior's Deputy Assistant Secretary for Water and Science.

Given Ms. Touton's background, knowledge of water recycling, and dedication to helping communities build resilience, the WateReuse Association strongly supports her confirmation. We look forward to working with Ms. Touton in this important role.

Sincerely,

Patricia Sinicropi
Executive Director

YAKIMA BASIN JOINT BOARD
*A Partnership of Public Entities Promoting
the Multiple Uses of the Yakima Valley's
Water Supply*

IRRIGATION ENTITIES

KITTITAS RECLAMATION DISTRICT
ROZA IRRIGATION DISTRICT
SUNNYSIDE DIVISION
YAKIMA-TIETON IRRIGATION DISTRICT
NACHES SELAH IRRIGATION DISTRICT
SELAH MOXEE IRRIGATION DISTRICT
COLUMBIA IRRIGATION DISTRICT

MUNICIPALITIES

CITY OF YAKIMA

June 29, 2021

The Honorable Joe Manchin, Chairman
The Honorable John Barrasso, Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

RE: Support for the nomination of Camille Calimlim Touton for Commissioner of the Bureau of Reclamation

Chairman Manchin and Ranking Member Barrasso:

On behalf of the Yakima Basin Joint Board (YBJB) in the Yakima River Valley of Washington State, I write in support of the nomination of Ms. Camille Calimlim Touton for the position of Commissioner of the Bureau of Reclamation (Reclamation).

The YBJB is an organization of the major irrigation districts and the City of Yakima located in Washington State's Yakima River Basin. The Yakima Valley is one of the most diversified and productive agricultural areas of the world. The Bureau of Reclamation's Yakima Project is made up of YBJB member districts and irrigates 464,000 acres. The Yakima Valley is known worldwide for the production of apples and hops and is also a major producer of cherries, soft fruits, and pears. Its wine grapes support over 700 local wineries. Agricultural exports from the Yakima River Basin are a major aspect of our state and regional economy.

The YBJB is also a major supporter of the Yakima Basin Integrated Plan (Integrated Plan), a balanced 30-year plan to ensure that irrigated agriculture, protected and native fish and wildlife species, Tribal heritage, cities and towns, our economy, and the environment are all improved and protected well into the future.

The Commissioner of Reclamation is a critically important position involved in the implementation of the Integrated Plan, since, among other duties, the Commissioner oversees the policies and operations of Reclamation facilities in the Yakima River Basin. Reclamation's core mission is to provide for the delivery

June 29, 2021

Page 2

of water and generate power from its Yakima Project facilities to our Yakima Basin farms and ranches and is the lead federal agency in implementing the Integrated Plan. In the past two Administrations, the Commissioner has also played a major role in the federal leadership team in Washington D.C. that has been extremely helpful in coordinating all federal agencies involved in the Integrated Plan.

YBJB has worked closely with Ms. Touton in her past positions at your committee and in the Obama Administration. Her support of irrigated agriculture and the Integrated Plan has been steadfast and highly effective in authorizing and funding water conservation, infrastructure improvements, and the many fish and wildlife habitat and fish passage activities associated with implementing the Integrated Plan. We look forward to working with Ms. Touton in her new position at Reclamation if she is confirmed by the Senate.

The Yakima Basin Joint Board respectfully requests your support of Ms. Camille Calimlim Touton as the next Commissioner of the Bureau of Reclamation. We are confident that she will serve the Yakima Basin, the West, and our Nation well in this important position. Please do not hesitate to contact me at bradyl@svid.org if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lori Brady", with a stylized, cursive script.

Lori Brady
President
Yakima Basin Joint Board

The CHAIRMAN. Now I will turn to Senator Cortez Masto to introduce Ms. Touton.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Mr. Chairman.

It is my pleasure to be able to introduce today President Biden's nominee for Commissioner of the United States Bureau of Reclamation and fellow Nevadan and UNLV grad, Camille Touton. Camille, who currently is the Deputy Commissioner at the Bureau of Reclamation, has spent her career focusing on water policy. Prior to joining Interior, Camille served as the senior professional staff for the U.S. House Committee on Transportation and Infrastructure and also served as professional staff on this Committee, the Senate Committee on Energy and Natural Resources, where I got to know her in my former capacity as the Ranking Member for the Subcommittee on Water and Power in the last Congress. Camille was also previously a staff member for the House Natural Resources Committee and served as the Department of the Interior Deputy Assistant Secretary for Water and Science in the Obama Administration. She holds a B.S. in Civil Engineering and a B.A. in Communication Studies from the University of Nevada Las Vegas and a Master of Public Policy from George Mason University. And while I know her heart is in the West, Camille and her husband, Matthew, and their daughters call Arlington, Virginia home.

Camille is a knowledgeable and experienced public servant who truly understands Reclamation policy. She understands the needs and concerns of the people from the West and, being from the driest state in the nation, she understands just how important and vital water and water management is to the lifeblood of our Western states. The West is in a prolonged drought that is increasingly exacerbated by the climate crisis. Our water resources are being ever stretched to support growing populations, and we need an expert in this role who has lived this experience firsthand. I know Camille will be an advocate for sound and thoughtful water policy, and I know she will provide a strong Western voice inside the Interior Department that is looking out for our water needs.

And with that, I welcome Camille back to the Committee today and want to express my sincere congratulations to you on your nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And now, we are fortunate to be joined by our two colleagues from Connecticut, Senator Blumenthal and Senator Murphy, who will now introduce Ms. Bronin.

Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. I am deeply honored and enthusiastic to be here, and thank you, Mr. Chairman, Ranking Member Barrasso, and all of the Committee. You have detailed some of Sara Bronin's qualifications, but we could easily spend the next hour going

through all of what she has done in a truly extraordinary career so far. She is joined today by members of her family, her husband, Luke Bronin, the Mayor of Hartford, Connecticut, and two of their three children. Their family and mine have been long-standing friends, and I am very proud of that personal connection. I could not imagine someone better qualified to be the nominee to chair the Advisory Council on Historic Preservation.

She has demonstrated—as a graduate of the University of Texas, with a degree in architecture and a degree in law—that she has an understanding of both the legal and the technical facets that are required for someone in this leadership position. She has deep and broad experience in Connecticut. She served for 10 years as Chair of Preservation Connecticut's Board, where that group has successfully championed the protection of many important community assets all over the state by leveraging funding, advocating and forming partnerships, and promoting stewardship. That really is the mark of her service and understanding of the physical and tangible importance of these preservation assets but also a devotion to equity and inclusiveness as core interests and values in her work. She has earned three preservation design awards for her restoration of a Civil War-era brownstone in downtown Hartford, Connecticut that her family knows well, and as an architect, she is knowledgeable about many of the more advanced technological improvements that are important in this work.

She is a seventh-generation Texan. She grew up working in her family's Mexican restaurant, and she is now a Professor. She has been an architect, attorney, and policymaker, and I think she is extraordinarily well qualified for this position. I thank the Chair and Ranking Member for considering her favorably. Thank you.

The CHAIRMAN. Thank you, Senator.

Now we have Senator Murphy.

**STATEMENT OF HON. CHRISTOPHER MURPHY,
U.S. SENATOR FROM CONNECTICUT**

Senator MURPHY. Thank you very much, Mr. Chairman. This is my inaugural appearance before the Energy and Natural Resources Committee, and I appreciate you letting Senator Blumenthal and I just say a few words in support of our good friend, Sara Bronin. I think Senator Blumenthal has covered it well.

You know, we are fortunate that smart people from all over the world come to Connecticut to get their education. We have a number of excellent schools, one of them being Yale University, and occasionally people spend time in Connecticut and then go back to their home state, as Senator Barrasso did. Sara Bronin's affection for Connecticut was such that she stayed. She came to Connecticut to go to school, and she has been one of the most important contributors to our state's discussion around historic preservation and zoning reform during the last several decades. Senator Blumenthal said it, I think very well—you really could not pick somebody better suited for this role. She is a nationally acknowledged expert on zoning and land use law. She is an architect, so she understands the practicality of buildings and building. But she also is somebody that has a history of being able to bring folks together around these ideas.

In Hartford, the city that I live in, she was able to lead an effort to redesign the city plan and the city's zoning laws, and it ended up being adopted in a unanimous vote, which is not easy in a place like Hartford that has lots of different ideas about historic preservation, development, and affordable housing. So I think you will find someone here who has the right background, the right expertise, but also the ability to take some of the politics and controversy out of these ideas and bring people together. I am just grateful that you allowed us the opportunity to come and introduce her to you today.

The CHAIRMAN. Well, we appreciate both of you taking time to come and introduce these wonderful people. I know your schedules are busy, so I know you have to be exiting here. Thank you, Senator.

The rules of the Committee, which apply to all nominees, require that they be sworn in connection with their testimony. So if you all will stand and raise your right hand.

Do you solemnly swear that the testimony you are about to give to the Senate Committee on Energy and Natural Resources shall be the truth, the whole truth, and nothing but the truth, so help you God?

[All nominees respond yes.]

The CHAIRMAN. You may be seated.

Before you begin your statements, I will ask three questions addressed to each nominee before this Committee.

Will you be available to appear before this Committee and other Congressional committees to represent departmental positions and respond to issues of concern to the Congress?

[Nominees all respond yes.]

The CHAIRMAN. Are you aware of any personal holdings, investments, or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

[Nominees all respond no.]

The CHAIRMAN. Are you involved or do you have any assets held in a blind trust?

[Nominees all respond no.]

The CHAIRMAN. Thank you.

So let us begin with Ms. Daniel-Davis. You are recognized to make your statement. Please proceed.

STATEMENT OF LAURA DANIEL-DAVIS, NOMINATED TO BE AN ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT)

Ms. DANIEL-DAVIS. Good morning, Chairman Manchin, Ranking Member Barrasso, and members of the Committee. I'm honored to appear before you as President Biden's nominee to be the Assistant Secretary for Land and Minerals Management at the Department of the Interior, and I'm very grateful for the Committee's consideration of my nomination.

I'm joined today by my husband, Mark, and my mom and dad. Our daughter is in her first year of college so is unfortunately unable to be here with us today. My parents provided the example of

public service that has guided me throughout my career, my mother as a high school teacher and later a high school principal. My father was an aide here in the Senate and was, for many years, a curator at the Smithsonian National Museum of American History. My sister and I spent all of our time outside when we were growing up. We were really lucky. There was so much open space in our community, and it was the beginning of my appreciation for nature and wildlife, which has such a positive impact on both your mind and your physical well-being.

In addition to my family, the Department of the Interior has been one of the most significant influences on my life. The leadership positions I have held there have given me deep knowledge of public lands and energy programs both onshore and offshore, a deep understanding of the Department's operations, and the importance of collaboration. I first came to the Department in 1993 as an aide to Interior Secretary Bruce Babbitt. That's when I first saw how much this Department touches people's lives in very real ways every day, whether we live in the West or in any other region of the country. I returned to the Department in 2009 to work for Secretary Ken Salazar. Many of you knew him as Senator Salazar. He's now Ambassador Salazar. And I learned from Secretary Salazar to aspire to embody the servant-leader model, which is that we never forget that our government service is on behalf of anyone but ourselves.

As the Department's Chief of Staff, I helped support the transition to Secretary Sally Jewell, who ensured we were leading with equity and fairness every day, and, in between my service at Interior, I worked in the House of Representatives for Congressman Mark Udall before he was one of your colleagues here in the Senate. Congressman Udall exemplified the bipartisan spirit that I value so much, and from him I learned the key Mo Udall-ism, which is that we can disagree without being disagreeable in this work that we do together. And now I'm back at the Department, of course, humbled and grateful to be working for Secretary Deb Haaland. She's inspirational, and, once again, I'm learning something every day in my time at the Department.

My previous time there provided me with something of a bird's eye view of departmental operations and a really deep respect for the 70,000 plus employees. I rolled up my sleeves on a lot of issues from Klamath Basin restoration to the Deep Water Horizon oil spill response to ensuring that we were conducting tribal consultation in an appropriate manner. I also gained a real appreciation for the bureaus I've been nominated to help lead: the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. I really value and appreciate the BLM's multiple-use mission. It's uniquely important for resource development and recreation and providing economic opportunities for working families as it manages the federal acreage under its jurisdiction, offshore, the important work of BOEM and BSEE to responsibly and safely develop energy resources on the Outer Continental Shelf, helps to assure our country's energy independence. And OSMRE provides crucial support to coal communities for reclamation of former mining lands and economic de-

velopment opportunities, making sure states have the tools to oversee their transitioning programs.

If I'm confirmed in this role, I'm committed to supporting these bureaus and to working with them to understand how I can help, best help them be successful in their missions and for the American public. During my time at the National Wildlife Federation, I was proud to help support the great work of so many of you on the bipartisan Great American Outdoors Act. That's a once-in-a-lifetime opportunity that you have given Americans to address maintenance needs across agencies and conserve and restore lands in our communities for access, recreation, and reflection. I strive to have an open door. I like to be available to different points of view. I'm always looking for information that can guide me to a more thoughtful decision. And if I'm confirmed, I commit to working with this Committee, with the communities you serve, with states and tribes, and the variety of other interests in our work and the shared challenges we face.

Thank you for allowing me to appear here today, and I look forward to answering your questions.

[The prepared statement of Ms. Daniel-Davis follows:]

**Statement of
Laura Daniel-Davis
Nominee for the Position of
Assistant Secretary
for
Land and Minerals Management
at the
U.S. Department of the Interior
Before the
Energy and Natural Resources Committee
United States Senate**

September 21, 2021

Good Morning Chairman Manchin, Ranking Member Barrasso, and Members of the Committee.

I'm honored to appear before you as President Biden's nominee to be the Assistant Secretary for Land and Minerals Management at the Department of the Interior.

And I'm grateful for the Committee's consideration of my nomination.

I am joined today by my husband Mark and my mom and dad. Our daughter is in her first year of college and unfortunately can't be here today. My parents provided the example of public service that has guided me throughout my career - my mother as a high school teacher and later high school principal. My dad was an aide here in the Senate and a curator for many years at the Smithsonian National Museum of American History.

My sister and I spent our time outside when we were growing up. We were lucky - there was so much open space in our community, and we splashed through the river and built forts and made our own trails in the woods. It was the beginning of my appreciation for nature and wildlife, which has such a positive impact on both your mind and your physical well-being.

In addition to my family, the Department of the Interior has been one of the most significant and formative influences on my life. The leadership positions I have held have given me knowledge of the public lands, the energy programs - both on- and offshore, a deep understanding of the Department's operations, and the importance of collaboration.

I first came to the Department in 1993, as an aide to Secretary Bruce Babbitt. That is when I first saw how much this Department touches people's lives in very real ways every day - whether we live in the West or any other region of the country. I returned to the Department in 2009 to work

for Secretary Ken Salazar. I learned from him to aspire to embody the servant-leader model: never forgetting that our government service is on behalf of everyone but yourself.

As the Department's Chief of Staff, I helped support the transition to Secretary Sally Jewell, who ensured that we were leading with equity and fairness.

In between my service at Interior, I worked in the House of Representatives, for Congressman Mark Udall, before he was one of your colleagues here in the Senate. To me, then-Congressman Udall exemplified the bipartisan spirit I value so much, and from him I learned the key Mo Udall-ism: we can disagree without being disagreeable, in this work that we do together.

And I am now back at the Department of the Interior, humbled and grateful to be working for Secretary Deb Haaland. She is inspirational, and once again I am learning something every day in my time at the Department.

My previous positions at Interior provided me with something of a bird's eye view of the Department, and a deep respect for its 70,000 employees. I rolled up my sleeves on issues from Klamath Basin restoration, to Deepwater Horizon emergency and recovery, and Tribal consultation.

I also gained such an appreciation for the bureaus I have been nominated to help lead: the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

I value and appreciate the BLM's multiple use mission that makes it uniquely important for resource development, recreation, and to provide economic opportunities to working families as it manages the vast federal acreage under its jurisdiction. Offshore, the important work of BOEM and BSEE to responsibly and safely develop energy resources on our Outer Continental Shelf helps to assure our country's energy independence. And OSMRE provides crucial support to coal communities for reclamation of former mining lands and economic development opportunities, making sure states have the tools to oversee their transitioning programs. If I am confirmed for this role, I am committed to supporting these bureaus and to working with them to understand how I can best help them be successful in their missions and for the American public.

During my time at the National Wildlife Federation, I was proud to help support the great work of many of you on the bipartisan Great American Outdoors Act, that once in a lifetime opportunity you've given Americans to address maintenance needs across agencies and conserve and restore lands in our communities for access, recreation, and reflection.

The issues we face at the Department are as challenging as they are interesting, and they demand leadership that listens first, addresses underlying inequities, and strives for balanced, bipartisan, and collaborative solutions.

I strive to have an open door, to be available to different points of view and information that could guide me to make a more thoughtful decision, and to nurture the next generation of leaders who will take the mantle when we are all long past retirement.

If confirmed, I commit to working with this Committee, with the communities you serve, with states and Tribes, and the variety of other interests in our work, in the shared challenges we face. I will prioritize partnership and collaboration.

Thank you for allowing me to appear here today, and I look forward to answering your questions.

The CHAIRMAN. Thank you very much. I just noticed my colleague here has a cast on him. I was wondering what happened to him. I hope you are feeling better.

Now we are going to hear from Ms. Touton.

**STATEMENT OF CAMILLE C. TOUTON, NOMINATED TO BE
COMMISSIONER OF RECLAMATION**

Ms. TOUTON. Good morning, Chairman Manchin, Ranking Member Barrasso, and members of this Committee. Thank you, Senator Cortez Masto for that kind introduction and for your leadership in Nevada and in the nation. Thank you also for your guidance throughout the years. And thank you, Senator Cantwell, as well for your guidance and Congresswoman Napolitano. My name is Camille Calimlim Touton. I'm joined here today by my husband, Matthew, my mother, Marlene, and virtually by our daughters, families, and friends across the country and the world. It is by the grace of God and with the love and support of my family and friends that I am before you today as the Biden-Harris nominee for the Commissioner of the Bureau of Reclamation.

From the start my grandparents instilled in me the values of family and service to your community and to your country. My grandmother, Eddie, was a homemaker with a high school education, who supported all eight of her children graduating college. My grandmother, Juanita, was an elementary school teacher, who was later elected as the Capitana of the Barangay Tebeng, Philippines. Both my grandfathers served in the military, and it is their sacrifices and their values that I bring with me here today.

The United States Air Force, through my father, brought us to my adopted hometown of Las Vegas, Nevada. It was there that I would meet the love of my life and also find my life's work in water. I recognize that my strengths were to take my engineering background and take and understand that technical information and communicate its impact to policymakers. This recognition and passion to serve is what brought me here today. Over the last 15 years I've had the great privilege to be a part of every major legislation impacting the Bureau of Reclamation. This included my time as professional staff for the House Natural Resources Committee and supported the enactment of the settlement of the Claims Resolution Act, legislation that settled the water rights for seven Indian tribes and pueblos. I've had the great fortune of calling this Committee my professional home and helped to support the enactment of Phase III of the Yakima Basin Integrated Plan, support for the Klamath Project Title Transfer, and other Reclamation provisions as part of the Dingle Act. Last Congress, I worked for the House Transportation and Infrastructure Committee and helped to support the enactment of WRDA (Water Resources Development Act) 2020, the authorization committee—the authorization legislation for the Army Corps of Engineers.

The very same laws I've helped to support I've also helped to implement and execute. During my time in the Obama Administration as Deputy Assistant Secretary, I oversaw USGS (United States Geological Survey) and also led Interior's efforts into the finalization of the MOU (Memorandum of Understanding) for the Salton Sea. I also led the completion of the Glen Canyon Dam Long-Term

Experimental Management Plan. Since I joined the Biden-Harris Administration in January, Reclamation has implemented four title transfers, funded the Drought Relief Act, recommended new water recycling, desalination, and storage projects under the WIN Act, and funded activities under the Drought Contingency Plan for the Colorado River. Each of these successes requires an understanding of complex issues, the ability to work across the aisle and collaborate with a diverse set of stakeholders, and requires the ability and, more importantly, the desire to build trust and understanding with all of our partners to communicate intent, manage expectations, and produce results, and that's the skills I bring to you today.

I also recognize a constellation of challenges ahead of this agency are unlike any before, and managing water in the West is complex, even in a good water year. The unprecedented drought has made the task even more challenging as major reservoirs are at their lowest levels since filling, and the prospects of relief in the face of climate change are not encouraging, but I am honored to work alongside our stakeholders, our partners, and the 5,400 public servants that make up the Bureau of Reclamation in meeting our mission in one of the toughest water years and during a global pandemic. The drought has very real implications on people and the environment. Farmers, whose life's work is to put food on America's table, are worried about the ability to put food on their own. Tribal communities who fear for the security of their water rights and the loss of species of cultural significance. Communities who see the low reservoirs and worry about their water supply. Ecosystem and species stressed to the brink. If confirmed, I bring to this position a proven track record of collaboration and communication, and I face these challenges with humility and a commitment to work with you, our partners, and the American public in solving these challenges.

Thank you for the opportunity to be here with you today.

[The prepared statement of Ms. Touton follows:]

**Statement of
Camille Calimlim Touton
Nominee for the Position of
Commissioner, Bureau of Reclamation,
Department of the Interior
Before the
Committee on Energy and Natural Resources
September 21, 2021**

Good Morning Chairman Manchin, Ranking Member Barrasso, and Members of the Committee.

Thank you also to Senator Cortez-Masto for your kind introduction, and for your leadership and service to the Silver State and the United States.

My name is Camille Calimlim Touton. I am joined here today by my husband, Matthew, my mother, Marlene, and virtually by our daughters, parents, siblings, and family across the country and the world. It is by the grace of God and with the love, support and guidance of my family and friends, that I am here as the Biden-Harris Administration's nominee to be the Commissioner of the Bureau of Reclamation. It is an honor to be here with you today.

From the start, my grandparents instilled in me the values of family, of service to our community, and service to our country. My grandmother Eddie was a homemaker with a high school education. Her goal was to have all eight of her children graduate college and she succeeded.

My grandmother Juanita was an elementary teacher, and in her second act, was the elected Capitana of the Barangay Tebeng, Philippines. My grandfathers served in the military; Camilo enlisted in the United States Navy after World War II, and Alfonso served as a Scout during the War; their sacrifice and values are with me here today.

The United States Air Force brought us to my adopted hometown of Las Vegas, Nevada. It was there that I would eventually meet the love of my life and find my life's work in water. I recognized my strengths were to use my engineering background to understand technical information and communicate its impact to policy makers. This recognition and passion to serve brought me here, to Washington, D.C.

Over the last 15 years, I have had the great privilege to be a part of the major legislation impacting Reclamation. This included my time as Professional Staff for the House Natural Resources Committee, where I worked to support the enactment of the Claims Resolution Act, a law that settled the water rights of seven Indian Tribes and Pueblos across the West.

I am also fortunate to have called this Committee my professional home. I helped support the enactment of the Yakima Basin Integrated Plan, Assistance to the Klamath Project, Title Transfer, and other Reclamation provisions included in the Dingell Act.

Last Congress, I worked for the Transportation and Infrastructure Committee supporting the enactment of the Water Resources Development Act of 2020 – the authorizing legislation for the U.S. Army Corps of Engineers.

The very same laws I helped to support I have also implemented and executed. I served in the Obama Administration as a Deputy Assistant Secretary for Water and Science, overseeing the United States Geological Survey. During that time I led the Department of the Interior's finalization of the Memorandum of Understanding on the Salton Sea – as well as the completion of the Glen Canyon Dam Long Term Experimental and Management Plan.

Since I joined the Biden-Harris Administration in January, Reclamation has completed four title transfers, funded the Klamath Drought Relief Act, recommended water recycling, desalination, and storage projects under the WIIN Act to Congress, and funded activities under the Drought Contingency Plan.

Each of these successes requires an understanding of complex issues, the ability to work across the aisle and collaborate with a diverse set of stakeholders. It requires the ability – and, very importantly, the desire – to build trust and understanding with all our partners, to clearly communicate intent and manage expectations, and ultimately to produce results. It is these skills and commitment that I bring to the position.

I also recognize that the constellation of challenges ahead of this Agency are unlike any before – and managing water in the West is complex, even in the best of times. The unprecedented drought has made the task even more challenging, as major reservoirs are at their lowest levels since filling, and the projections for relief in the face of climate change are not encouraging. I am honored to work alongside our stakeholders and the 5,400 public servants who make up Reclamation, carrying out our mission in one of the toughest water years, and during a global pandemic.

The drought has very real implications on people and the environment. Farmers – whose life's work is to put food on America's table, worry about the ability to put food on their own. Tribal communities who fear for the loss of species of cultural significance. Communities who see the low reservoirs and worry about their water supply. Ecosystems and species that are stressed to the brink.

If confirmed, I bring to this position a proven track record of collaboration and communication. I face these challenges with humility and a commitment to work with you, our stakeholders, and the American public in solving these challenges.

Thank you for the opportunity to be with you today.

The CHAIRMAN. Thank you.
And now, we will hear from Ms. Bronin.

STATEMENT OF SARA C. BRONIN, NOMINATED TO BE CHAIRMAN OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Ms. BRONIN. Thank you very much. Is this on?

The CHAIRMAN. Yes, now you are.

Ms. BRONIN. Perfect. Okay.

Good morning, Chairman Rankin—Chairman Manchin, Ranking Member Barrasso, and the distinguished members of this Committee. It is my honor to be here today as President Biden's nominee to Chair the Advisory Council on Historic Preservation, and I thank Senators Murphy and Blumenthal for their very kind introductions. Joining me today are my husband, Luke, himself a public servant and a veteran of the war in Afghanistan, and two of our three children. Our third child is watching with her grandparents in Connecticut, and my parents, two sisters, and two grandmothers, Romana and Oralia, are watching from Texas. My heart tells me my grandfathers are watching from above. I bring to this hearing table the lessons of my teachers, Duchesne Academy of the Sacred Heart, the University of Texas, Oxford, and Yale and of my students, and I am grateful for every one of them.

It is a special privilege to be speaking before this Committee, which has long demonstrated a bipartisan commitment to historic preservation. Senators, many of you are already familiar with the Advisory Council through the process known as Section 106. Both the agency and the process were created as part of the National Historic Preservation Act of 1966 to ensure that historic resources are considered when federal agencies are undertaking certain programs and projects. In these reviews, the Advisory Council does not play a decision-making role but one of a convener, collaborator, and advisor. As Chair, I would be honored to ensure that the agency continues to play this role with integrity and in keeping with Congressional direction. The Advisory Council also has a key, another key statutory role, to advise the President and Congress on historic preservation policy.

As I prepared for this hearing today, I talked with some of you and your staff about ways the agency may strengthen its relationship with Congress through this advisory function. Members expressed an interest in better tailoring disaster recovery response to historic places, developing procedural efficiencies, and better supporting the 59 state and territorial historic preservation offices, 574 federally recognized tribes, including 204 tribal historic preservation offices, and native Hawaiian organizations, and you also expressed enthusiasm for facilitating private investment in preservation, whether through leasing or transferring federal historic properties or through making the historic tax credit, which has generated over \$173 billion in private economic development more accessible to rural Main Street and underserved communities. The Advisory Council has already made progress in some of these regards. If confirmed as its Chair, I will gladly work with members of this Committee and others in Congress to further improve the Federal Government's effectiveness in these regards.

My passion for preservation comes from the recognition that historic, tribal, and cultural resources benefit us in unique ways. They connect us with our past and give us a sense of continuity, identity, and belonging. They generate economic activity, both during rehabilitation projects and for many years after, and they offer us a chance to be more sustainable. As is often said, the greenest building is one that is already built. And perhaps most importantly, they guide our faith and center our spirits. Throughout my work I have tried to ensure that communities of all kinds can benefit from preservation. As an architect, attorney, professor, and public servant, I have written, critiqued, and implemented laws regarding historic preservation. I have both rehabilitated historic buildings and advocated for them. And by participating in organizations like Preservation Connecticut and the Latinos in Heritage Conservation, I have found that there are many, many people who share our common commitment to protecting and celebrating the rich and complex stories that make us American. With this multifaceted experience, I hope to ensure the Advisory Council on Historic Preservation continues to take a leadership role in advancing and modernizing preservation practice nationally.

From my ancestor's lands on the Texas/Mexico border to colonial Connecticut where I live today, from indigenous homelands to fragile, archeological resources, the Advisory Council urges protection of it all. It would be a deep honor and a tremendous joy to serve as its Chair. Thank you for the opportunity to testify today. I look forward to your questions.

[The prepared statement of Ms. Bronin follows:]

OPENING REMARKS OF SARA C. BRONIN

Biden Nominee to Chair the Advisory Council on Historic Preservation
Delivered to the Senate Committee on Energy and Natural Resources

September 21, 2021

Good morning Chairman Manchin, Ranking Member Barrasso, and the distinguished members of this committee:

It is my honor to be here today as President Biden's nominee to chair the Advisory Council on Historic Preservation.

Joining me today are my husband Luke, himself a public servant and a veteran who served in Afghanistan, and two of our three children. Our third child is watching with her grandparents in Connecticut, and my parents, two sisters, and two grandmothers, Romana and Oralia, are watching in Texas. My heart tells me my grandfathers are watching from above. I bring to this hearing table the lessons of my teachers at Duchesne Academy of the Sacred Heart, the University of Texas, Oxford, and Yale, and my students, and I am grateful to every one of them.

It is a special privilege to be speaking before this committee, whose members have demonstrated a longstanding, bipartisan commitment to historic preservation.

Senators, many of you are already familiar with the Advisory Council because of the process known as Section 106. Both the agency and the process were created by the National Historic Preservation Act of 1966 to ensure that historic resources are considered when federal agencies are undertaking certain programs and projects. In these reviews, the Advisory Council does not play a decision-making role, but one of a convenor, collaborator, and advisor. As chair, I would be honored to ensure that the agency continues to play this role with integrity and in keeping with Congressional direction.

The Advisory Council also has another key statutory role: to advise the President and Congress on historic preservation policy. As I prepared for this hearing today, I talked with some of you and your staff about ways the agency may strengthen its relationship with Congress through its advisory function. Members expressed an interest in better tailoring disaster recovery response to historic places, developing procedural efficiencies, supporting the 59 state and territorial historic preservation offices, 574 federally-recognized tribes (which include 204 tribal historic preservation offices) and Native Hawaiian organizations. And you also expressed enthusiasm for facilitating private investment in preservation, whether through leasing or transferring historic federal properties or through making the historic preservation tax credit – which has generated over \$173 billion in economic development – more accessible to rural, main street, and underserved communities. The Advisory Council has already made progress in some of these regards. If confirmed as its chair, I will gladly work with members of this committee and others in Congress to further improve the federal government's effectiveness in these areas.

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years after. They offer us a chance to be more sustainable; as is often said, the greenest building is one that is already built. And perhaps most importantly, they guide our faith and center our spirits.

Throughout my work, I have tried to ensure that communities of all kinds can benefit from preservation. As an architect, attorney, professor, and public servant, I have written, critiqued, and implemented laws regarding historic preservation; I have both rehabilitated historic buildings and advocated for them. And by participating in organizations like Preservation Connecticut and Latinos in Heritage Conservation, I have found that there are many, many people who share our common commitment to protecting and celebrating the rich and complex stories that make us American.

With this multi-faceted experience, I hope to ensure the Advisory Council on Historic Preservation continues to take a leadership role in advancing and modernizing preservation practice nationally. From my ancestors' lands on the Texas-Mexico border to colonial Connecticut where I live today, from indigenous homelands to fragile archaeological resources, the Advisory Council urges protection of it all. It would be a deep honor and a tremendous joy to serve as its chair.

Thank you for the opportunity to testify today. I look forward to your questions.

The CHAIRMAN. Thank you all for your statements. Now we are going to start with our questions, and I will start mine with Ms. Daniel-Davis.

Within a week of taking office, President Biden issued an Executive Order that directed the Secretary of the Interior to pause new oil and natural gas leases on public lands and offshore waters, pending a comprehensive review of the Secretary's stewardship responsibilities, including climate impacts from oil and gas developments. Several states challenged the Order, and in June a Federal District Court granted a preliminary injunction against the leasing pause. The Justice Department is appealing the District Court's decision in the Fifth Circuit, but the Department has said that oil and gas leasing, both onshore and offshore, will continue in the meantime. So could you give me the current status of the leasing program? Is the pause still in place, or has leasing resumed as before?

Ms. DANIEL-DAVIS. Thank you very much, Mr. Chairman for the question and confirming that leasing, the leasing program onshore and offshore, is going forward per the court's direction.

The CHAIRMAN. Also, are we producing as much oil and gas as we were before the pause?

Ms. DANIEL-DAVIS. I appreciate that follow up, and, in fact, we are. The production has stayed at levels consistent with past administrations, and, as you know, the pause did not impact ongoing permitting on legally held leases. So that has continued. The jobs associated with that have continued. So we've got about 9,000 plus permits available for use as well.

The CHAIRMAN. The other thing, something that has bothered me more than any of them, is that the review of the leasing program was supposed to result in the release of a report earlier this summer. But that report, as you know, still has not been released. What is the status of the report?

Ms. DANIEL-DAVIS. Thank you so much for that question, Mr. Chairman. The report, as you know, is being developed as part of the comprehensive review that the President asked us to do under an Executive Order. We've had a really robust engagement process. There is a lot to review. Reports like this that come at the direction of an Executive Order do go through an appropriate interagency and White House review process, and that is where we are.

The CHAIRMAN. So it is at the White House as far as reviewing the report that you all have, or is yours completed now?

Ms. DANIEL-DAVIS. Well, it is undergoing the interagency and White House review process, and, of course, there's new information that is developed that we can continue to review and include.

The CHAIRMAN. Okay, and when should we expect it?

Ms. DANIEL-DAVIS. I'm hoping we'll be able to get it out the door very soon.

The CHAIRMAN. Well, we are past summer, so that means in the fall?

Ms. DANIEL-DAVIS. Yes, sir.

The CHAIRMAN. Well, we are going to be asking for it. We want to see that. It will really be helpful for all of us.

Ms. Touton, we are fortunate that President Biden has chosen to place Western water policy in the hands of two former members of

our committee staff, and we have a lot of interest in this, and they have dire need. I have plenty of water in West Virginia. We would love to be able to ship it out to you all any way we could, if we could get it there, but that is the deal. We will put that line in. That is one pipeline we can all agree on.

I spoke earlier in my opening remarks about the number of dams and reservoirs the Bureau of Reclamation manages, but do you agree that the job of Commissioner of Reclamation is not so much about managing dams and reservoirs as protecting the water supplies that millions of Americans depend on?

Ms. TOUTON. Thank you for that question, Senator. I agree with you completely that my time in service to the members of this Committee has best prepared me for this position. Though, I must say, this is the first time I've viewed the room from this angle.

I agree with you. As a Westerner, as a Nevadan, there's nothing more important than your water and the management of your water supplies. The Bureau of Reclamation is the largest deliverer of water in the nation. And so, part of that is being able to utilize our significant infrastructure, but the most important part of managing your water supplies is working with your partners, with the states, with the tribes, and with all of the communities on this important resource in the West—

The CHAIRMAN. I am sure you are aware of the critical situation that we have out West?

Ms. TOUTON. Yes, Senator.

The CHAIRMAN. Okay, and the people are in dire need. We are going to have Senators that will go more in depth on that, I am sure. But anyway, we appreciate your experience and willingness to serve.

Ms. Bronin, if I may?

If confirmed, you are going to be the 12th person to Chair the Advisory Council, but only the second to be confirmed by the Senate. That is because for over 50 years, the President was able to appoint the Chair without Senate confirmation. We changed the law five years ago to require Senate confirmation and make the office a full-time salary position in order to raise the stature of the office. I recognize that you are not a member of the Council yet, but from what you have been able to observe of the Council over the past five years, do you believe these reforms have made a difference?

Ms. BRONIN. First, thank you so much for doing that. It will make a big difference in the coming years to have a full-time Chair, and I think you did that as Congress in recognition of the fact that preservation, in addition to the full-time staff that already does a great job at the agency itself, really needs a full-time champion. The first full-time chair only served for 18 months, so I think we're still figuring out exactly what the responsibilities and opportunities there are. When Congress first passed the National Historic Preservation Act it recognized in the statute itself that preservation cuts across many different federal policy areas, including housing, energy efficiency, transportation, taxation, and more.

So I look forward to seeing what we can do in this role together, working with agencies, working with Congress and—

The CHAIRMAN. Well, all of us have areas in our state that have historic sites. And sometimes, I have been told, it costs more to preserve one than it would to raze it and start over, but then you lose the whole cultural effect. But does that ever come into play, where just the structure, the bones, are not good enough to save it? Do you get to make those decisions?

Ms. BRONIN. The Advisory Council doesn't play that kind of decision-making role. It's up to the individual agencies and their stewardship of historic properties to determine, but certainly you do see cases of demolition by neglect. And that's one of the reasons the Historic Preservation Act was passed in the first place back in the 1960s.

The CHAIRMAN. That is great. Thank you.

Senator BARRASSO.

Senator BARRASSO. Thanks, Mr. Chairman.

Prior to this hearing each of you swore under oath that your answers to the Committee's written questionnaire are current, accurate, and complete. So I am sorry to have to ask this, but would each of you verbally affirm that your answers to the questionnaires are actually current, accurate, and complete?

[All nominees respond yes.]

Senator BARRASSO. Thank you.

Any of you ever threaten the physical safety of federal officials verbally or in writing?

[All nominees respond no.]

Senator BARRASSO. Any of you ever been affiliated or collaborated with an organization that uses violence against fellow Americans?

[All nominees respond no.]

Senator BARRASSO. Ms. Daniel-Davis, a couple questions for you, and please respond briefly.

On balance, is it better that we develop oil and natural gas resources on federal lands here in the United States than import oil from OPEC and Russia?

Ms. DANIEL-DAVIS. Thank you, Senator.

The President believes in energy independence and energy security, and so do I.

Senator BARRASSO. So, on balance, is it better that we develop our oil and natural gas resources on federal lands than import it from OPEC and Russia? It is a yes or no.

Ms. DANIEL-DAVIS. Yes, sir, and the Secretary has clarified.

Senator BARRASSO. Okay, thank you.

So, on balance, is it better that we develop critical mineral resources on federal lands than import critical minerals from China?

Ms. DANIEL-DAVIS. This is another issue the President has prioritized for us, yes.

Senator BARRASSO. Okay.

On balance, is it better that we develop uranium resources on federal lands than import uranium from Russia or Kazakhstan?

Ms. DANIEL-DAVIS. Responsible development of minerals is important and appropriate.

Senator BARRASSO. On balance, is it better that we develop helium resources on federal lands than import helium from the Middle East or Russia?

Ms. DANIEL-DAVIS. The helium program is in transition, Senator, but yes.

Senator BARRASSO. Do you agree that the Department should not pursue policies that drive producers of these resources off of our federal lands and overseas?

Ms. DANIEL-DAVIS. I think we're strong supporters of responsible production of minerals on public lands.

Senator BARRASSO. So a follow up on Senator Manchin's question. Since the Federal Court's decision in June that said you had to stop this, has the Department actually issued any new notices for onshore oil and gas lease sales?

Ms. DANIEL-DAVIS. We have issued parcels. As you know, this is managed by BLM state offices, and they have each, where they have parcels available, have put them forward for scoping is where we are in the process.

Senator BARRASSO. So you have not really issued any new notices for onshore lease, specifically the sale?

Ms. DANIEL-DAVIS. No, sir. We are in the beginning of a review process associated with—

Senator BARRASSO. Well, I want to talk about that because in February a Federal Court blocked the Trump Administration's decision to reopen, you know, 10 million acres to hard rock mining. In response, the Bureau plans to reissue six-year-old environmental analysis, supports stopping hard rock mining. Separately in June, a Federal Court blocked the Biden Administration's oil and gas sales, which is what the focus is here. In response, the Bureau restarted its environmental analysis which had been completed just last year. So the environmental—and you said, no, if we are going to throw that out, all the money, all the time, everything that has been spent on these environmental analyses last year, tough. We are going to make you start over on oil and gas lease sales.

In other words, your Bureau seems to be cherry picking its data to suit a political agenda by the Biden Administration. Now, you oversee the Bureau of Land Management. Why is the Bureau playing politics with the environmental review process under your current watch?

Ms. DANIEL-DAVIS. So thank you so much for that question, Senator. And I think it's really important to think about the process associated with oil and gas leasing, a process that ensures that we have relevant and appropriate and thorough environmental review, we have community input, we have appropriate formal consultation with tribes. And I think the way that we determined that we could be sure that all of those conversations and reviews happen because, I think, as you know, there's a lot of litigation around this program, and courts have found that in many cases the environmental review has not been adequate, and that has really impacted, in my view, certainty for the program and consistency. So we decided that the best way to be sure that we can provide that certainty and consistency and appropriate review is to start and have a fresh look and undertake the process.

Senator BARRASSO. Okay, so throw out all of the things that have been done in the past, block all the oil, offer no new lease sales, delay a report that Senator Manchin, as Chairman of the Committee, just asked about that we had been promised to be done

through the summer. Still have not seen it. You said it is going to be here soon. We have heard that from other bureaus under previous administrations, and reports seem to be delayed indefinitely.

Ms. Bronin, last December you wrote that we should rethink how we determine whose history is protected to begin with. The criteria, you said, and process for historic designation must be retooled. You suggested that oral histories, cultural narratives, and less technical descriptions of site meanings should suffice instead of what we currently require which is detailed architectural and social histories. I think you concluded your writing by saying preservationists have started to see past the formalities that have too long prevented us from recognizing diverse histories, but we must go further to tackle the legal structures that devalue the stories we all need to hear.

So, if confirmed, how would you advise the President and Congress to reform programs like, I will give you a couple, the National Register of Historic Places, the Secretary of Interior's standards for treatment of historic properties, and even the federal historic rehabilitation tax credit?

Ms. BRONIN. Thank you so much for that question, Ranking Member.

So I appreciate that, and if confirmed as Chair of the Advisory Council, our responsibility is to advise the President and Congress and other agencies about what opportunities they might have to change the rules. So you raised the Secretary's standards as one example. That is the standard that is used to judge historic tax credits. It's used on federal projects, and it could be modernized. It has not been modernized over the last couple of decades in any significant way to address current challenges, including disaster response which we're seeing a greater need for. As for the National Register, that too, the criteria have been in place for many, many years, and actually it's turned out to be increasingly expensive to get a property listed on the National Register. So in rural communities, underserved communities, you might need a little bit more flexibility, and that's one of the things that as Chair of the Advisory Council, I hope to convince my fellow 24 members that that might be something that we look at and, of course, work with the Department of the Interior and the National Park Service to take a look and open up those criteria.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Ms. Daniel-Davis, as you know, the New Mexico delegation as well as our Governor and our Land Commissioner have really worked for years to protect the Greater Chaco Canyon landscape from development. I know that Secretary Haaland has been a great supporter of that effort over the years. While we continue to work on permanent protection here in Congress, I believe that protection through an administrative withdrawal would provide necessary and important interim protection as well as certainty. If confirmed, would you work with myself and other members of the New Mexico delegation to consider an administrative withdrawal of that area?

Ms. DANIEL-DAVIS. Thanks so much, Senator Heinrich, and I appreciated your letter on this topic. I do commit to working with you

and members of the delegation on this matter, should I be confirmed.

Senator HEINRICH. Thank you.

Ms. Touton, the Navajo Gallup Water Supply Project is the cornerstone of the Navajo water rights settlement on the San Juan River. I know you are very familiar with this project and its history. It has the capacity to bring drinking water to a quarter of a million people, many of whom have never had drinking water in their homes before. I think that is hard for most Americans to even wrap their heads around. But project redesigns and increases in expected costs mean that the spending cap and the deadline in the original settlement are likely to need to be extended.

If confirmed, will you work with the Navajo Nation, the State of New Mexico, the Jicarilla Apache Nation, and the City of Gallup in New Mexico to come to an agreement between all these parties that facilitate the very important completion of that project?

Ms. TOUTON. Good morning, Senator. It's good to see you today.

Senator MANCHIN. Good to see you.

Ms. TOUTON. As you mentioned, this project is something I'm familiar with and supporting it, its enactment, when you were in the House and I was part of the Natural Resources Committee, and it's amazing because, when we had the hearing on it, kids drew pictures of where they thought their water came from, and they thought it was trucks. I know that you were just there visiting our staff this summer and actually tasted some of the product in the pipes, and we're actually getting some water in people's homes is where American children should think their water comes from. So, if confirmed, I commit to working with you and our partners and the stakeholders in completing this important project.

Senator HEINRICH. I look forward to that.

Ms. Daniel-Davis, I also want to ask you, the Bureau of Land Management is finishing work on the resource management plan for the Rio Puerto District in Central New Mexico. One decision at issue there in that plan is whether to open an area that is commonly referred to as the Buffalo Tract, in Placitas, New Mexico, to new gravel mining. Now it is an area where local residents, the Pueblos of San Felipe and Santa Ana, the San Antonio de las Huertas land grant, Sandoval County, the Town of Bernalillo, and a number of homeowners' groups all oppose new gravel mining because it is becoming so suburban and because of the natural values that this last track of undeveloped land has. If confirmed, will you ensure that these concerns are given the consideration they deserve in the BLM's final decision on whether or not to allow a gravel mine on the Buffalo Tract?

Ms. DANIEL-DAVIS. Thank you, Senator Heinrich, and we are, you know, this is one of the couple reasons we are taking a harder look at that resource management plan. I know that folks have been waiting for it for a while, but the issues that you raise are incredibly important, and I understand that this area, as well, we've had a lot of conversations about it and appreciate you raising it as well as, you know, the importance of the Chaco area as well.

Senator HEINRICH. Yes, and I, frankly, would rather get it right than rush it to a conclusion.

Ms. Bronin, my last few seconds here I will direct to you. You know, every federal agency that takes an action that might affect historical objects or places has an obligation to review that action under the National Historic Preservation Act. But in my view, too often that review has been either perfunctory—it has been, sort of, a check the box and often does not meaningfully involve tribal communities, even when the historical or cultural resources at stake are directly related to those tribes. As Chair of the Advisory Council on Historic Preservation, how would it be possible to hold agencies more accountable to those obligations under the National Historic Preservation Act, especially when it comes to actions that directly impact tribes and tribal communities?

Ms. BRONIN. Thank you, Senator, for your question. So, as you point out, tribal consultation is an important part of the Section 106 review process. It's written into the statute and the regulations. The Advisory Council sees about 120,000 federal undertakings every year, looking at handling all of those with a great, but small staff. So part of, so there's a few things that they're already doing. I mean, really, the Advisory Council's leadership in bringing tribes to the table has been recognized by other federal agencies. It's issued a series of, again, advice, advice memoranda on sacred sites, on traditional knowledge, and on other aspects of the government-to-government relationship which we have as the Federal Government with tribal nations.

If I were confirmed as Chair of the Advisory Council, I would certainly continue to ensure that tribes are consulted early and often. It would be a very high priority to me, already working with the National Association of Tribal Historic Preservation Officers, advocating for increases in funding for those groups so that they can and meaningfully consult in an important way, in a meaningful way. These are things that the Advisory Council has long advocated for, and as its Chair, if lucky enough to be confirmed, I would certainly continue to do that because, frankly, it makes the process better for everybody, if everybody is given a meaningful chance to consult early, and we avoid a lot of issues later on.

Senator HEINRICH. Thank you, Chairman.

The CHAIRMAN. Senator Daines.

Senator DAINES. Chairman Manchin, thank you.

And to start I'd like to extend a warm invitation to all of you, if confirmed, to come out to Montana to see firsthand the impact of decisions that are made here in Washington, how it affects rural states like Montana. These decisions include the continued ban of oil and gas lease sales in Montana, which is something I am very concerned about. Despite a federal judge telling the Biden Administration to resume leasing, we are now nine months into the year, and not one of the four required lease sales has commenced, not a single one. This is having a real and direct impact on Montana, our jobs, our revenue for our communities, and for our state. In fact, rural communities in Montana receive 50 percent of the revenue generated from federal oil and gas lease sales. So when this Administration continued to skirt the law, it means that Montana schools, our teachers, our communities receive less money, and that is unacceptable.

Ms. Daniel-Davis, I know that you had a direct role in the leasing moratorium, and I hope you will resume leasing, as is required by law, immediately.

With that said, I want to move on to another important issue for the country, and that is domestic critical mineral production. Ms. Daniel-Davis, the Biden Administration has a goal to move the U.S. to all-carbon-free electricity by 2035. Yet, despite this, President Biden and our House Democrats have taken every step, every step they can, to make it harder to domestically produce the raw materials needed to build new energy and storage solutions. As you know, batteries, turbines, solar cells take huge amounts of critical minerals and materials, but in this current tax and spend bill being written in the House, there are dozens of provisions that would halt current and future domestic mining, meaning we will be dependent on countries like China for the vast majority of the materials we need to build new energy sources. These anti-mining policies, they kill jobs in Montana, and they will further intensify the growing national security threat posed by our import dependence for these critical minerals.

My question is this, if confirmed, what steps will you take to increase domestic production of critical minerals to meet the demand for this new renewable energy?

Ms. DANIEL-DAVIS. Senator, thank you so much for that question. And it's nice to see you.

The President has made it clear to all of us that critical minerals development and production is a priority for the country. There were, I'm sure you saw a series of reports that were released earlier in the summer that went to this point. I want to say how much I appreciate the support this Committee provided in the bipartisan infrastructure bill for critical minerals-related activities, research and likewise at USGS, which would not be under this position, but will be very important to determining, helping us do a better job.

Senator DAINES. Let me ask a specific question.

Ms. DANIEL-DAVIS. Yes, sir.

Senator DAINES. What is the Administration doing then to try to bring some sense to what is going on in the House at the moment with all these provisions that would do the exactly opposite of what you just talked about?

Ms. DANIEL-DAVIS. So I do know, with the reconciliation bill that it's a process that's ongoing. There are a lot of ideas being put forward with regard to reform. I know the Administration looks forward to continuing. This is an ongoing process.

Senator DAINES. You have said they are doing all they can, yet where is the Administration at now when we need them to rein in these very radical provisions that are being promoted by the House Democrats?

Ms. DANIEL-DAVIS. So, Senator, all I can do is reconfirm to you that the critical minerals issue is a priority for me and that I do work directly with the BLM offices and the BLM leadership to be sure we understand what's coming in the door and how we can responsibly manage that permitting.

Senator DAINES. No, I appreciate your voice there. Do you think the United States should rely on China? I think China becomes the new, you know, OPEC, if you will, as it relates to critical minerals

and that important supply chain. These are countries that have terrible environmental standards, terrible labor standards, or do you think the U.S. should be the global leaders in critical mineral mining and production?

Ms. DANIEL-DAVIS. I believe that's the President's position, and I do support and appreciate that he has prioritized that for me and other appointees, and, should I be confirmed, I commit to you I'll continue to work on this issue.

Senator DAINES. Thank you, appreciate that.

In the time I have left I want to talk about what President Biden has done where he issued a proclamation calling for increased utilization of the Wilderness Act. Ms. Daniel-Davis, he did this at a time when catastrophic wildfires were threatening populations across the West. He did this under the guise of the 30 by 30 initiative. I'm advocating we refocus this initiative on pursuing healthy landscapes not ambiguous land statutes.

Ms. Daniel-Davis, why would the Administration call for an increased use of the Wilderness Act, something that is under the sole jurisdiction of Congress, as part of the 30 by 30 initiative, and should we expect this to be the direction of the Administration as they pursue this initiative?

Ms. DANIEL-DAVIS. Senator, thanks so much for that question, and I just want to, I want to pick up something that you said and say that the healthy forests and healthy lands is my priority and will continue to be my priority, if I'm confirmed. As far as the 30 by 30 or America the Beautiful initiative, it's really meant to be inclusive, and it's not all about federal lands. It's about, you know, tribal conservation interests and state and local interests, but I really want to reiterate to you with regard to wildfires and land and forest health. I think that's important to prioritize. I appreciate the work you did on the fire fix a few years ago. It has made it, the BLM and Forest Service, as far as I'm told, are able to much better prioritize, you know, appropriate treatments and management of those lands.

Senator DAINES. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you, Mr. Chairman.

Congratulations to the nominees. Welcome to your family that are both here and joining us virtually.

Let me start with Ms. Touton. Yes, we are going to start with and talk about water in the West, because as you well know, it is an important issue we are dealing with right now. On August 16th, the Bureau of Reclamation released the Colorado River Basin August projections, which, as you know, are used to set annual water allocations for both Lake Powell and Lake Mead for next year. And as expected, the Bureau of Reclamation declared a Tier 1 shortage condition for Lake Mead. Under those conditions, the associated water allocation includes cuts for the lower basin that would be implemented in January 2022.

Ms. Touton, what does this shortage mean for the Western states, and, if confirmed, how will you go about working with the

Colorado River basin states to mitigate drought and adapt to water reductions?

Ms. TOUTON. Thank you for that question, Senator.

First, I'd like to thank your leadership in getting the Drought Contingency Plan (DCP) enacted last Congress because that was a tool that we were able to use that builds upon existing agreements within the states and utilize it as soon as it is enacted to help shore up the levels in Lake Mead and Lake Powell, and those efforts and while we've declared our first shortage in the river, the efforts that we've taken under DCP have stopped a shortage from happening sooner. But what's important is while we have this declared shortage, the first one in the Lower Colorado River Basin, it's also the first shortage that Mexico is taking under our treaty. It is something that we've planned for. And so, in moving forward and how we operate within the, until 2026, we commit to working with you and certainly commit to working with the states and all stakeholders that are interested in the Colorado River.

Senator CORTEZ MASTO. Thank you.

Just recently, if passed, the Senate's Bipartisan Infrastructure package would invest \$8.3 billion in Western water infrastructure, including \$450 million that I was able to include to create large-scale water recycling facilities, plus \$300 million to implement the Drought Contingency Plan. Can you talk a little bit about how the BOR is utilizing these existing drought authorities and how you will utilize these funds in the future?

Ms. TOUTON. Thank you for this Committee's support of, be it the Bureau of Reclamation as part of that infrastructure plan. The \$450 million in large-scale water recycling is a tool that helps us to build resiliency because every drop of water that we can conserve or reuse is a drop of water that we can keep behind our reservoirs, especially the \$300 million in drought contingency planning and us being able to partner with the states to take on more conservation efforts and more programs where we can help to shore up these critical levels at Lake Mead and Lake Powell. And, if confirmed, I commit to working with you and all members of this Congress to ensure that those provisions and all of the provisions in the infrastructure bill.

Senator CORTEZ MASTO. Thank you.

The Administration recently launched an Interagency Drought Relief Working Group. Can you share with the Committee the near-term actions that the working group plans to take?

Ms. TOUTON. Thank you. The Drought Interagency Working Group is chaired by the Department of Interior and the United States Department of Agriculture. And it's important because it brings our resources, both financially and technical, to target specific areas. A good example of that this year is us, the Bureau of Reclamation, bringing our resources to the Klamath project, being coupled with the resources of the Department of Agriculture. And so it's just a good form and opportunity where we can really target areas that need assistance and bring the full weight of the Federal Government behind that.

Senator CORTEZ MASTO. Thank you.

And then, Ms. Daniel-Davis, thank you for taking the time to speak with me over the phone. In recent years, the BLM has spent

an inordinate amount of time and resources offering vast acreages for oil and gas development on lands where the oil and gas industry does not really have any development interest and on lands that have little to no potential for development. Making these lands available for leasing only fuels the speculation industry, and it really wastes BLM resources while locking up the land from being managed for other purposes, like wildlife habitat preservation, outdoor recreation, or grazing. So I introduced the End Speculative Oil and Gas Leasing Act that would prohibit BLM from offering leases on lands determined to have low-or-no drilling potential. Do you think Interior should reevaluate the policy when it comes to allowing these low-potential lands to be utilized and available for oil and gas leasing?

Ms. DANIEL-DAVIS. Thank you so much for that question, Senator, and I'm familiar with your bill, and I appreciate the points you're raising and I do agree. I think that having lands that have a low potential available through the leasing program does lead to speculation. I think it is burdensome for BLM employees in terms of the review that's required. One other important issue I would raise is that we see in studies from the GAO that these too are lands that are not typically timely produced and such.

So your, the return to the taxpayer that might otherwise be available as lands go into production and revenue is produced that's then shared with states, as you know, for some conservation programs, you don't get there. And I think that's really important as well because that's, sort of, one of the signal priorities for the Administration is to be sure that this oil and gas leasing program provides a fair return to the taxpayer. I think that's lacking too, and I appreciate and I think you're on the completely right track on this issue.

Senator CORTEZ MASTO. Thank you. I know my time is up. I will submit the rest of my questions for the record for the nominees.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator.

Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman, and thank you to our witnesses willing to testify and participate in this process today, and if you are confirmed, your energy, going forward, is certainly appreciated and admired.

My question will be for Mrs. Daniel-Davis. As we have already discussed and most of us aware of, federal onshore and offshore oil and gas leasing has been under attack from the Biden Administration moratoriums. For offshore leasing there is still more to be done in order to fully comply with the Outer Continental Shelf Lands Act and to ensure that the five-year plan is completed before a quickly approaching deadline that we have discussed. The Gulf of Mexico is vital to our nation's energy security by providing approximately 20 percent of America's oil and natural gas production. Given the detrimental impact that pausing offshore oil and gas leasing has for Gulf Coast states, such as Mississippi and the nation, how do you view the Gulf of Mexico in terms of American oil and gas production now and in the future?

Ms. DANIEL-DAVIS. Thank you so much, Senator, for that question.

And I do want to note and as you know that leasing has moved forward with the next Gulf lease sale, and what we have also seen is that, with regard to activity in the Gulf, that production has continued at historic levels, you know, sometimes higher, sometimes lower than we saw in the previous Administration, and I think it is certainly accurate that the Gulf of Mexico oil and gas activity is, sort of, the focus of offshore activity in America, and I think I'll, sort of, refer to what the Secretary said one of the times or maybe more than one of the times she appeared here that oil and gas is going to remain a part of our economy for some time.

Senator HYDE-SMITH. Thank you.

While serving as Chief of Policy and Advocacy at the National Wildlife Federation you stated, "The wildly popular Land and Water Conservation Fund is America's most successful and effective tool for keeping nature and wildlife within reach for millions of Americans." As I am sure you are aware of, the primary source of revenue for the Land and Water Conservation Fund (LWCF) is from federal oil and gas leases on the Outer Continental Shelf. If confirmed, how do you intend to ensure continued funding for important conservation efforts like LWCF when moratoriums restrict energy production and correlating royalty payments to the Federal Government?

Ms. DANIEL-DAVIS. Thank you, Senator, and I stand by those words and really, and the importance of the Land and Water Conservation Fund and, you know, making wildlife and special places available for our kids and grandkids. We have resumed leasing and you know, permitting and production has stayed of pace. So I'm not aware of any impacts to revenue with regard to those programs or, of course, you know, revenue that goes to the states. I know those programs and, you know, with leasing having resumed and production ongoing, I think we're positioned well to support those programs.

Senator HYDE-SMITH. And my third question, as my time is dwindling. Congress enacted the Outer Continental Shelf Land Act primarily to facilitate the Federal Government's leasing of its offshore mineral resources and energy resources. In this law, Congress stated expressly that offshore resources should be made available for expeditious and orderly development. What assurances will you give us that the Bureau of Ocean Energy Management will not impose burdensome stipulations that make new leases economically unfeasible and therefore, effectively unavailable for development contrary to clear Congressional intent?

Ms. DANIEL-DAVIS. Thank you much, very much, Senator. And I think what I would say is that, you know, what my management approach is to be always be sure that the actions that I'm taking and that bureaus are taking but I might be overseeing are in compliance with the law—as you know, has a very complex set of factors that get taken into account, and they, sort of, point you toward consideration of a lot of different equities, you know, including, you know, development appropriateness, you know, where the resource is, consideration of, you know, marine wildlife, marine habitat, community engagement. So I, what I like to think of, when I think of that program is that to be sure that in the conversations that I'm having with the Bureau of Ocean and Energy Management and

with the Bureau of Safety, Environmental Enforcement on the permitting side, that they are taking all of that into consideration and following the law. And I, my sense is that that's very much where those bureaus are every day, moving forward with implementing the law.

Senator HYDE-SMITH. Thank you for that.

Thank you, Mr. Chairman. Madam Chairman.

Senator CORTEZ MASTO [presiding]. Thank you.

Senator Cantwell is recognized.

Senator CANTWELL. Thank you, Madam Chair.

And again, congratulations to all the nominees. Ms. Touton, thank you for your hard work on the Yakima Basin Integrated Plan and for understanding a holistic approach to water issues. Obviously, these past few years have gotten everybody focused on the fact that we have a warmer but wetter environment. For us that means less snow pack and that means, even for us in a state that is 70 percent reliant on hydropower, that you have to do something else. If it is not going to be stored on top of the mountains, where is it going to be stored? So aquifers, I believe, are one of the things that could help us. Senator Risch and I created a program in the bipartisan infrastructure bill that would allow the Bureau of Reclamation to help states manage aquifers through aquifer recharge and developing alternative water sources.

Can you talk about what you think that might do for the West? Are you supportive of this language, and what do you think aquifers can really do in helping us with this changing environment?

Ms. TOUTON. Good morning, Senator. It's good to see you again.

I learned from you that it's important to look at water storage, both at the surface, but also at groundwater storage. And one of the things that we looked at, that we completed just this summer was EL 47.5 (East Low Canal 47.5) which is an important pump station for the Odessa Sub Aquifer Partnership we have with Washington State Ecology to bring more resiliency to that system and less reliability and management of, less reliability on groundwater, but a co-management of groundwater and surface water. And so thank you for your support in those provisions in the bipartisan infrastructure framework. Washington State has been the model in being able to use groundwater and surface water.

And, should I be confirmed, I look forward to working with you to enact that.

Senator CANTWELL. So I take it you support the aquifer provisions.

Ms. TOUTON. Yes, Senator.

Senator CANTWELL. I mean, to me this seems like a layout. This seems like it, but again, for a state with a lot of snowpack and a hydroelectric system. So we are very keen on what we can do, too, on those resources. Do you think that these kinds of programs hold value for other states as a very cost-effective, simple way to help us with, again, what the scientists are saying are warmer and wetter conditions?

Ms. TOUTON. I certainly think that other states could utilize this authority to be able to manage their water resources.

Senator CANTWELL. Okay. And what do you think that we need to do on the holistic front to stimulate more of what was so amazing on the Yakima Basin? These are people that literally chose not to go the legal route and fight each other for decades but instead chose, even though they were at varying viewpoints and oftentimes in conflict with each other, chose to work together, collaboratively, and came up with a more holistic approach. What else do we need to be doing to encourage that holistic approach?

Ms. TOUTON. The Yakima Basin Integrated Plan is the model for the West. It balances the needs of agriculture along with the restoration of the largest salmon run in the continental United States and values the cultural significance of the Yakima Nation. And so, moving forward we need to be able to support these types of activities that look at agriculture, that look at ecosystems, that look at cultural resources and move those forward. That is a provision that you worked on, that was worked on in the House with Congressman Newhouse. And so, if confirmed, I look forward to working with you in implementing that, but also, that type of model across the West.

Senator CANTWELL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN [presiding]. Thank you, Senator.

And now we have Senator Marshall.

Senator MARSHALL. Okay, thank you. Thank you, Chairman, so much.

My first question is for Ms. Bronin. The Chisholm Trail started in 1885. It originated in the Red River Station in San Antonio, Texas. It weaved through Texas and Oklahoma and through some famous cattle cities in Kansas, including Dodge and Wellington and Wichita and Ellsworth, and then it ended at a railroad head in Abilene, Kansas, the home of our 34th President, Dwight David Eisenhower. Additionally, not one but two films starring John Wayne were made about the Chisholm Trail. And it would be my humble opinion that any trail which John Wayne made two movies about deserves to be on the National Historic Trail. We just wondered if you would help us support that project?

Ms. BRONIN. Senator, that sounds like a very fun activity to be doing as Chair of the Advisory Council, and certainly my son and husband, who love these kinds of movies who are here today with me, would agree that it would be something that I'd be happy to work with your office to consider putting on that list and I appreciate the question.

Senator MARSHALL. Well, that is great. A 1948 movie and a 1970 movie by the Duke has to be on everyone's watchlist. So I hope you enjoy them.

[Laughter.]

Senator MARSHALL. My next question for Ms. Daniel-Davis. I am looking for a simple yes or no here. Do you agree that public service is a public trust?

Ms. DANIEL-DAVIS. Yes, Senator.

Senator MARSHALL. I am glad you agree. It is important for the public to be able to trust their appointed officials in government and looking out for the public interest. When appointees work on issues that they have advocated for on behalf of private groups in

the past, it erodes the public confidence that appointees can separate themselves from their previous work. A recent E&E (Environment & Energy Publishing) news article discussed BLM's Deputy Director of Policy concern about an IG investigation to whether political appointee at DOI has violated ethic laws while working on issues pertaining to Alaska, raised my concerns on these important ethical requirements are being ignored and not taken as serious as they should be.

Ms. Daniel-Davis, have you ever sought or plan to seek a waiver or impartiality determination pertaining to your former employer?

Ms. DANIEL-DAVIS. Thank you, Senator, for that question, and I have been guided every step of the way since I rejoined the Department in January by our ethics official. I am formally recused from my interactions with the National Wildlife Federation, and, moreover, I just want to be sure that you know and that everyone knows that the Secretary has made it very clear to all of us, her expectations that we will be regularly engaged with the ethics lawyers and follow their advice carefully.

Senator MARSHALL. And then, as a supervisor, is it your responsibility to ensure that employees under you understand to take ethics requirements seriously?

Ms. DANIEL-DAVIS. Yes, sir.

Senator MARSHALL. Okay.

I want to talk about energy policy for a second. In listening to some of your answers to Ranking Member Barrasso about, you know, the goals of energy policy. And if I paraphrase, I thought I heard you say that you think energy, American energy independence is a good thing. If we look at where we are right now in America, that we are importing more oil from Russia than Alaska, that we are asking OPEC to make more oil, that the price of gasoline is up, I do not know, 40 percent, I would suppose, since this Administration took over. Would you think that—what from the policies, White House policies, has driven those results?

Ms. DANIEL-DAVIS. I think I'm probably most comfortable talking about the Department of the Interior and what we're doing there and of course, the President did ask us to undertake a comprehensive review of the oil and gas leasing system, be sure that it was providing a fair return to the taxpayer and that also it was accounting for climate cost. I think it's really important that we undertake that review, the program. There have been a lot of reviews over the years, independent reviews from the GAO, from our own IG that suggest that the program could use some modernization both on the physical terms and in how it undertakes environmental reviews. And that's really what we're focused on, and I think it, I would hope and imagine, that any type of modernization would improve the program and its engagement with—

Senator MARSHALL. Okay. One more quick question in my time left here. When we compare mining minerals in the United States versus China, apples and apples as best you can, is there a difference in the environmental impact the way China mines minerals versus the standards and the environmental impact of mining minerals in the United States?

Ms. DANIEL-DAVIS. So I think the President's charged us to develop critical minerals in a responsible fashion that takes into ac-

count the environment, the laws, community input, and that is what we are seeking to do.

Senator MARSHALL. Thank you, Chairman. I yield back.

The CHAIRMAN. Thank you, Senator.

Now we have Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair.

I first want to thank everybody for your public service and your willingness to go through, not just this hearing, but to dedicate your lives and the next few years to public good.

Ms. Touton, I wanted to just first start and say that I have two letters that I would like to submit to the Congressional Record. Both are in support of you for Commissioner of Reclamation. The first comes from the Southern Ute Indian Tribe in Colorado, the second from the Southeastern Colorado Water Conservancy District. Both speak incredibly highly of the public service work that Ms. Touton has done, her mastery of complex Western water issues that defy any rules of complexity, and her unique ability to work with diverse parties toward productive solutions. And she has a long record of success. My staff has shared electronic versions with the Committee, and I certainly hope Committee members get a chance to look at these, and I appreciate your including these in the record.

[Letters of support for Ms. Touton follow:]



SOUTHERN UTE INDIAN TRIBE

July 20, 2021

Hon. Joe Manchin
Chairman
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Hon. John Barrasso
Ranking Member
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Chairman Manchin and Ranking Member Barrasso:

The Southern Ute Indian Tribe ("Tribe") is writing to express strong support for Camille Calimlim Touton's nomination to be Commissioner of the Bureau of Reclamation ("Bureau"). Ms. Touton has long served as a professional staff member of the House Committee on Natural Resources and has worked with Indian tribes and other stakeholders on many matters, including the congressional ratification of Indian water rights settlements. An understanding of tribal water matters and experience working with tribes is critically important to leading the Bureau successfully through upcoming milestones such as the negotiation of the 2026 Operating Guidelines for the Colorado River, and a potential first-ever Colorado River water shortage.

Situated as the Tribe is in far southwestern Colorado, we continue to be actively engaged in Colorado River water issues. We must be. To our people, water has always been the provider; water is life, with no fewer than seven rivers flowing through our Reservation. Our tribal farmers rely on irrigation water. To help protect our water rights and to highlight the importance of tribal water in Colorado River Basin planning, we are a member of the Colorado River Ten Tribes Partnership, among other partnerships and forums. Together, the member tribes of the Ten Tribes Partnership have reserved rights to divert nearly 2.8 million acre-feet per year of water from the Colorado River and its tributaries.

There are twenty-six federally recognized tribes in the Colorado River Basin. A successful Commissioner must recognize and understand the role tribal water plays, and will continue to play, in the Colorado River Basin over the coming decades. To uphold the federal trust responsibility, and to ensure that key factors are considered, the Commissioner will need to ensure that tribes are actively involved in the Bureau's decision-making process.

Because the Tribe is confident Ms. Touton has the necessary knowledge and years of experience working with tribes, we can endorse her nomination without qualification and encourage the Senate to swiftly confirm her as Commissioner.

Sincerely,

Melvin J. Baker
Chairman
Southern Ute Indian Tribe



Honorable Joe Manchin, Chair
 Honorable John Barrasso, Ranking Member
 Senate Energy and Natural Resources Committee
 Washington, D.C. 20510

Dear Senators Manchin and Barrasso,

As the President of a Colorado water conservancy district with a long and sturdy working relationship with the Bureau of Reclamation, I am honored to offer our support for the nomination of Camille Camilimlum Touton for Commissioner of Reclamation.

Our District has worked with Camille in her various public service positions. She is an intelligent, practical and personable individual who works to resolve complex water issues in a manner which benefits all stakeholders. She has an on-the-ground approach to public service, working directly with all interested and affected parties and knowing the projects which manage and deliver finite water resources for multiple purposes. Camille understands completely the absolute necessity of an abundant and clean water supply.

The Southeastern Colorado Water Conservancy District strongly encourages confirmation of Camille to lead the Bureau of Reclamation.

Sincerely,

Bill Long
 President

Senator HICKENLOOPER. Ms. Daniel-Davis, last week we saw the BLM's long-awaited announcement on its headquarters, and the announcement of a second, regional headquarters out West. I think this helps ensure that Westerners are going to have a direct say in how the Federal Government oversees much of that Western land. But I think it is important that leadership be out there and reside in that Western headquarters. So I wanted to ask you whether you could just speak for a moment. I realize that the appropriators are going to have a large role in this, but can you speak to the value you see for the Western states, the country, and for BLM in having some senior BLM leadership located out in Grand Junction, Colorado?

Ms. DANIEL-DAVIS. Senator, thanks so much for asking that question, and I really appreciated your engagement and input in the conversations we've had on this issue, and I think, as you know, the Secretary has asked us to prioritize both the functionality of BLM, which was really impacted by a reorganization that led to literally hundreds of personnel departing the agency and the promises of job creation in Grand Junction were not realized. So I think in our analysis and our process where we talked to a lot of employees, we talked to many, many stakeholders, including in Grand Junction. I heard the Secretary was there with you on a visit, and we undertook formal tribal consultation. I think we were trying to understand how we could best help the Bureau to be successful. We ask it to do an awful lot.

As far as the Western headquarters in Grand Junction, I think we agree that we want it to be a robust presence there. That's very important. We want it to grow and agree that we should have senior BLM leaders there. As you point out, we have yet to progress but hope to start soon the formal reprogramming process with the appropriators. I hope that we'll stay engaged with you and the rest of the delegation in talking about this, but I think we're in agreement about what that—we want it to be a robust Western headquarters while at the same time feeling that it's important that BLM have its key leadership also in Washington along with the rest of the other land agencies.

Senator HICKENLOOPER. Absolutely. The Secretary is now legendary in Colorado because when she came to visit, she not only showed up in advance in very small towns, but she stayed, and that was noticed and reported all over the state. I do not think we have seen a Cabinet Secretary go out into the community in the same way that she did and really listen to people. So very impressive.

I will finish with this. I think it is a value, not just to Colorado but to all the Western states, to have a Deputy Director there. I know at one point there was some discussion about a third Deputy Director being created and looking at things like conservation, land management, and the relationship with the tribes as a possibility.

Now just quickly, Ms. Bronin, I could not help but note that you are an Advisor to the National Trust for Historic Preservation. A little known fact in my previous life is that I took historic buildings and turned them into brew pubs. And in, I think it was 1997, I got the national award of honor from the National Trust for Historic Preservation. I saw that you were an advisor to that, and I just

wanted to ask you a question as to the role of historic preservation in economic development. You only have about 10 seconds, so we will give you an extra 10 seconds, if the Chair will allow you to run over just a little bit.

Ms. BRONIN. Thank you, Senator. And yes, I'm familiar. It's not a little-known fact with the way that you transformed downtown Denver through your conversions and including, I believe, the use of the federal historic preservation tax credit——

Senator HICKENLOOPER. Absolutely.

Ms. BRONIN [continuing]. In your projects.

Preservation has a significant role in economic development. You see that through the tax credit and, as I mentioned in my opening remarks, \$173 billion in private development. You see that in the jobs that have been created. You see that, again, just looking at the federal tax credit alone, not even counting state tax credits, the creation of 172,000 units of low-income and moderate, affordable housing. So besides the rehabilitation jobs, besides the jobs that your projects and others around the country have created, we see heritage tourism being a tremendous force already, one that is increasingly jeopardized by disaster response issues that I'm happy to talk about maybe later. But this is something that we need to protect. It's something that our laws need to protect, and it's something that, as Chair of the Advisory Council, I hope to ensure that we're looking at from all angles to ensure that private investment continues.

Senator HICKENLOOPER. Thank you. Thank you very much. I yield back.

The CHAIRMAN. Thank you, Senator.

And now we have Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Ms. Daniel-Davis, I'd like to start with you, if that is alright. I am looking forward to seeing the results of your review of the oil and gas leasing program. One of the things that I am concerned about is, I want to make sure that certain actions are not undertaken that could end up inhibiting bidding to a degree that would essentially amount to a de facto ban. Would you agree that that sort of thing can happen if you increase burdens on the program sufficiently, you could end up with a de facto ban? For example, if developers do not have adequate time to develop under the terms or if you add enough reviews to slow down the process even further, if you raise royalty rates above market, at some point you could see these factors combining enough to the point you would have a de facto ban, couldn't you?

Ms. DANIEL-DAVIS. Senator, I'm always hesitant to comment on market factors. I think what I would say is that I think that the process of review as—with oil and gas leasing is important, you know, and for the onshore program, you know, you have a program where royalty rates haven't been raised in 100 years. So, you know, those kinds of fiscal underpinnings which have been looked at carefully by the GAO and our own IG, are things that we are looking at.

Senator LEE. Yes, I understand that, and I appreciate that, and I appreciate your commitment to doing it and to being thorough, and I understand that you cannot forecast now what the conclu-

sions are going to be. I am just asking a more theoretical question, at some point you could add to the regulatory obligations attending it to the point that you could end up really chilling activity or even thwarting it. In theory, if somebody raised the royalty rates high enough to make it not economical, for example.

Ms. DANIEL-DAVIS. Yes, I think, I mean, the main thing that I'm concerned about is that we are providing a fair return to taxpayers for the use of what's a shared, public resource. So I think if we're fair and balanced in our approach and what we're looking at and include conclusions we reach, I don't, I know that state royalty rates are significantly higher. So I think if we're careful and fair in our analysis and conclusions we draw, I'd expect that activity will continue.

Senator LEE. Okay, so in that case you can commit that federal leasing and development will continue and that changes to the program will not be put in place to make it uneconomical to continue.

Ms. DANIEL-DAVIS. I think, as you know, we talked about we're still in the process of review, and we are, again, we're looking at a lot of different aspects of the program from, you know, the fiscal aspects to transparency issues to compliance with environmental laws and accounting for climate impacts. And we are in the middle of that review. We hope to complete it very soon.

Senator LEE. But you are willing to commit that you are not going to deliberately make it uneconomical by virtue of regulatory restrictions?

Ms. DANIEL-DAVIS. I think that that's not the purpose of our process at all, no.

Senator LEE. Now, in conducting the review of the oil and gas leasing program, has the Department assessed or will it assess what potential changes to fuel prices that new regulations might bring about? And, if so, can you talk to us about what your findings were on that?

Ms. DANIEL-DAVIS. Yes, thank you, Senator. And I, you know, again, I'm not, you know, really in a position to talk about findings or conclusions. We've tried to undertake a really comprehensive review, have talked directly to industry, many, many other stakeholders, tribal consultation, you know, state, state officials and, again, are trying to, you know, complete a comprehensive review that takes into account, you know, all of the factors associated with the program, many of which you've just mentioned.

Senator LEE. Okay and that is great that you are willing to consider them. Again, consistent with my earlier questions that dealt specifically with the need to not add regulations, I would hope that that would be a factor you'd take into account. If the cumulative burden of the regulatory obligations that are placed on there by the government, taking into account fluctuations in fuel prices, I hope those things could be taken into account and that you'd be willing to share your findings on that when you do get to a conclusion.

Ms. DANIEL-DAVIS. Senator, if we do undertake a regulatory process, that kind of analysis is going to be very, very important.

Senator LEE. And then, finally, will comments submitted to the Department of the Interior on the Department's review of the oil and gas program ever be made public? And if so, when?

Ms. DANIEL-DAVIS. Thanks for that follow up.

And our intention, again when the process is complete and the report is made public, we do intend to make comments public that we've received, yes.

Senator LEE. Great. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And now we have Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman.

This first question is for Ms. Touton. It is good to be speaking with you again. As you stated in your testimony, the Interior Department recently announced its first ever drought restrictions on the Colorado River. These cutbacks hit Arizona the hardest. We expected that. Beginning next year, Arizona will lose 18 percent of our Colorado River water supply, and we get 40 percent of our water from the Colorado River. So fortunately, Arizona is prepared for these initial cutbacks under the Drought Contingency Plan that Congress authorized in 2019. DCP funds drought mitigation projects that help states absorb these Tier 1 shortages, and last month we passed, in the Senate, the bipartisan infrastructure bill. It fully funds the DCP and provides another \$8 billion to repair our aging Western water infrastructure. It also promotes water recycling and water storage projects as well as desalination. We worked very hard to get that funding included.

So, if confirmed, how quickly do you feel that Reclamation can get this assistance out to Arizona?

Ms. TOUTON. Good morning, Senator.

First, as an engineer, it's amazing to be represented as someone with a technical background, like yourself, though my projects are stationary and yours are literally out of this world. Regarding how quickly we can get that assistance out. First, this year, we want to commend the State of Arizona and all of your stakeholders and your constituents for what they're doing, recognizing what next year might look like.

So we reprogrammed roughly \$100 million for assistance this year, including an additional \$20 million for DCP and \$7 million to complete the 242 half-wells in Arizona to help bring water online as early as next year. But the bipartisan infrastructure framework is a completely different level of investment in the Bureau of Reclamation, and should it be enacted into law, Senator, I commit to working with you, if confirmed, in moving those resources as expeditiously as possible.

Senator KELLY. Well, thank you.

Lake Mead, as of this week, is at about 1,066 feet above sea level. So it is Tier 1. If it gets down to 1,050 feet, then we wind up in Tier 2 with further cutbacks not only affecting Arizona but some other states as well. So this funding in the bipartisan infrastructure bill is what we need. We have not seen a drought like this, as you know, in centuries. We are 20 years into this now, and it is impossible to predict what is going to happen here in the future.

So even with help from the DCP, farmers in Central Arizona, primarily in Penal County, will see cutbacks in water deliveries. Most of these farms are the main source of feed for dairy cattle, which

is the largest agricultural commodity in our state. What assistance can Reclamation provide to help farmers in Central Arizona?

Ms. TOUTON. Thank you for that question.

First, we have an amazing team in Phoenix in our area office who are engaged with your constituents, specifically the Penal County farmers on a weekly, if not daily, basis on technical assistance. A part of our reprogramming was also Drought Relief Act funding that we've made available that certainly those farmers can also apply for. And finally, investments in WaterSMART that they can also apply for which was also included in the bipartisan infrastructure framework is another assistance. And finally, projects like completing 242 half-wells bringing real water when it's needed.

Senator KELLY. Most of those WaterSMART grants tend to go to California. It would be nice to see some equity there in how they are distributed, based on need. So hopefully, if confirmed, you can take a close look at that because Central Arizona is, as far as Tier 1 of the Drought Contingency, Central Arizona farmers are really feeling it the most. So thank you, and I yield back.

Ms. TOUTON. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Now we have Senator Lankford.

Senator LANKFORD. Thank you, Mr. Chairman. Thank you to all of you and your families going through this process that you are going through.

Ms. Daniel-Davis, I want to be able to just bring up a statement on something. You will be leading the area that has oversight of the Office of Surface Mining and Reclamation. That is important to us in Oklahoma in a whole new way because after the McGirt decision, which I am sure you are very familiar with, the State of Oklahoma, the tribes all received a letter from the Office of Surface Mining and Reclamation that surprised everyone that it came in redefining a section of McGirt that is a criminal decision that also moved to a regulatory issue.

Now I have engaged with the Solicitor's Office to see what else is coming, and they have given me assurances nothing else is coming, but the key thing that I want to really be able to ask you is, we all understand there is an ongoing conversation about McGirt, but we do not like being caught off guard and for things just showing up from the Federal Government without some consultation with the state or with the tribes. So what I just want to be able to make a statement back to you is in Oklahoma we hate surprises. I am assuming that everybody is going to stick to their word on this to say if there is a conversation about things that are connected to McGirt that the tribes and the state will be kept in the loop. Is that correct?

Ms. DANIEL-DAVIS. Senator, thank you. I, too, hate surprises. So I hear you. And I commit that we will be in touch and not surprise you.

Senator LANKFORD. That is great. We will just stay in contact on that in the days ahead.

There is an interesting thing that came down actually that was a memo that you put out March the 19th of 2021 this year from the Department of the Interior, and it deals with how people actu-

ally get permission to be able to do routine matters in oil and gas development.

[The memo referred to follows:]



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

March 19, 2021

To: Bureau Directors (BLM, OSMRE, BSEE, BOEM)

From: Laura Daniel-Davis
Principal Deputy Assistant Secretary
Land and Minerals Management

Subject: Confirmation of Matters for ASLM Review

I appreciate your work over the last 50+ days coordinating implementation of Secretary's Order (S.O.) 3395, and moving forward with us to take a science-based, all of government approach to addressing climate change, conserving 30% of America's lands and waters by 2030, and meeting our trust obligations to American Indian and Alaska Native tribes.

S.O. 3395, which temporarily elevated specific categories of matters for Departmental review, will expire on March 21, 2021. To ensure a continued appropriate level of review, as of March 22, bureaus shall continue to provide the following matters to the Office of the Assistant Secretary for Land and Minerals Management (ASLM) for review prior to taking final action on the matters or publicly announcing decisions. While we are placing special emphasis on the following items, they do not constitute an exhaustive list of actions requiring review by ASLM. Continue to forward, through DTS, those actions for which your bureau has routinely sought ASLM review and surname, but you need not utilize the S.O. 3395 memo template going forward.

- Draft or Final Resource Management Plans (RMPs)
- Records of Decision
- Coal leasing proposals or plans
- Lease sale notices
- Mining operations plans
- RS 2477 matters
- Land sales or exchanges
- National Environmental Policy Act analysis for final agency action, related to pending litigation, and/or in high priority or high conflict areas where it may impact:
 - High priority sage grouse habitat
 - State, Tribal or Federally identified wildlife migration corridors
 - Lands with wilderness characteristics
 - Lands with special designations

- Where there is consideration of a special management designation in a draft RMP or RMP Amendment that has been issued
- Reinstatement of terminated oil and gas leases
- Extension of Applications for Permit to Drill
- Lease suspensions
- Applications for royalty relief

Reminder: For those matters that have been submitted in accordance with S.O. 3395, but for which you have not received the final ASLM decision, you may not proceed without approval from ASLM. Please also provide early notification on items that are Administration priorities, for example, renewable energy projects or other climate related milestones, “30 by ‘30” initiatives, or actions related to racial equity, environmental justice, or Covid-19, as well as early notification on items that are of high local, state, or regional interest.

Senator LANKFORD. There was a Secretarial Order that was put in place, 3395, and that expired in March. It was replaced with this memo which you signed on it basically saying that the office that you are now being nominated for would be the office that would have to clear all these different requests, and you gave a long list of the different things. But then, you added this statement to it, "This is not an exhaustive list of actions requiring review by the ASL, Assistant Secretary Land and Minerals."

So the question that I have is, there has been a lot of confusion about this memo, about what it includes and what it does not include because you included a long list, but say, hey, it is not exhaustive on this. Now that you are moving to that position, can you help us bring some clarity? What does this include because as I have talked to some of the folks that do oil and gas development, they said they were routine requests that were put in like gas gathering lines and other things that were routine that were decided down by career professionals that are now being pushed up, and they are a lot slower to be able to get those approvals now. So I guess this is really a twofold question. What all is going to be included in this? Are the routine items no longer routine, they all have to be pushed up to the Assistant Secretary's level? Are the career folks going to be cut out of all this decision-making? And how long is it going to take to be able to get answers back to basic routine questions that were simple to get in the past but are no longer simple?

Ms. DANIEL-DAVIS. Thank you so much, Senator, for the opportunity to provide some clarity to that memo.

I think, first of all, wanted to, the Secretarial Order 3395 which provided for elevated review at the beginning of the Administration, that was really an opportunity for us, as new appointees, to get a handle on what was happening out across the agency, across the Department in various activities. It expired, and the memo is actually a return, sort of, a return to consistent practice across the Administration. And we, I just want to assure you we value our career employees, our career partners so much we actually talked to them about this and said—and my management philosophy is that the more clarity you can bring to process these and sharing of your expectations so that people know what their, how they're trying to meet the goals of a new Administration the better, and we sought input and asked whether a memo like this, that, you know, acknowledged that with frequency across the Administration significant matters are elevated for departmental level review, but it is not the business of this office to be in the day-to-day permitting business.

And I think there was some confusion during the period of the Secretarial Order, but again, this is, the memo, it's both consistent with my management approach. I think it's consistent we're told with, how previous Administration's manage and make clear that, you know, significant matters should be elevated and, again, providing the kind of clarity for people going forward in their work.

Senator LANKFORD. I would only say when I have talked to folks in the industry, they have noticed a significant difference that they are not getting answers back to questions anymore that used to be

routine, that used to be fairly rapid turnaround to be predictable in the time period. Now it is an unpredictable time period.

So I have heard before, hey, this goes back to previous, but for folks in the industry, they are saying no, this is not functioning as it did previously. Routine matters are not being solved routinely anymore. And as you know well from business, you have to have some kind of predictability. It does kill investment to just say we will get a decision to you when we get it to you because in oil and gas it is very dependent on capital, it is very dependent on the price at that time period. And if you start to do development then you do not know when you are going to get an answer, you just will not do development on it. So an easy way to be able to cut off development is just to cut off or make it unpredictable when you will get an answer to a question. But it is different than what has happened in the past.

Ms. DANIEL-DAVIS. Thank you very much for that feedback, Senator. My view from where I sit has been that permitting and things like permitting of gathering lines has proceeded at pace, but I appreciate the feedback and——

Senator LANKFORD. Thank you.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. Thank you all for being here this morning.

Ms. Daniel-Davis, I want to follow on what Senator Lankford has been asking with regards to this memo. You have indicated that you are seeking to, basically, continue the practice across previous Administrations and seeking to build out clarity, and you have told Senator Lankford you appreciate his input here, and I will add to that input in terms of, again, the lack of certainty, the delays that come with it, just not knowing when and who, effectively, is the decision-maker here. When we had Secretary Haaland before the Committee, she made very clear, I think, to each and every one of us on this Committee that it was going to be her practice to follow the science. It was going to be her practice to place the trust in the field experts that we have out there. Not that Alaska is that much more unique than Oklahoma, but it is unique in many, many ways when it comes to accessing our resources and some of the laws that have overlay there.

This particular issue is very concerning to us, because it does not appear that you are allowing for that guidance from the field to be adhered to. You are not allowing the science to be adhered to. You are basically pulling everything back to Washington, DC for a political review. And whether it is with regards to the action in the NPRA, what we saw with the public land orders. You know how intense many of us feel about that decision—the oil and gas program leasing in the 1002 area. So I am not certain that your response to Senator Lankford has provided any more clarity to me about what you really mean this process to be because the direction that you seem to be taking, that the Administration seems to be taking, is that we are going to pull things back to Washington, DC and if it takes longer, it takes longer. And if those that are seeking to invest the capital look at this and say, this is not worth the investment, it is, kind of, a well, that is too bad, type of an approach.

Tell me why I should feel differently about my perspective right now?

Ms. DANIEL-DAVIS. Thank you so much, Senator, for the question. It's nice to see you again.

I think that, generally, we do, we are committed to following those lines. We're committed to following the law. Specific to the permitting issues that have been raised, I'm not aware of any ongoing permitting delays. So I just, I want to be clear about that in terms of the work that is done at the state level and the work that those offices do.

Senator MURKOWSKI. If we can, I am sure we would be happy to provide some examples, and Senator Lankford, I am sure you can probably provide some from Oklahoma as well. Again, there is a concern that it used to be that you could count on your Alaska BLM folks. You could go to them, walk it through, and get an answer back. We are not seeing that anymore. So I do not know where that has gone to, but it certainly is not in place right now.

Let me move on because I do have a whole host of different issues. I have to bring up the Willow Project because, as you know, this is probably the singular most important development project in the State of Alaska right now and going forward. We do appreciate the Secretary and the Department and their efforts to defend the Willow permitting process that has been conducted. We are working through next steps with regard to the court decision on the litigation. But I just want you to commit to me that you intend to prioritize these processes and keep them on a reasonable and a predictable schedule.

Ms. DANIEL-DAVIS. Thank you, Senator. I know how important this project is to you, and we intend to work closely with the BLM Alaska office who is looking at the ruling and moving forward with next steps in a timely manner.

Senator MURKOWSKI. Well, know that this is not just important to me, but it is important to the entire state.

Ms. DANIEL-DAVIS. Understood.

Senator MURKOWSKI. During our meeting a couple months ago now, I raised my frustration, and I think you sensed not only frustration but real anger about some of the reports that I had received regarding virtual consultations held by BLM with some of our native tribes and corporations to discuss the potential revocations or modifications of our public land orders. I raised these concerns about these tribal consultations because we had learned that there were uninvited environmental organizations that were listening in on these consultations, including a former employee of one of the BLM political officials that was leading the consultation. You indicated that you agreed that this was absolutely inappropriate, you would find out what was going on, and you would report back to us. So this is now your opportunity to report back to us. What did you do when you got back to the Department and raised this, and how can you assure me that, really, you are going to take tribal consultation as seriously as it needs to be taken if you are confirmed?

Ms. DANIEL-DAVIS. Thank you, Senator. And I appreciated your raising that issue to me because as I said to you at the time and I'll reiterate here, it is inconsistent with appropriate formal con-

sultation practice to have anyone, other than tribal leaders or tribal member that the leader has asked to appear or, you know, as you know, sometimes, you know, sort of, a consultant or a lawyer may appear, but again, as asked to by the tribal leader. So I did go back and ask and understood that it may be have been that the folks managing the consultation weren't aware in a timely manner of, sort of, unauthorized people on the phone.

Senator MURKOWSKI. Do you find that acceptable?

Ms. DANIEL-DAVIS. I don't. And what we did is we have reminded everyone of the ground rules for formal consultation, and we have also reminded people that it, sort of, is imperative to police such things and that they have the ability and should exercise it to dump people off the call. I guess I'll say it that way. And we have had to, you know, talk about this across the Department because, as you know, you know, every program is engaging in formal tribal consultation. So I appreciate, again, your bringing it to our attention. It's allowed us, in this remote environment, to make what we think and hope are improvements to the consultation process. We do take it very seriously.

Senator MURKOWSKI. Well, you should take it seriously. I found it shocking, just really shocking and disturbing, and it just sends a message, unfortunately, that the consultation is not being handled in a manner that most of us would expect.

Mr. Chairman, I have several more questions. My time has expired. So I will submit these for the record.

But Ms. Daniel-Davis, you had indicated, in response to a previous Senator here that this oil and gas report that we have been waiting and waiting and waiting for was going to be in early summer. Secretary Haaland testified before the Committee that it is being finalized internally, and we are going to be seeing it very soon. I am told that in your response to yet another inquiry today, you say it is going to be out here soon. I have given up asking on this because it is almost laughable at this point in time in terms of what the answers are. I am assuming you still do not have anything more definitive that you can give in terms of an actual date that we can look forward to?

Ms. DANIEL-DAVIS. So thanks for the opportunity to talk about where we are in the process. And as I said previously, a report like this that occurs at the direction of an Executive Order of the President, does—is reviewed by the interagency and White House process and that's appropriate and expected, and we are working our way through that and, you know, incorporating additional information as it comes forward. And I don't have a hard date for you as far as release.

Senator MURKOWSKI. Sounds like it is taking even longer than the Secretary had thought earlier this summer.

Mr. Chairman, my time is expired. Thank you.

The CHAIRMAN. Thank you, Senator.

Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman. I appreciate it.

Ms. Daniel-Davis, you were involved with the implementation of the leasing moratorium, is that correct?

Ms. DANIEL-DAVIS. Senator, I was guided by the Executive Order from the President. We did pause leasing for a period of time, yes.

Senator HOEVEN. Do you agree with the Biden Administration's call on OPEC plus, including Saudi Arabia and Russia, to increase their production to stabilize energy prices? So do you agree with the Biden Administration's approach that we should not produce oil and gas in this country where we have better environmental standards and instead ask Russia and Saudi Arabia to increase their production where they have worse environmental standards so that we can rely on them instead of produce it here at home? Do you agree with that approach? Is that the right energy approach for this country?

Ms. DANIEL-DAVIS. So I don't really feel confident in the foreign affairs space, but I can say that we have moved forward with leasing both onshore and offshore.

Senator HOEVEN. Pardon me?

Ms. DANIEL-DAVIS. We're moving forward with leasing onshore and offshore.

Senator HOEVEN. Because the court ordered you to.

Ms. DANIEL-DAVIS. That's correct.

Senator HOEVEN. My question was do you agree with an approach where we force energy development offshore to our adversaries and become dependent on them? Do you think that is a good approach for our energy policies and places where there are worse environmental standards?

Ms. DANIEL-DAVIS. So I think the President's view is that there's a global energy market and a global climate crisis, and he has measures that he's taking and undertaking to address both of those. And again, foreign affairs is not really my space. So I can tell you that I'm comfortable with the path we're taking in moving forward with responsible oil and gas leasing that takes into account environmental concerns and requirements.

Senator HOEVEN. I am sorry. I did not mean to interrupt.

Ms. DANIEL-DAVIS. Not at all.

Senator HOEVEN. So your approach is that the solution to the greenhouse gas emissions and environmental standards is to force energy production out of this country to countries with worse environmental standards, and you think that is the right approach?

Ms. DANIEL-DAVIS. So we've looked actually carefully at the numbers, and production has continued to pace, that is, at the same level, sometimes even higher than the previous Administration, and permitting has continued at the same level as well. So the oil and gas leasing program on federal lands is ongoing.

Senator HOEVEN. So it is your contention that if you put a moratorium to prevent more development just as much energy will be developed? That is what you are saying?

Ms. DANIEL-DAVIS. I'm saying that there's not a pause or a moratorium. And while I'm aware that production has continued at an even, consistent level across the board—

Senator HOEVEN. In spite of your efforts, in spite of the Administration's efforts to curtail it, is what you are saying?

Ms. DANIEL-DAVIS [continuing]. So production was actually not part of the leasing program, and it was never ongoing. Permits continued to be processed. And indeed, we've processed over 4,000 this fiscal year, and there are 9,000 available for use. So we have continued to pace with the program.

Senator HOEVEN. So it is your contention that you continued the moratorium that would not reduce energy production in this country?

Ms. DANIEL-DAVIS. I'm not really comfortable speculating about something that hasn't happened and may not happen, so I'd rather not go there. I just want to reiterate——

Senator HOEVEN. So you are—I am sorry.

Ms. DANIEL-DAVIS. No, no, sir.

Senator HOEVEN. So you are completely comfortable with the approach we have just discussed?

Ms. DANIEL-DAVIS. I may be a little bit lost in the approach. The approach with continuing leasing and production staying on pace?

Senator HOEVEN. Curtailing energy production here, forcing it to countries, our adversaries, where they have lower environmental standards and then becoming dependent on them for our energy? You are comfortable with that approach?

Ms. DANIEL-DAVIS. So we are moving, production has continued, and we are moving forward with leasing. And so I——

Senator HOEVEN. Again, because you were forced to by the court.

The CHAIRMAN. Senator Hoeven, if I could just interrupt because I think you were not here earlier. I had asked those questions. You might want to reiterate. Is our production the same or greater than it had been before the pause?

Senator HOEVEN. Well, Mr. Chairman, she answered that, but the point is if you continue the moratorium, you are going to reduce production.

The CHAIRMAN. Oh.

Senator HOEVEN. But I appreciate your point.

The CHAIRMAN. Okay, I know where you are going.

Senator HOEVEN. Yes, and I did pick up her making that point.

Do you realize also, Ms. Daniel-Davis, that if somebody has private minerals and there are federal minerals intertwined, that that moratorium holds up that private individual's ability to develop their own resources as well? Are you aware of that? So you also are affecting private individuals and their ability, you know, to utilize their property lawfully. Are you aware of that?

Ms. DANIEL-DAVIS. I am familiar with the split, the state issue, which I believe you're referencing. Yes.

Senator HOEVEN. Thank you.

Ms. Touton, we have a lot of water projects going in our state, very important to us. I guess my question is will you work with us on funding those projects, and will you come to our state to learn about them and work with us?

Ms. TOUTON. Good morning, Senator. It's good to see you again. I've enjoyed working with you and your office in the past, and, if confirmed, I look forward to visiting your state and working with you on these issues in the future.

Senator HOEVEN. Thank you. I appreciate you working with us in the past, and I want to extend that invitation for you to come see us, you know, when it works for you.

Ms. TOUTON. Thank you.

Senator HOEVEN. Thank you.

Ms. Bronin, in our parks we are working on a number of things regarding tourism, Roosevelt Library, a number of things there,

and then also, of course, we have five reservations in our state. And so I would like to invite you to our state as well and ask that you would work with us, both in our, obviously with our Native American population in North Dakota and their tribal preservation activities as well as in our national parks in our state? So again, would you work with us, and will you come to our state and visit us so you can learn more about what we are doing?

Ms. BRONIN. Senator, thank you so much for the invitation, and I look forward to working with your office and visiting. Thank you.

Senator HOEVEN. Thank you.

Ms. Daniel-Davis, I appreciate your answers. Obviously we have a disagreement in approach, but I do appreciate your responding to me. Thank you.

Ms. DANIEL-DAVIS. Senator, I appreciate the questions very much. Thank you.

Senator HOEVEN. Thank you.

The CHAIRMAN. Thank you, Senator.

I want to thank all three of our nominees and your families for enduring this, and I think it was a very good hearing. You all did a great job. We appreciate it very much.

Members will have until 6:00 p.m. tomorrow to submit additional questions for the record.

And the Committee officially stands adjourned.

[Whereupon, at 12:03 p.m. the committee adjourned.]

APPENDIX MATERIAL SUBMITTED

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
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Questions from Ranking Member Barrasso

Question 1: The Department recently agreed to comply with a court order directing it to immediately resume federal onshore and offshore oil and gas leasing. Rather than utilize all existing pre-lease analysis completed in anticipation of the Q1 lease sales, the Department went the route of bureaucratic delay and chose to begin the lease sale process from its early stages. Duplicating this pre-lease work will take months. As a result, there will be ZERO onshore lease sales in 2021.

- a. Please explain the Department's rationale for re-starting the onshore leasing process from its early stages rather than utilize existing, completed pre-lease preparation.

Response: As I stated during my confirmation hearing, it is important that there is relevant, appropriate, and thorough environmental review as part of the process as the Bureau of Land Management carries out the onshore oil and gas leasing program. The best way to proceed and provide certainty and consistency is by undertaking this review process.

- b. The Department also has discretion in modifying federal oil and gas lease terms, including royalty rates, when the sales are noticed. How will the Department ensure federal onshore oil and gas leases remain competitive, both from an economic and permitting time perspective, with state and private oil and gas leases?

Response: The goals of the Department's comprehensive review of the oil and gas program are to meet the President's direction that the program provides a fair return to the taxpayer, takes climate change into account, and that the program has appropriate regulatory oversight, among other things. Management of the program has been the subject of both Government Accountability Office and Department of the Interior Inspector General reports over the years. As I said at the hearing, the Administration is not carrying out this review in order to make oil and gas leasing and development uneconomical. Both President Biden and Secretary Haaland have recognized that oil and gas production will continue for years into the future.

Question 2: When Senator Manchin asked you the status of the report on the review of the leasing program you stated, "reports like this that come at the direction of an executive order do go through an appropriate interagency and White House review process and that is where we are." The Office of Management and Budget (OMB) Circular No. A-19 outlines guidance on how Executive Departments submit reports through the interagency process.

- a. Is the Department following the guidance of OMB Circular No. A-19?

Response: I understand that OMB Circular No. A-19 addresses the coordination and clearance by the Office of Management and Budget of federal agency recommendations on legislation and the preparation of agency legislative programs. The comprehensive review of the oil and gas program is not such a document, and it is being produced at the direction of an Executive Order.

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- b. OMB Circular No. A-19 states that agencies circulate reports and documents “well in advance of the desired date” of its completion and submission to any other body. Has the report been submitted to OMB? If so, on what date was it submitted?**

Response: As noted in response to the previous question, OMB Circular No. A-19 addresses the coordination and clearance by the Office of Management and Budget of federal agency recommendations on legislation and the preparation of agency legislative programs. The comprehensive review of the oil and gas program is not such a document, and it is being produced at the direction of an Executive Order.

- c. Which agencies have been provided this document?**

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive Order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

- d. On what date did was the document circulated?**

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive Order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

- e. Have any agencies completed their review of this document? If so, which agencies and when did they complete their review?**

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive Order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

- f. What changes have been proposed by agencies that are reviewing this document?**

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive Order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

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g. Which changes have been accepted?

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

h. Do you agree with these proposed changes?

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

i. Please describe the nature of discussions with agencies that are reviewing this document.

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

j. Please provide a list of the persons from each agency who are being charged with reviewing this document.

Response: The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

k. Has the report been shared with any external groups?

Response: The report is not final and to my knowledge has not been shared with external groups in draft form. The Department and the Administration are working hard to conclude the internal, deliberative review of this report. It is our intention that the final document will reflect the robust engagement process that we carried out in addressing the goals and priorities that the President identified in Executive order 14008. We hope this review process will conclude soon and we will make the final report available at that time.

l. Please provide a list of all of the external groups that have seen the draft report.

Response: Please see my response to the previous question.

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m. Please provide a list of all of the external groups or individuals that have contacted you on your official DOI email.

Response: Since joining the Department, I have heard from and engaged with a wide variety of stakeholders and individuals with a diverse range of views on topics before the Department. I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed, compliance with these requirements will continue to be important.

n. Please provide a list of all of the external groups or individuals that have contacted you on your personal email.

Response: I understand the importance of conducting official business via official communications. I take my responsibility to comply with the federal laws and regulations and Departmental policies related to the conduct of government business seriously, and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed compliance with these requirements will continue to be important.

o. Please provide a list of all of the external groups or individuals that have called you on your official or your personal phone to discuss the report.

Response: I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed, compliance with these requirements will continue to be important.

p. Please provide a list of all of the external groups or individuals that have sent you text messages related to the report on your official or your personal phone.

Response: I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed, compliance with these requirements will continue to be important.

q. Have you communicated with the White House about the report using an encrypted messaging app such as Signal or Wire?

Response: I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements, including those with White House officials. If I am confirmed, compliance with these requirements will continue to be important.

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- r. Have you communicated with any external groups or individuals using an encrypted messaging app such as Signal or Wire?**

Response: I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed, compliance with these requirements will continue to be important.

- s. Please provide any communications related to the report that have been sent using an encrypted messaging app.**

Response: I take my responsibility to comply with the federal laws and regulations and Departmental policies related to conducting of government business seriously and I am committed to complying with all the appropriate federal and Departmental recordkeeping requirements. If I am confirmed, compliance with these requirements will continue to be important.

Question 3: Upon taking office in January, President Biden imposed a moratorium on federal oil and gas leasing. The Department held a Virtual Forum in March, which you took part in, to discuss the federal oil and gas leasing program. Secretary Haaland committed several times before this Committee that the “Interim Report” and all comments submitted in connection with the Forum would be made public by “early Summer.” Summer is over.

- a. Given the ongoing litigation and court order to immediately resume leasing, has the status and or contents of the Interim Report substantially changed?**

Response: The litigation and court order have not changed the direction from the President in Executive Order 14008. Both the Department and the Administration are working hard to conclude the review of this report and it is our intention that the final document will reflect the robust engagement process that we carried out in addressing the President’s goals and priorities. As I said at the hearing, I hope this review process will conclude soon and we will make the final report available at that time.

Department staff have repeatedly indicated that the Interim Report is still not finished and refuse to provide any details.

- a. Can you provide us with a new target issue date for the interim report?**

Response: As I indicated in the previous response, the report is being reviewed and I hope that it will be released very soon.

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Question 4: The country is grappling with high gasoline prices. In an effort to lower gasoline prices, the Biden Administration recently asked the Organization of Petroleum Exporting Countries and Russia, known as OPEC+, to increase production so that we can then import their oil. Recall that OPEC+ attempted to cripple our shale production and economy just a year and a half ago by engaging in a price war. These are not our friends. Following Hurricane Ida, which took much of the Gulf's refining capacity off line, the President released barrels of oil from the Strategic Petroleum Reserve to help keep gasoline prices low. The Administration is clearly acknowledging and taking steps, however misguided, to meet domestic energy demand.

- a. Please explain how taking American oil and gas production offline is in the economic and national security interest of the US.

Response: While I cannot speak to the specific deliberations regarding foreign policy decisions, I know that the Biden-Harris Administration recognizes that climate change is a global crisis requiring a global solution involving international cooperation. It is also important to be clear that this Administration did not take oil and gas production on federal lands and waters offline. Permitting and production has continued at the same pace as during the previous administration, and sometimes higher. The Department's temporary suspension of issuing new leases while it developed its comprehensive review of the oil and gas program ended in June with the district court's order and the leasing program resumed. Both the President and Secretary Haaland have said that oil and gas will remain a part of our energy economy for some time to come.

Question 5: I presume you are supportive of President Biden's directive to ramp up renewable energy generation and electric vehicle usage. As you know, these technologies rely heavily on a wide variety of minerals, including rare earth elements, lithium, cobalt, copper, etc. The United States is heavily dependent on foreign sources of these minerals, some of which are mined with forced labor in China, or using child labor in the Congo. We have commercial, known quantities of these minerals here at home. Many deposits are located on federal land in the West.

- a. Do you believe the Administration should source raw components, including minerals for renewable energy and electric vehicle technologies here in the US?

Response: Yes. As I stated at the hearing, the President has made clear that development of critical mineral resources should be a priority for the United States, and I agree with him.

- b. What specific steps have you taken since you joined the Department in [January] to expedite/facilitate the permitting of critical mineral mines on federal land?

Response: I take the President's clear direction that critical minerals development and production is a priority for the country seriously. The Department is working with other agencies, such as the Department of Agriculture and the Environmental Protection Agency, to identify sites where critical minerals could be produced and processed in the United States while adhering to the highest environmental, labor, and sustainability standards. These federal agencies will also collaborate with the private sector, states, Tribes, and stakeholders to expand sustainable, responsible critical minerals

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production and processing in the United States. There are also a number of provisions in the bipartisan infrastructure bill applicable to Departmental agencies that, if enacted, should contribute to more efficient and effective critical minerals forecasting and production. If confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 6: On August 10, BLM announced that it would resume evaluating the proposed withdrawal of public lands from mineral location and entry on 10 million acres of potential greater sage-grouse habitat on federal land in 10 Western States. State agencies are leaders in many efforts to maintain healthy fish and wildlife populations and to conserve at-risk species. Wyoming, with nearly 40 percent of the greater sage-grouse population, was among the first states to adopt a comprehensive statewide greater sage-grouse strategy. Through cooperative partnership efforts in my state, substantial work has been invested in sage-grouse conservation.

- a. Will you commit to engaging state wildlife agencies as cooperative partners in review of this proposed withdrawal?

Response: The Department's reinitiation of the withdrawal process in the sage grouse matter is required by a court order issued by the U.S. District Court for the District of Idaho. I agree that states are critical partners in the collaborative state-federal joint effort to conserve the sagebrush ecosystem, the species that depend on it, and the people that rely on it. If confirmed, I commit to continuing the important collaboration with states, local governments, Indian Tribes, and many others who have worked collaboratively toward sustainable and balanced land management of sagebrush habitat.

Question 7: Vast mineral withdrawals, like the sage grouse withdrawal that you're proposing, will have a significant impact on the Nation's supply chain. Cutting off access to domestic resources will force America to become even more dependent on foreign countries to supply raw materials for renewable energy technologies and battery components.

- a. Will you work with stakeholders, including the mining industry, to ensure continued access to mining the commodities that are necessary for clean energy development?

Response: As I noted in response to a previous question regarding mining, the President has made it clear that critical minerals development and production is a priority for the country. I take that direction seriously and, if confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

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Question 8: Livestock grazing is an issue of great importance to my home state of Wyoming, and other western states. The Director of the Bureau of Land Management oversees livestock grazing activities on 155 million acres of public lands. Earlier this year, I introduced the RANCH Act, to improve the health of BLM rangelands through better livestock grazing management practices. My bill would allow land managers to better respond to extreme weather conditions and fire, and would make available vacant allotments under certain conditions.

- a. Please explain your priorities for livestock grazing management.
- b. How will you improve the way BLM administers permits and leases for livestock grazing, as a viable multiple-use activity, on public lands?

Response: It is my view that, when carried out responsibly, grazing on the public lands can result in positive conservation benefits to those lands. I support the BLM's use of science in making land management decisions, including for grazing and other activities on the public lands. I also believe it is important to continue to pursue partnerships, as the BLM has, to expand programs like the Outcome Based Grazing Authorizations that may provide flexibility to make adjustments to achieve range health and sustainability objectives. If confirmed, I will continue to seek partnerships with our stakeholders and ensure that the BLM manages the public lands in a balanced way.

Question 9: A key function of the Advisory Council on Historic Preservation is to guide federal agencies and other participants in the federal historic preservation review process established by section 106 of the National Historic Preservation Act. The process requires federal agencies to consider effects of projects on historic properties and provides the Council an opportunity to comment prior to a final decision being made. Many projects at the Department of the Interior are required to go through the 106 process and you could be involved in almost all of these decisions.

- a. Will you commit to not politicizing the 106 process?

Response: Yes. Section 106 gives the Advisory Council on Historic Preservation, interested parties, and the public, the chance to weigh in before a final decision is made. I know that this process is an important tool for citizens to lend their voice in protecting and maintaining historic properties in their communities. If I am confirmed, I commit to making all decisions in accordance with the law.

Question 10: Rob Wallace is a former Assistant Secretary of the Interior for Fish and Wildlife and Parks, a former Staff Director of the Energy and Natural Resources Committee, and a good friend of mine from Wyoming. At his nomination hearing last Congress, which I chaired, Rob testified-

"Along the way, I have learned so much, especially that no one ever wins by winning everything, that bipartisan solutions are always the lasting solutions, and that the key success to management is recruiting good people and trusting them to do their jobs."

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a. Do you agree with this statement?

Response: Yes. The sentiment in the quotation you shared is consistent with the experiences I have enjoyed during a career that has included years of public service at the Department of the Interior working with people and institutions of differing views and outlooks. I look forward to working with you and other Members of this Committee in a bipartisan fashion, if I am confirmed.

Congress is debating a budget reconciliation package slated to spend \$3.5 trillion on a wish list of Democrat-only priorities. President Biden, Speaker Pelosi, and Leader Schumer appear determined to win everything – no matter the cost. They have not been shy about summarily dismissing concerns from Republicans – and, I would suggest, even from moderate Democrats. At a minimum, the majority of the American people are being silenced.

a. Are you troubled by this rejection of a bipartisan approach – particularly on a bill that will re-write whole sectors of the economy – and especially in an equally divided Senate?

Response: While provisions related to the Department are but one part of a much larger package, as I mentioned at the hearing, I understand there is an ongoing process regarding the Reconciliation package and that there are and have been many important ideas being put forward for consideration by the Congress. I also recognize and appreciate the significant bipartisan work that has gone into the bipartisan infrastructure bill that includes important investments in our public lands and waters along with many other bipartisan legislative efforts regarding public lands and waters. I know that the President believes there is still opportunity for bipartisan engagement and I look forward to being a productive part of that process. While we in Washington often have disagreements of policy and politics, we must keep in mind that our goal is always to do the best for the American people. If I am confirmed, I commit to work hard toward that goal.

Question 11: In your hearing, you confirmed that as a supervisor, it is your responsibility to ensure that employees under you understand and take ethics requirements seriously.

- a. As a supervisor, do you know of any political appointees under your supervision that have sought a waiver or impartiality determination pertaining to former employers?
- b. Please provide a list of any political appointees under your supervision that have sought a waiver or impartiality determination pertaining to former employers with details of such waiver or impartiality determination pertaining to former employers.

Response: I am not aware of waivers or impartiality determinations sought by appointees under my supervision. As I said in response to a similar question at my hearing, individual ethics arrangements are handled by the Department's professional ethics staff and it is important that all employees engage fully in that process. If confirmed, I commit to conduct myself with the highest ethical standards, and to seek the advice of the Department's career ethics officials when appropriate. The Secretary has made clear to all of us at the Department that these are her expectations, as well, and I would expect the same of any employee under my supervision.

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Question 12: If confirmed, you would oversee the Bureau of Land Management. The Bureau oversees about 250 million surface acres or about one of every ten acres in the United States. The Bureau also manages 700 million acres of minerals or about 30 percent of the minerals in the United States.

- a. Would it concern you if an employee at the Bureau received a loan from a private land developer in violation of the Department's ethics rules?

Response: Yes, I would expect that any employee of the BLM would be guided by and comply with the ethics laws and regulations applicable to the employees of the BLM and the Department and that the employee would also seek the advice of the Department's career ethics officials, when appropriate.

Many of us on this committee want to learn more about a loan that a private land developer, Stuart Goldberg, gave Tracy Stone-Manning while she was a Senate staffer. Mr. Goldberg provided a \$100,000 loan to Ms. Stone-Manning at a *below-market* interest rate. Ms. Stone-Manning failed to disclose the loan under Senate ethics rules. In July, I submitted an additional set of written questions to Stone-Manning on the loan, but she has not responded.

- a. If confirmed, would you expect your subordinates to comply with Departmental ethics rules?

Response: Yes. As I stated in response to a previous question, I would expect that any employee of the BLM would be guided by and comply with the ethics laws and regulations applicable to the employees of the BLM and the Department and that the employee would seek the advice of the Department's career ethics officials, when appropriate.

- b. How would you manage a subordinate who refused to comply with their ethics agreement?

Response: The Secretary has made clear her expectation that Departmental employees are to conduct themselves with the highest ethical standards, and to seek the advice of the Department's career ethics officials when appropriate, and to comply with the ethics laws and regulations. I take that direction seriously and expect the same of any employee under my supervision. If confirmed, in such a situation, I would seek input on the relevant legal and personnel policies and take appropriate action.

- c. Should individuals in Presidentially appointed and Senate Confirmed positions keep their commitment to be responsive to Senate committees?

Response: I take such commitments seriously and believe it is important to honor them.

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Question 13: Does your response to section eight on the Public Financial Disclosure Report OGE Form 278e that you submitted accurately reflect the amount of your liabilities? If not, please amend your OGE Disclosure.

ENR Minority staff conducted research and discovered your mortgage on your personal residence from Quicken Loans was valued at \$252,000 dollars. In your response, you listed the amount as being between \$100,000 and \$250,000 dollars. If you inaccurately represented the value of your loan on your OGE Disclosure, please amend your OGE Disclosure.

Response: Yes, the response to section 8 on my OGE Form 278e accurately reflects the amount of the liabilities required to be reported consistent with guidance from the U.S. Office of Government Ethics. While the mortgage was originally valued at \$252,000 when it was taken out in 2019, the Departmental Ethics Office advised that the value of this liability should be reported on the form with the value of the liability at or within 31 days of the date the form on May 3, 2021.

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Questions from Senator Risch

Question 1: As you know, Secretarial Order 3395 was issued on January 20, 2021, temporarily requiring decisions that used to be made at the local and state level to now come to Washington, D.C., for approval. On March 19, you signed a memo to BLM staff extending this order indefinitely for mine Plans of Operation and Plan of Operation amendments. It is extremely concerning to remove decision-making authority from your own professional field staff and instead place it with those who have no firsthand knowledge of projects and are thousands of miles away. It is unclear what the goal of this “new normal” is other than inefficiency.

- a. Can you please describe your objectives in requiring routine decisions get approval from the Washington office?
- b. Can you provide a date certain when delegated authority will be returned to district and state directors?

Response: Secretary’s Order 3395, which expired in March, provided for elevated review at the beginning of the administration to afford new appointees at the Department with the opportunity to gain visibility into what was happening across the agency. The memo issued after the Secretary’s Order expired provided clarity about processes and expectations going forward. That memo also marked a return to practices that were consistent with previous administrations. As I said during the hearing, while significant matters are elevated for a Department level awareness and review, consistent with practice across past administrations, the Office of the Assistant Secretary for Land and Minerals Management is not in the day-to-day permitting business. That role largely falls to the expert career staff in the bureaus.

Question 2: Under the Federal Land Policy Management Act (FLPMA) of 1976, does the BLM have the authority to require compensatory mitigation, or is it only voluntary?

Response: FLPMA empowers the BLM with broad authority to permit public land uses to meet the needs of the American people. With regard to compensatory mitigation, in July the bureau rescinded the previous administration’s compensatory mitigation policy, which was inconsistent with the policies in the President’s Executive Order 13990, issued January 20, 2021, and Secretary’s Order 3398, issued April 16, 2021. I understand that the BLM is currently reviewing these policies and expects to establish policies that are consistent with EO 13990 and SO 3398. In the meantime, BLM offices are continuing to consider and implement compensatory mitigation on a case-by-case basis, in consultation with bureau program specialists and the Solicitor’s Office staff.

Question 3: Do you support President Biden’s efforts to prioritize green energy technologies, battery storage, and electric vehicle adoption?

Response: Yes. The President has established a plan to address the threat of climate change, and as part of that plan he has set a goal of a carbon-free power sector by 2035 and to support the development of electric vehicles, including those produced in the United States. If I am confirmed, my job will be to work with Secretary Haaland and Departmental staff to implement the President’s policies and to work

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with Congress and our stakeholders to make America's clean energy economy, and the infrastructure that it needs, successful.

Question 4: Do you support domestic mineral production as the front end of the supply chain for clean energy technologies?

Response: Yes. The President recognizes the importance of critical minerals to clean energy technologies and has made it clear that critical minerals development and production is a priority for the country. I take that direction seriously and, if confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 5: Do you believe that additional transmission infrastructure will be required to bring renewables onto the grid?

Response: The President has expressed his Administration's commitment to accelerating the needed expansion and modernization of America's power infrastructure to build a more reliable electric grid, create good-paying, union jobs, and deliver clean American energy to American businesses and homeowners. I support this commitment and, if confirmed, will work with the BLM to expand transmission capacity on the public lands in an environmentally responsible way, consistent with our laws for permitting infrastructure projects.

Question 6: If confirmed, will you support efforts to streamline the permitting process at the Bureau of Land Management for clean energy, renewable technologies, and transmission infrastructure?

Response: Permitting efficiency should be the goal of every land manager and government official with jurisdiction over the public lands. If I am confirmed, I will work hard to strike the right balance between carrying out responsible energy development and responsible stewardship of our environment and natural resources. At the Department and with regard to the public lands specifically, we are looking at improving permitting efficiency to support renewable energy expansion and are engaging in smarter planning from the beginning of the process in order to avoid conflicts and resulting slowdowns. I am always open to discussing ways to improve our internal processes.

Question 7: If confirmed, will you support efforts to streamline the mineral permitting process at the Bureau of Land Management in order to help boost domestic production and decrease our reliance on foreign sources of metals and minerals necessary for clean energy technologies?

Response: As I said in a previous response, the President recognizes the importance of critical minerals to clean energy technologies and has made it clear that critical minerals development and production is a priority for the country. I take that direction seriously and, if confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

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Question 8: Can you describe your understanding of the term “multiple use?”

Response: When FLPMA was enacted, it provided BLM with a mandate that it must manage the many resources found on the public lands in a balanced way that enables sustainability of those resources for future generations. If confirmed, I will seek to help the BLM achieve this multiple use mission in a smart way that provides the greatest benefit to the American public.

Question 9: Do you support the continued use and expansion of natural gas and associated infrastructure?

Response: I agree with President Biden and Secretary Haaland, who have both said that oil and natural gas production will play a significant role in our country for years into the future. If I am confirmed, I will work hard to ensure that the President’s priorities and policies are implemented.

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Questions from Senator Daines

Question 1: Ms. Daniel-Davis, do you support creating a new royalty for federally permitted hard-rock mines?

Response: In general, I support the consideration of reforms of the Mining Law of 1872, which is far out of date. The provisions in the bipartisan infrastructure bill that would authorize cleanup of abandoned hard rock mines are an important step. If confirmed, I would look forward to working with you and with Congress to create a modern system that supports environmentally responsible mineral development from our public lands and provides a fair return to the taxpayers of the use of public lands and minerals.

Question 2: Ms. Daniel-Davis, do you support increased fees for federally permitted hard-rock mines?

Response: As I said in my response to the previous question, I generally support consideration of reforms of the Mining Law of 1872. The provisions in the bipartisan infrastructure bill that authorizes cleanup of abandoned hard rock mines are an important step. If confirmed, I would look forward to working with you and with Congress to create a modern system that supports environmentally responsible mineral development from our public lands and provides a fair return to the taxpayers.

Question 3: Ms. Daniel-Davis, do you believe that hard-rock mining creates “undue degradation of public lands?”

Response: I believe it is important and necessary to promote environmentally responsible mineral development, but it is also important to ensure that remediation of the widespread abandoned mine sites, many of which are in the West, is addressed. President Biden has made remediation and reclamation of these sites on public lands a priority. If I am confirmed, I will work hard to ensure that the President’s program to create jobs in remote, rural communities to address these sites that pose a risk to health and safety is efficiently and effectively implemented.

Question 4: Ms. Daniel-Davis, do you support increasing regulations on hard-rock mining operators?

Response: As I noted in a previous response, it is important and necessary to promote environmentally responsible mineral development from our public lands, particularly with regard to critical minerals necessary for our clean energy future. It is also important to strike the right balance between development of our natural resources, like hard-rock minerals, and protection of the environment. If I am confirmed for this position, I will try to strike this balance as I implement President Biden’s and Secretary Haaland’s priorities.

Question 5: Ms. Daniel-Davis, do you believe that the U.S. has stronger environmental regulations than countries like China and the DR Congo?

Response: I believe Americans support responsible environmental standards in this country and I am aware that other nations have standards that are lacking in some respects. I am not highly informed about

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the environmental regulations in those countries, but it is important and necessary to promote environmentally responsible mineral development from our public lands. This is particularly true with regard to critical minerals necessary for our clean energy future, and the President has made this a priority. If I am confirmed, I will seek to strike the right balance between development of our natural resources and protection of the environment.

Question 6: Ms. Daniel-Davis, do you believe the U.S. should increase domestic mining in order to have a secure supply chain for renewable energy production?

Response: The President has recognized the importance of critical minerals to clean energy technologies and has made it clear that critical minerals development and production is a priority for the country. I take that direction seriously and, if confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 7: Ms. Daniel-Davis, if confirmed what specific steps will you take to increase critical mineral production on public lands?

Response: President Biden has made it clear that critical minerals development and production is a priority for the country. I take that direction seriously. The Department is working with other agencies, such as the Department of Agriculture and the Environmental Protection Agency, to identify sites where critical minerals could be produced and processed in the United States while adhering to the highest environmental, labor, and sustainability standards. These agencies will also collaborate with the private sector, states, Tribes, and stakeholders to expand sustainable, responsible critical minerals production and processing in the United States. In addition, there are a number of provisions in the bipartisan infrastructure bill applicable to Departmental agencies that, if enacted, should contribute to more efficient and effective critical minerals forecasting and production. If confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 8: Ms. Daniel-Davis, if confirmed will you commit to holding all four required quarterly oil and gas lease sales in Montana by the end of CY2021?

Response: While I note that the litigation is ongoing, the Department is complying with the District Court's ruling in *Louisiana v. Biden*. With regard to implementation of the onshore oil and gas leasing program, the BLM announced scoping for the next Montana oil and gas lease sale on August 31, 2021, which ended on October 1, 2021. The BLM will then move forward with a lease sale following agency policy in Instruction Memorandum 2021-027, Oil and Gas Leasing – Land Use Planning and Lease Parcel Reviews (April 30, 2021), and in accordance with all applicable laws and regulations. If I am confirmed, I commit to following the law as we move forward with the onshore oil and gas leasing program.

Question 9: Ms. Daniel-Davis, if confirmed will you commit to holding all four required quarterly oil and gas lease sales in Montana in CY2022?

Response: As I stated in the response to the previous question, the Department is complying with the District Court's order in *Louisiana v. Biden* and, if I am confirmed, I will follow the law as we move forward with the onshore oil and gas leasing program.

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Question 10: Ms. Daniel-Davis, since President Biden took office you have helped spearhead the pause on oil and gas lease sales. The Mineral Leasing Act is clear that the BLM must hold quarterly lease sales in all states with eligible leases. Under what specific statutory framework did you believe that BLM had the ability to indefinitely pause oil and gas lease sales?

Response: The pause in oil and gas leasing was directed by an Executive Order. Although this issue continues to be the subject of litigation, generally what I can say is the Administration believes that the relevant statutes give the Department discretion on how to carry out the federal oil and gas leasing program.

Question 11: Ms. Daniel-Davis, the expressed reasons for the leasing pause was so the Department could review the leasing process. What specific actions or items needing review required the leasing process to be paused that could not happen while leasing continued?

Response: The President directed the Secretary to pause new oil and natural gas leases on public lands or in offshore waters under the terms of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, pending completion of the comprehensive review and reconsideration of federal oil and gas permitting and leasing practices. As noted in the E.O., the President directed this action because of the Secretary's broad stewardship responsibilities over the public lands and its resources. With this charge, the Department is looking at the impacts of climate change, other impacts associated with oil and gas activities, including Government Accountability Office and Department of the Interior Inspector General reports critical of the programs, and whether the programs have proper regulatory oversight. As I said at the hearing, we hope this review process will conclude soon and we will make the final report available at that time.

Question 12: Ms. Daniel-Davis, do you support increasing federal royalty rates for onshore and offshore oil and gas development?

Response: One of the key goals of the Department's comprehensive review of the management of the oil and gas leasing program is to ensure that the program provide a fair return to the American taxpayer. Government Accountability Office and Department of the Interior Inspector General reports have been critical of the programs, including this particular aspect of the program, for many years. Because the report is currently in draft form and under review, I am not yet at liberty to discuss its findings. However, as I said at the hearing, I hope that this review process will conclude soon and we will make the final report available at that time.

Question 13: Ms. Daniel-Davis, when speaking of a clean energy future, would you include hydropower as an important component in a carbon free energy grid?

Response: Yes. While hydropower generation and management generally fall under the jurisdiction of other bureaus and offices within the Department, I agree that hydropower is an important source of carbon-free energy.

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Question 14: Ms. Daniel-Davis, do you believe we should build more hydropower dams and units on public lands and waters or do you think we should remove existing dams?

Response: Again, hydropower policies, including policies related to dam construction and removal, are not matters that fall within the jurisdiction of the position for which I have been nominated but, instead, lie with other bureaus and offices in the Department. I believe hydropower can play an important role when done in an environmentally responsible way.

Question 15: Ms. Daniel-Davis, what actions will you take to maintain and increase hydropower development on federal lands?

Response: Hydropower policies, including policies related to dam construction and removal, are not matters that fall within the jurisdiction of the position for which I have been nominated but, instead, lie with other bureaus and offices in the Department. However, to the extent that the Bureau of Land Management or another agency under the position for which I have been nominated was to be involved in decision-making related to hydropower development on the public lands, I would participate in those discussion in good faith, with an open mind, and consistent with the guiding authorities.

Question 16: Ms. Daniel-Davis, unlike oil and gas development on federal lands, wind and solar development on federal lands does not create direct revenue for local communities. Do you support creating a revenue sharing arrangement for wind and solar like there is for oil and gas?

Response: President Biden has made the development of clean, renewable energy on the public lands a cornerstone of his plan to address the threat of climate change. If confirmed, I would work hard with others in the Department to meet his goals of creating a carbon-free power sector by 2035 and the clean energy jobs that would come with it. I welcome discussion with Congress on ideas and proposals on how to incentivize large scale development of these projects. The Department has generally testified in favor of the goals of legislation, H.R. 3326, the Public Lands Renewable Energy Development Act, which includes revenue sharing provisions along these lines and I support those views. If I am confirmed, I will work with Congress, states, Tribes, and stakeholders to make America's clean energy economy, and the infrastructure that it needs, successful.

Question 17: Ms. Daniel-Davis, do you support creating a royalty rate for wind and solar like there is for oil and gas?

Response: It is important that the Department ensure a fair return to taxpayers for the use of public land resources, including for the development of renewable energy like wind and solar power. The Department and the BLM are actively engaged in developing and applying the new authority provided in the Energy Act of 2020 under interim policy and formal rulemaking updates to adjust rents and fees in appropriate ways to enhance financial certainty for responsible solar and wind energy development on the public lands. The Department has generally testified in favor of the goals of legislation, H.R. 3326, the Public Lands Renewable Energy Development Act, which includes revenue sharing provisions and I support those views. If confirmed, I would welcome discussion with Congress and other stakeholders on the potential benefits to the taxpayer, the federal treasury, and to states and Tribes, that might be realized

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if renewable energy production on the public lands generated royalty revenue, like oil and gas production, and whether a change in authority like that would further incentivize development of these projects.

Question 18: Ms. Daniel-Davis, it is estimated that coal, gas, and nuclear energy use approximately 12 acres of land per megawatt of energy produced. Solar needs approximately 43 acres per megawatt and wind approximately 70 acres per megawatt. With the expansion of wind and solar energy there will need to be an exponential increase of land use to generate the same amount of energy. How do you plan to balance conservation of land with the increase in land use for wind and solar?

Response: The President has made addressing the climate crisis a top priority, with an ultimate goal of a carbon-pollution free power sector by 2035. It is important that the decisions we make are guided by science. According to the Department of Energy's National Renewable Energy Lab, current photovoltaic technology generates 1-megawatt of solar energy from 7.9 acres, while current wind energy technology ranges between 35 acres to 112 acres per 1-megawatt for high-density wind-farm development or low-density wind-farm developments, respectively. The BLM has indicated that there are ample lands currently identified for renewable energy projects on public lands to meet the President's renewable energy goals. With this in mind, I believe that we can responsibly develop renewable energy projects on the public lands, provide for conservation of natural resources and wildlife habitat, and enhance recreational opportunities, as well as meet other multiple use priorities.

Question 19: Ms. Daniel-Davis, do you believe that the permitting review for oil, gas and coal on federal lands should be different from the permitting of wind or solar?

Response: Ensuring consistent and efficient processing of land-use applications by the BLM, or by any agency, is important for all permitted actions on public lands, whether for oil and gas leases, permits, right-of-way grants, or any other authorization. If I am confirmed for this position, I will ensure that the bureaus that I would oversee operate in an efficient and unbiased manner and in accordance with all applicable laws and regulations.

Question 20: Ms. Daniel-Davis, do you believe that responsible energy development, including coal, oil, gas, and geothermal development is part of the Department and BLM's multiple use directive?

Response: Yes. The BLM's multiple use mandate requires thoughtful management of the public lands for a host of uses in the appropriate places, and this includes energy development activities, among many others.

Question 21: Ms. Daniel-Davis, what actions should the Department take to speed up permitting for renewable energy projects on federal lands?

Response: Permitting efficiency should be the goal of every land manager and government official with jurisdiction over the public lands. We are looking at improving permitting efficiency to support renewable energy expansion and are engaging in smarter planning from the beginning of the process in order to avoid conflicts and resulting slowdowns. The President's Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, directs the Secretary to review siting and permitting processes on

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public lands and in offshore waters to identify ways we can increase renewable energy production. These processes are underway at the Department. The BLM is also creating Renewable Energy Coordination Offices, as mandated in the Energy Act of 2020, and is taking other actions to enhance coordination on permitting of renewable energy projects on BLM-managed lands. The Department has also testified in support of the goals of H.R. 3326 to expedite permitting of renewable energy in the most suitable places on Federal lands. It has also initiated a process to revise its regulations related to renewable energy permitting and linear rights-of-way on public land. If I am confirmed I will continue to find ways to improve the bureau's permitting processes.

Question 22: Ms. Daniel-Davis, Montana and the West experienced another catastrophic wildfire season. It's clear we must do everything we can to manage our forests to reduce the risk of severe wildfires and protect Montana families and communities from the deadly flames. The Biden Administration has proposed a 62% increase in hazardous fuels funding across USFS and DOI in FY2022. The Administration said investments in FY 2022 will be informed by a scientific, outcome-based national investment model that targets land treatments to areas where they can be most effective in protecting communities. Can you explain the Department of Interior's proposed criteria defining the "scientific, outcome-based national investment model" used when deciding what lands are eligible for treatment?

Response: I understand that this initiative is led by the Department's Office of Wildland Fire, which falls under the Assistant Secretary for Policy, Management and Budget. The Department's budget request includes funding for the development and initial implementation of new fuels management outcome data collection, management, and analysis and for collaboration among partners. These outcome-based metrics are intended to support more strategic investments in fuels management projects, facilitating coordination with communities and partners to better inform decisions and develop a collaborative approach to undertake treatments to reduce wildfire risk and protect communities, people and resources. If confirmed, I will work with the Department to ensure that BLM participation in this effort is both prioritized and effective.

Question 23: Ms. Daniel-Davis, in 2018, Congress passed legislation to streamline the approval process for vegetation management along federal rights-of-way to mitigate wildfire risk but the Bureau of Land Management has yet to implement this legislation hindering effective wildfire risk management. If confirmed, will you commit to prioritizing the issuance of the vegetation management rule and how will you work to coordinate with the Forest Service, given similar rulemaking efforts, to assure consistent implementation and timely approvals across landscapes and jurisdictions?

Response: Wildfire preparedness and prevention efforts have been a high priority for this Administration and for the Department. I recognize the need to carry out fuels management activities on our public lands, including active vegetation management to reduce wildland fire risk. Specifically with regard to this issue, the Department is working in close coordination with the Forest Service to develop policies to implement the law using the direction given by Congress. Because of the impacts of our changing climate, fighting wildfires is no longer a seasonal action. A coordinated approach is critical to success and, if confirmed, I will continue to prioritize interagency efforts on vegetation management.

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Question 24: Ms. Daniel-Davis, earlier this month the Biden Administration issued a proclamation urging further utilization of the Wilderness Act under the guise of the America the Beautiful initiative. What was the impetus for this?

Response: The proclamation referenced in your question appears to be the President's "Proclamation on National Wilderness Month, 2021", issued on August 31, 2021. I understand that the proclamation was issued to recognize and celebrate the wonder and beauty of America's public lands, particularly the contribution that the Wilderness Act has made to conservation and to acknowledge the importance of the need to protect and conserve wild resources that are at risk.

Question 25: Ms. Daniel-Davis, it has been several months since the Administration announced they were reviewing the 2015 sage grouse plan amendments and the mineral withdraw yet states, counties, and other stakeholders have yet to learn more information about the scope and intent behind this review. When can Montanans expect more information on this review?

Response: The BLM intends later this fall to open public scoping on the sage-grouse plan amendments and has engaged with other federal agencies and with states through the Western Association of Fish and Wildlife Agencies' Sagebrush Executive Oversight Committee, on these efforts. If I am confirmed, I will continue to ensure that the bureau is advancing collaborative sage-grouse conservation in a balanced and sustainable manner with states and other partners. The BLM published a Federal Register Notice on August 13, 2021, to inform the public that it is re-initiating consideration of the proposal to withdraw Sagebrush Focal Areas from location and entry under the United States mining laws to protect the greater sage-grouse and its habitat, as ordered by the U.S. District Court for the District of Idaho. The bureau plans to release an updated draft Environmental Impact Statement and open a public comment period.

Question 26: Ms. Daniel-Davis, do you agree with the 2004 Supreme Court Decision that a completed, finalized Resource Management Plan is a completed federal action?

Response: If I am confirmed I will always follow the law, and I will consult with the attorney staff in the Department's Office of the Solicitor for guidance on legal questions and matters of statutory interpretation.

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Questions from Senator Murkowski

Question 1: Ms. Daniel-Davis, in the early days of the Biden administration, you took the questionable actions to unilaterally delay the opening of five public land orders that were signed by former Interior Secretary Bernhardt.

- a. Please provide me the legal justification or legal analysis that provided you as the Special Advisory to the Secretary, Exercising the Delegated Authority of the Assistant Secretary, Land and Minerals Management to supersede a public land order opening order signed by a Senate confirmed Secretary of the Interior?
- b. Is it the Department's position that the authority to issue public land orders can be delegated beyond the Secretary of the Interior or the Senate confirmed Director of the Bureau of Land Management?

In a brief by the Department of Justice in the case of *Bullock vs. Bureau of Land Management*, filed on October 20, 2020, on page 6 the DOJ argues: "The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate." 43 U.S.C. § 1714(a). Thus, while the Secretary could delegate land-withdrawal authority to a person in his "Office" who was appointed by the President with Senate confirmation, that person could not then redelegate that authority to an official lacking those qualifications."

- c. Three months prior to you joining the Department, the Department of Justice argued in court that you as a non-senate confirmed official do not have authority issue public land orders. Was the Department of Justice wrong in their briefing that they filed?
- d. Did the Department change their position on the issue after the Biden administration took office?

Response: I take seriously the Department's obligations to convey land to the State of Alaska, to Alaska Native Corporations, and Alaska Native Vietnam Era Veterans. However, there is ongoing litigation on the matters referenced in your question that was filed by the State of Alaska in July 2021. As a result, I am not able to discuss the legal questions that you raise.

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Question 2: Do you agree that the State of Alaska owns the submerged lands under every navigable-in-fact or tidally influenced waterbody within its borders that is not subject to a valid pre-statehood withdrawal that specifically defeats that title? In lay terms – do you agree that, with some exceptions, if you can take a personal watercraft on most waterways in Alaska, that the State owns those submerged lands?

- a. I know this is an issue your leadership team is looking closely at due to recent actions by the State and the *Sturgeon v. Frost* case from the U.S. Supreme Court, thank you for taking it seriously. I believe it is an area where we can, and really must, work together to both responsibly manage Alaska's natural resources and allow Alaskans access across our state.

Response: Yes, I understand that the U.S. Supreme Court's decision in *Sturgeon v. Frost* held that lands under navigable waters are considered outside the boundaries of federal Conservation System Units and are thus not subject to certain federal regulations. I agree with you that this is an area where we can all work together and, if I am confirmed, I am committed to working with you, with other key staff here in the Department, and with the State of Alaska to further resolution of this issue.

- b. Practically, we need a reset. BLM Alaska has not issued any Recordable Disclaimers of Interest in years, and just last week received a decision from the Interior Board of Land Appeals confirming that they misinterpreted and misapplied their authority when they rejected an RDI application in 2015. We are also looking at more litigation on these same topics – which I think frankly is a tremendous waste of resources when we could be cooperating. Would you provide a general disclaimer or policy of disclaiming submerged land interests? Something that would get us out of this rut?

Response: I agree that cooperation is important, and I know that the BLM is committed to working with the State of Alaska collaboratively to review existing procedures for potential improvements. With regard to this matter, if I am confirmed, I am committed to working with other key staff here in the Department and with the State of Alaska to seek practical solutions to this issue.

Question 3: The Recordable Disclaimer of Interest (RDI) process contained within the Federal Land Management and Policy Act (FLPMA) is supposed to provide a “quick and inexpensive” way for the State of Alaska to remove federal clouds from state title to submerged lands under navigable-in-fact and tidally influenced rivers and lakes.

- a. Even though the State of Alaska has numerous pending RDI applications, it has been over two calendar years since any meaningful action has been taken on pending RDI applications.
- b. If confirmed, can you investigate how funds appropriated for this purpose have been spent over the last two years and ten years? And provide the number of completed RDIs have been issued through this process?

Response: If I am confirmed, I will consult with the BLM on this issue. Regarding your specific questions, I am advised that the BLM estimates that the State of Alaska historically paid anywhere from \$7,000 to \$10,000 in cost reimbursement per RDI. The BLM further advises that the State of Alaska has

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submitted 48 RDI applications, of which the BLM has completed 34, seven have been withdrawn, and seven are currently pending.

- c. Can you commit to speed up this painfully slow and expensive process to remove federal clouds from state title to submerged lands?**

Response: I know that working with the State of Alaska to resolve this issue has been a priority for key senior staff here at the Department. I commit to you that, if confirmed, I will work with other key staff here in the Department and with the State of Alaska to seek practical solutions to this issue.

Question 4: Can you commit to, if confirmed, sharing the details of the Department's basis for withholding the immediate publication and effectuation of PLOs 7899, 7900, 7901, 7902, 7903?

- a. Practically, how does the Department plan to allow Alaska Native Vietnam Veterans to pursue allotments in these areas? Despite rosy statements and press releases, these applications have already been delayed for months and it seems likely they will be for years unless there is a reversal by the Department?**

Response: Secretary Haaland has made it clear that we must keep our promises to Alaska Native Vietnam Veterans. To date, we have received 124 applications, 40 of which are requesting allotments within the 28 million acres currently pending environmental review. In addition, two applications have been received for acres managed by the U.S. Fish and Wildlife Service and the U.S. Forest Service that are currently unavailable for selection. The BLM expects that approval of certificates for valid allotments will begin soon. The 60-day comment period on the BLM's Notice of Intent to Prepare an Environmental Assessment to consider the effects of opening the withdrawn lands to selection by Alaska Native Vietnam Veterans ended on September 21, 2021, and BLM is currently reviewing comments. If I am confirmed, this matter, and the timely processing of these applications by Alaska Native Vietnam Veterans, will continue to be a priority for me and for the Department.

- b. Why can't the State's land entitlement be treated the same way?**

Response: I take seriously the Department's obligations to convey land to the State and to Alaska Native Corporations. However, with regard to the State selections, there is ongoing litigation on the matter referenced in your question that was filed by the State of Alaska in July 2021. As a result, I am not able to address the question that you raise.

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 Questions for the Record Submitted to Ms. Laura Daniel-Davis
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Questions from Senator Hirono

Question 1: As Assistant Secretary for Land and Minerals Management, you would oversee the Bureau of Land Management (BLM). The BLM is currently collecting public comment on a proposed wind farm, the Lava Ridge Wind Energy Project, on land managed by the BLM. This project would be within sight of the Minidoka National Historic Site, where Japanese Americans were forcibly relocated and incarcerated from 1942 to 1945. Concerns regarding this wind energy project have been expressed by stakeholders committed to preserving the history of the internment of Japanese Americans. If you are confirmed, will you ensure that you listen to these concerns as the Department carries out its analysis for this project?

Response: Yes. I believe it is important to solicit and consider input from all stakeholders when making decisions about projects on the public lands. If I am confirmed, I commit to hearing the voices of all stakeholders and to ensuring that they are heard and considered in the decision-making process.

Question 2: What are the leading challenges and opportunities you see for developing offshore wind in Hawaii and the west coast of the United States? If you are confirmed, do you have plans for expanding Bureau of Ocean Energy Management's (BOEM's) engagement with the public on marine renewable energy resource development, and do you plan to continue BOEM's support for ocean science to expand our knowledge of the marine and coastal environments?

Response: This Administration has made significant progress to spur the development of offshore wind energy projects in order to meet the President's goal of 30 gigawatts of offshore wind energy by 2030. It is important that we continue to work with the State of Hawaii to explore the potential for offshore wind energy development and that we coordinate with federal partners, like the Department of Defense, to ensure that any lease areas are compatible with military uses. It is important to solicit and consider input from all stakeholders, and if I am confirmed, that will be a priority; it is our commitment that the Department will appropriately engage with Native Hawaiian Organizations as planning for these projects progresses. Finally, I am committed to advancing responsible decision-making, and management, of our marine resources using the best available science and without political interference. One of President Biden's first actions was a Presidential Memorandum on scientific integrity, and I believe it is important that the evaluation of, and decision-making authority regarding, scientific information is put back in the hands of scientists.

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Questions from Senator Marshall

Question 1: In your hearing, you confirmed that as a supervisor it is your responsibility to ensure that employees under you understand and take ethics requirements seriously.

As a supervisor, do you know of any political appointees under your supervision that have sought a waiver or impartiality determination pertaining to former employees?

Question 2: In your hearing, you confirmed that as a supervisor it is your responsibility to ensure that employees under you understand and take ethics requirements seriously.

Please provide a list of any political appointees under your supervision that have sought a waiver or impartiality determination pertaining to former employees with details of such waiver or impartiality determination pertaining to former employees.

Response to Questions 1 and 2: I am not aware of waivers or impartiality determinations sought by appointees under my supervision. As I said at my hearing, individual ethics arrangements are handled by the Department's professional ethics staff, and it is important that all employees follow the appropriate process on these matters. If confirmed, I commit to conduct myself with the highest ethical standards, and to seek the advice of the Department's career ethics officials when appropriate. The Secretary has made clear to all of us at the Department that these are her expectations, as well, and I would expect the same of any employee under my supervision.

Question 3: The Interior Department's Inspector General is currently investigating whether Nada Culver, the Bureau of Land Management's Deputy Director of Policy and Programs, was involved in the April 2021 decision to impose a two-year moratorium on five public land orders signed by former Secretary David Bernhardt. It has been publicly reported that Ms. Culver may have a conflict due to her previous work against these orders.

As a supervisor, do you know if Ms. Culver has sought a waiver or impartiality determination pertaining to former employees? Please provide details of such waiver or impartiality determination.

Response: Please see my response to the previous questions.

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Questions for the Record Submitted to Ms. Camille C. Touton
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Questions from Ranking Member Barrasso

Question 1: Water is the lifeblood of the West and its importance cannot be understated. The West is currently undergoing an historic drought. Ranchers and farmers in Wyoming and other western states, are struggling. According to the U.S. Department of Agriculture, 99.8 percent of Wyoming is currently experiencing drought conditions. In addition, the USDA reports that 75 percent of stock water supplies for ranchers in my state were rated either “very short” or “short.” Irrigation water is also in short supply.

- a. If confirmed, what would be your immediate priorities and how would you work with western communities, including ranchers and farmers, to provide more water for Wyoming and other western states?**

Response: I believe in Reclamation’s core mission to deliver reliable water and power, in dry years and wet years. Drought is no stranger to the west, and Reclamation has a suite of programs to help address it. Since I have been with the Department, I have worked with Reclamation staff and our partners and stakeholders on what technical, operational, and financial assistance we could provide. This includes the reprogramming of \$100 Million in FY 2021 for drought related activities across the west, including \$20 million in additional funding for the Drought Contingency Plan. Moving forward, I will continue to work with stakeholders as they prepare for and address the effects of drought and other water management issues, through WaterSMART and other infrastructure authorities. In facing this year’s historic drought, I am committed to continue looking at all of the authorities we have to maximize our response to the ongoing effects of drought. If confirmed, I’ll leverage those programs to support the continued delivery of water and power in all Reclamation states, including Wyoming.

Question 2: At the end of this year, important provisions of the Water Infrastructure Improvements for the Nation Act, or “WIIN Act,” will expire. This is why I introduced the Western Water Infrastructure Act of 2021. This legislation would reauthorize expiring provisions that allow for the construction of new water storage, desalination, and water reuse infrastructure. The legislation also fully funds the Bureau of Reclamation and provides funding to manage the agency’s maintenance backlog. You worked on the WIIN Act as a Congressional staffer and know as well as anyone how important the law is.

- a. Can you speak about the importance of reauthorizing these expiring provisions in the WIIN Act?**

Response: Since I have been with the Department, I have worked to support Reclamation making important progress on water storage, recycling and desalination projects using the authority and appropriations provided pursuant to the WIIN Act. I believe water storage, desalination and water reuse infrastructure are each tools to increase flexibility and address drought resilience. We need to invest in existing tools and develop additional tools and programs to ensure local communities are able to meet the challenges associated with a variable water supply. This included a recommendation to Congress of \$205 million for new storage water, \$30 million for Water Recycling, and \$12 million in Desalination for inclusion of FY 2022 from WIIN. We will follow Congressional direction whether the statute is extended,

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replaced with similar authority in the bills currently under consideration by the Congress, or whether project funding is provided through processes followed prior to the enactment of WIIN.

Question 3: The West is currently suffering historic drought conditions. Yet, the budget that the President proposed earlier this year sought to cut funding for the Bureau of Reclamation, while increasing funding for the rest of Interior.

- a. **Would you agree with me that now, during a historic drought, is the time to prioritize western water infrastructure, not cut funding for it?**

Response: If confirmed I will work to ensure that Reclamation does the most with the funding it receives in the budget process that involved both the Administration's request and action by Congress. The FY 2022 budget submitted by Reclamation proposed a diverse portfolio of activities, with very large increases requested in FY 2022 for dam safety, Indian water rights settlements and Native American Affairs, while also continuing to support our efforts in water conservation, drought response, and cybersecurity. I believe these investments are central to Reclamation's ability to maintain its infrastructure, and deliver water and power, especially during drought. In addition, when looking at Reclamation's budget, I believe it is important to note that \$247 million in WIIN Act projects have already been appropriated and were approved by Congress as part of the Continuing Resolution. If confirmed, going forward, I look forward to working with Congress on our FY 2022 budget and in future years.

Question 4: Most of Reclamation's facilities are more than 50 years old, and the agency's estimated five-year major repair and rehabilitation needs (including dam safety needs) surpasses \$4.6 billion. Similarly, infrastructure that has been transferred to non-federal users ("transferred works") is aging. P.L. 116-260 authorized a new Aging Infrastructure Account, and Reclamation has requested funding for the new account in the FY2022 Budget. Some in Congress also have proposed "innovative" financing authorities that facilitate public-private partnerships (i.e., a Reclamation Infrastructure Financing and Innovation Act) that would address aging infrastructure issues.

- a. **How might you facilitate Reclamation's efforts to address aging infrastructure issues at federally owned infrastructure?**

Response: I appreciate your leadership along with others on this committee on a bipartisan basis on legislation that provided an assessment of our infrastructure. Since joining the Department, I am aware that Reclamation's initial "Asset Management Report, April 2021" identified our five-year major rehabilitation and replacement needs of \$4.6 billion. I believe it is important to recognize that all infrastructure is aging, and I will work to ensure that Reclamation follows an asset management strategy that categorizes repair needs to address risks and benefits associated with major rehabilitation and replacement activities. I believe the longevity of Reclamation's infrastructure is achieved through preventive maintenance programs, capital improvement planning, and substantial investment in major rehabilitation and replacement activities. Using these approaches, I believe Reclamation can keep infrastructure operating past its original design

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life and will continue to make targeted investment to assure that projects can deliver benefits far into the future. If confirmed, I will work to ensure that Reclamation continues to engage with stakeholders through formal and informal discussions at the local and regional levels on implementation of infrastructure needs and financing options in compliance with the Reclamation Transparency Act.

b. What would be your plans for the newly created Aging Infrastructure Account?

Response: As noted, Reclamation requested \$1 million for this account in our FY 2022 budget request, and if confirmed, I would take the efficient and effective allocation of these and additional funds very seriously. This October, we intend to issue a notice of open application period with applications due by the end of December 2021. I understand that Reclamation plans to rank applications during January and February 2022 and provide our allocation proposals to Congress in March 2022. We are watching the FY 2022 appropriations process closely and are aware and supportive of provisions in pending infrastructure legislation that would provide significant additional funding to this account.

c. Is there a role for innovative finance and public-private partnerships to address aging infrastructure issues at Reclamation facilities? If so, what is the role?

Response: I am open to considering a variety of options, including partnerships to address Reclamation funding needs. For example, implementing section 9603 of Public Law 111-111, as amended, allows for innovative financing solutions to address aging infrastructure issues at Reclamation facilities. I support Reclamation continually working with our non-Federal operating partners to explore financing options that are tailored to their specific circumstances, within existing authority and in accordance with administration priorities. If confirmed, I also look forward to working with the Congress as new authorities are considered.

d. What is the role of Reclamation in helping non-federal water managers address their aging infrastructure issues?

Response: I believe Reclamation has an important role in working closely with non-federal water managers who operate and maintain federal water infrastructure. If confirmed, I would work to ensure that role is one of collaboration with these local project beneficiaries, providing technical expertise at the field office, area office, and regional office levels to assure the reliable maintenance of these assets. I also believe that this often involves a strategic approach to budgeting and schedules for routine or extraordinary maintenance work. Working together, we can ensure that continued investments by Reclamation and its water and power partners will further extend the serviceability of Reclamation's infrastructure.

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Question 5: Reclamation has multiple programs, including the Cooperative Watershed Management Program and the Basin Studies Program, which engage stakeholders to negotiate solutions to complex water management issues. Reclamation also plays a leadership role in multiple basins with contentious water management issues.

- a. **Please describe in detail the importance of the Commissioner engaging with stakeholders to solve complex water management issues.**

Response: I believe engagement at the leadership level with Reclamation stakeholders is crucial to meeting our mission. This leadership-level engagement allows us to provide the benefits of the Reclamation program and leverage the benefit of our partners' expertise in our common goal of reliable water and power. If confirmed, I intend to maintain an open and constructive channel of communication with stakeholders.

- b. **Please describe recent examples, in your role as Deputy Commissioner, of successful stakeholder engagement by Reclamation.**

Response: In my previous experience at the Department and in Congress, and since January 2021, I have seen how direct engagement and collaboration with partners and stakeholders across the West is key to our ability to manage our water resources. I have participated in the Colorado River Basin work that has resulted in a collaborative approach to addressing a severe 22-year drought. The progress we have made in the Basin to address the drought is remarkable. For example, partner water contributions have raised Lake Mead by nearly 35 feet and agreements identifying the specifics of water reductions have been accomplished through strong partnerships with Basin states, Tribes, water users, and Mexico. In 2021, I have also engaged as Reclamation has worked with water districts that have successfully requested title transfers, four of which have been sent to Congress. Through constant coordination and collaboration with our many partners and stakeholders, I commit, if confirmed, to continue to forge these strong relationships; working together will be even more essential in the future as we face tougher water and power generation challenges.

Question 6: Reclamation and other agencies in DOI are involved in large-scale ecosystem restoration initiatives in the western United States, including initiatives in the Salton Sea, Platte River, Lake Tahoe, and the Lower Colorado River Basin. Section 1109 of P.L. 116-260 authorized \$15 million for Reclamation to provide assistance to states, state-based entities, tribes, and non-profits, among others, for the design, study, and construction of aquatic ecosystem restoration and protection projects for the benefit of fish and wildlife. This program, which has not received funding to date, is Reclamation's first broad-based authority to support ecosystem restoration projects. Some assert that Reclamation should have additional authority to conduct restoration to complement its water management activities. Others oppose the expansion of Reclamation's authority insofar as it may be seen as taking resources away from Reclamation's core water management activities.

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- a. **What are your views on further expanding Reclamation's budget authority and authorized activities for ecosystem restoration?**

Response: I welcome the Aquatic Ecosystem Restoration Program as an encouraging new program that addresses aquatic ecosystems in connection with Reclamation projects. The program provides broad authority for Reclamation to fund fish passage improvements and aquatic habitat enhancement. I believe this new authority aligns with the Administration's priorities for climate change and climate resiliency, and Reclamation has requested \$1 million in FY 2022 for this new effort. We also recognize the significant investments included by Congress in the Bipartisan Infrastructure Framework and look forward to working with Congress in this regard. I would consider a variety of views and work with Congress on a bipartisan basis on any further proposals to expand our authorities in this area.

- b. **What role does Reclamation play in restoring ecosystems associated with water management and conveyance projects?**

Response: I believe river restoration and associated environmental compliance is a key to Reclamation's ability to continue to deliver water and generate power in an environmentally and economically sound manner in the interest of the American public. To meet Reclamation's mission, a part of its programs must focus on the protection and restoration of the aquatic and riparian environments influenced by its operations. In my experience, it is important to factor in that Reclamation's operations are also influenced by runoff from, and catastrophic wildfire in, the terrestrial environment; as such Reclamation partners with other agencies to address these concerns in our watersheds. If confirmed, I will work to ensure that these efforts help Reclamation balance its environmental protection role as well as its role as a water supplier and power generator, thus better positioning Reclamation to address the ongoing challenges presented by drought, increasing populations, the growing water demand associated with energy generation, and environmental needs.

- c. **What ecosystem services would protect water supplies from the effects of drought in the West?**

Response: I believe healthy ecosystems are more resilient in the face of drought, and the water derived from healthy ecosystems is more reliable when water and power projects work in balance with natural processes. River and habitat restoration work, in-stream flows for fish and wildlife, augmentation and conservation of genetic integrity, and conservation of other aquatic and terrestrial endangered species enable Reclamation projects to operate without additional regulatory restrictions. Overall, if confirmed, I will work to ensure that resilient terrestrial ecosystems help to preserve watershed yields and prevent sediment-induced loss of capacity at our reservoirs.

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- d. What restoration or conservation actions would be appropriate for Reclamation to undertake related to these ecosystem services?**

Response: I believe Reclamation can structure aquatic ecosystem program objectives to complement the climate adaptation and resiliency priorities in Executive Orders 13990 and 14008 and Reclamation has developed a framework for the new program. If confirmed, I would work to ensure that implementation of this new Reclamation program will prioritize climate resilience investments supported by multi-stakeholder engagement and resulting in improved watershed health.

Question 7: Issues posed by aging infrastructure are of primary concern to Wyoming. The Goshen Irrigation District tunnel collapse in 2019 highlighted the need to get a better handle on aging infrastructure throughout the state in general. This includes ways to work with the Bureau of Reclamation to identify opportunities to address needs on shared works.

- a. Knowing this is a pervasive issue throughout the West, how would you approach working with States and water users to continue tackling this issue?**

Response: I believe maintenance of aging infrastructure requires strong partnerships, a strategic asset management approach and reliable, dedicated funding. If confirmed, I intend to use all three to assure that Reclamation's infrastructure delivers benefits into the future, including in Wyoming. I look to Reclamation's assessment of major rehabilitation and replacement long-term capital and repair needs, as summarized in our initial "Asset Management Report, April 2021", as a foundation for long term planning for infrastructure investments in collaboration with Reclamation operating partners and project beneficiaries.

- b. Are you aware of any programs and/or BOR resources are available?**

Response: One possible program would be section 1101 of P.L. 116-260 to establish the Aging Infrastructure Account to provide for the extended repayment of work by a transferred works operating entity or project beneficiary for the conduct of extraordinary operation and maintenance work at a Reclamation facility. As stated above, the FY 2022 Budget proposes \$1 million for this effort, and if confirmed, I look forward to overseeing the first application period for this program during the fall and winter of 2021-2022.

Question 8: Will you commit to ensuring that BOR provides technical assistance to states, including my home state of Wyoming, when necessary?

Response: Yes. Reclamation has a long history of providing technical expertise on water infrastructure projects, and I am committed to look for opportunities to partner and provide technical assistance to Reclamation states.

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Questions from Senator Risch

Question 1: In my state of Idaho, we are working with the Bureau of Reclamation on constructing additional water supply storage at Anderson Ranch Dam on the Boise River. The WIIN Act has been instrumental in bringing federal funding to assist my state and our water users in raising this dam and provide the much needed additional water storage in an important economic river basin. **If confirmed, will you continue to work with us to complete this process and increase this storage capacity at the Anderson Ranch Dam?**

Response: Yes. I am aware that Reclamation made a determination of feasibility for this project and has allocated the full federal share of funding for this project under the WIIN Act. The Fiscal Year 2021 appropriations legislation secured \$12.88 million in WIIN Act funding for the Federal cost share to finalize environmental compliance and construction.

Question 2: Idaho recently had two federal irrigation projects – A&B Irrigation District and Minidoka Irrigation District – successfully take title to their facilities from the Bureau of Reclamation. I led legislation in the Senate that was eventually enacted by Congress and the previous administration and view these title transfers as a huge success for our state – properly placing the ownership of irrigation water delivery infrastructure in the hands of Idaho water users.

a. Will you commit to work with this Committee to continue the title transfer program that was so successfully used to transfer title to these two irrigation districts in Idaho?

Response: Yes, if confirmed, I will continue to ensure that Reclamation implements the title transfer program consistent with Congressional direction, including the four title transfer projects in Washington, New Mexico, and Utah we submitted this year. The title transfer program has relied on active participation by Reclamation's local partners and robust public outreach. Our experience is that title transfers - facilitated by local partners who work with all stakeholders and interested parties to address all questions and concerns - have been successful and garner broad support.

Question 3: In Idaho, we have a collaborative group including the Nez Perce Tribe, the Lewiston Orchards Irrigation District, and the local county, city, and Chamber of Commerce known as the Lower Clearwater Exchange Project. It was formed over a decade ago to resolve water supply issues for the irrigation district and endangered species and Tribal trust issues surrounding the Lewiston Orchards Project. This resulted in mediation and agreement to send water that would be diverted by the irrigation district back into streams for endangered fish as wells providing replacement water were drilled. The Bureau of Reclamation has assisted both technically and financially on this project over the last decade. If confirmed:

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a. Can you commit to learning about this project? Will you continue to use Reclamation resources to support this project?

Response: Yes, if confirmed, I commit to learning about this project and keeping your office apprised of its status and Reclamation will continue to support this project and collaborate with the project partners.

Question 4: Aquifer recharge is a point of pride in Idaho. Diverse interests in our state have come together and surpassed goals year after year to recharge an aquifer that provides water to a significant portion of our state. At the end of the last Congress, legislation I led in the Senate, the Aquifer Recharge Flexibility Act, was included in a larger bill that was signed into law. This bill allowed the use of Reclamation land and facilities for recharge, which could significantly aid in our recharge efforts.

a. If confirmed, will you work to effectively and expeditiously implement this legislation?

Response: Yes, if confirmed, I will work to learn more about and implement this authority to help provide additional water resources. Currently, Reclamation is working with the State of Idaho to support recharge efforts in the Eastern Snake Plain Aquifer.

Question 5: Hydropower is incredibly important to the Idaho, providing the majority of our state's energy needs. Preserving hydroelectric facilities was even cited by the National Academies of Science, Engineering, and Medicine as a necessity for reaching carbon emission targets.

a. Do you agree hydropower is a clean and renewable resource?

Response: Hydropower is a clean, renewable and reliable resource providing carbon-free energy to the West.

b. Do you support the continued use of already-operating hydropower projects, and do you support additional hydropower development?

Response: The Bureau of Reclamation is the second largest provider of hydropower in the country, and as Commissioner I would be committed to responsibly managing our hydropower projects. If confirmed, I will continue to ensure the safety and efficiency of our dams is an essential part of Reclamation's hydropower operations and continue to seek new and environmentally friendly hydropower projects.

Question 6: The issue of aging infrastructure is a critical issue for many Reclamation projects across the West. While there is certainly a role for Congress to play in helping to address this issue, it is also vitally important that the agency use all tools available to efficiently repair and improve aging infrastructure. If confirmed, will you:

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- a. Expedite all processes to get resources to the ground to fulfill projects as efficiently as possible?**

Response: I am grateful for the leadership of this Committee in enacting the Aging Infrastructure Account as a part of the solution of repairing aging infrastructure and look forward to working with Congress to ensure it is implemented and funded. Addressing aging infrastructure at Reclamation projects will ensure that in these drought conditions water infrastructure is operating as efficiently as possible to maximize our resources in these changing operating conditions. Updating our aging water infrastructure is a priority of this administration and, if confirmed, I will work to fulfill these important projects expeditiously.

- b. Coordinate across other federal agencies to maximize infrastructure investments?**

Response: Updating our aging water infrastructure is a priority of this administration across federal agencies. I am committed to working with our federal partners to ensure coordination among agencies.

Question 7: The Bureau of Reclamation is an agency that requires leadership not just in Washington, but even more importantly, on the ground. Water users in Idaho have greatly appreciated Commissioners that have had regular, on the ground meetings. **If confirmed, will you commit to continue engaging stakeholders directly on issues affecting Reclamation projects?**

Response: Our stakeholders are our partners; especially given the unprecedented dry year we are experiencing. If confirmed, I am committed to continue our ongoing engagement with stakeholders in Idaho and across the West to manage, develop, and protect our water resources. Reclamation appreciates the knowledge and expertise of water users in addressing infrastructure and water resource management challenges.

Question 8: The Bureau of Reclamation several years ago completed a report entitled “Managing for Excellence” – a review and critique of bureau processes, stakeholder outreach, and financial and human resource needs for Reclamation’s future. While this report is several years old, I am told many parts of it are still relevant to improving today’s Bureau of Reclamation operations and policies in meeting critical water resource needs in the most efficient and effective way possible.

- a. Can you commit to looking into this report and provide my office with any updates needed to ensure that its implementation will continue to improve Reclamation programs, processes, outreach, and transparency with its stakeholders?**

Response: I believe the Managing for Excellence initiative produced many lasting benefits to Reclamation programs that are memorialized in policies and practices in place today in areas such as project management, engineering and design services, stakeholder engagement, asset management, and other. Yes, if confirmed, I commit to keeping your office apprised of actions taken in response to improve Reclamation programs, processes, outreach, and transparency with our stakeholders.

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Questions from Senator Daines

Question 1: Ms. Touton, do you support increasing hydropower development and production on Bureau of Reclamation operated dams?

Response: Yes. These actions allow Reclamation and our partners to derive additional value and revenue from existing public infrastructure.

Question 2: Ms. Touton, the Bureau of Reclamation manages 25 dams in Montana, many of which are currently non-powered dams that have the potential to produce clean, carbon-free electricity. **How can USBR work with local districts and congress to power existing non-powered dams?**

Response: I am aware that Reclamation has an established lease of power privilege (LOPP) program and is committed to facilitating the development of non-federal hydropower on Reclamation projects - via the LOPP or Federal Energy Regulatory Commission (FERC) permitting process. It is my understanding that acting on this commitment, Reclamation has undertaken a number of activities including the completion of two resource assessments, identifying technical hydropower potential at existing Reclamation facilities. If confirmed, I would be pleased ensure that work between Reclamation, local districts and Congress continues on this topic.

Question 3: Ms. Touton, approximately half of Montana's power production comes from hydropower. The Bureau of Reclamation manages a number of hydropower dams that help produce carbon-free, baseload power for Montana communities. **If confirmed, what steps will you take to ensure these dams continue to provide power to our communities for generations to come?**

Response: I believe it is important for constructed facilities, including those built for the generation of hydropower, that Reclamation follows an asset management strategy that categorizes repair needs to address risks and benefits associated with major rehabilitation and replacement activities. I recognize that longevity of Reclamation's infrastructure is achieved through preventive maintenance programs, capital improvement planning, and substantial investment in major rehabilitation and replacement activities. If confirmed, I would work to ensure that Reclamation continues to use these approaches to keep infrastructure operating past its original design life. Working with Congress, I would also endeavor to ensure that we can continue to make targeted investment to assure that projects can deliver benefits far into the future. If confirmed, I look forward to working with you in meeting our mission as the second largest hydropower producer in the nation.

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Question 4: Ms. Touton, the St. Mary's Milk River project is one of the oldest Bureau of Reclamation water systems in the country. The system is in dire need of repair, as evidenced by the catastrophic failure of a drop structure last summer. **If confirmed, will you work with my office to adjust the federal cost-share to ensure rehabilitation of the system can move forward expeditiously?**

Response: If confirmed, I would work to ensure that Reclamation continues to work with our customers, your office, the State of Montana, and the entire Montana delegation on solutions that appropriately share the rehabilitation costs among those that receive the benefits of the project and that are in the interest of the Nation.

Question 5: Ms. Touton, the ARPA interim final rule limited water infrastructure project eligibility to those projects eligible under the Clean and Drinking Water State Revolving Funds. This severely limited eligible projects in Western states. **If confirmed, will you commit to work with Treasury to ensure water infrastructure funds under ARPA can be applied towards water storage and dam projects like the St. Mary's Milk River project?**

Response: Updating our aging water infrastructure, like the Milk River Project, is a priority of this administration, and I will work to fulfill these important projects expeditiously consistent with our resources. We are committed to working with our federal, state, and local stakeholders, Indian Tribes, and partners to use all appropriate funding mechanisms, including those you mention, to meet that goal.

Question 6: Ms. Touton, as it relates to hydropower resiliency and maintaining hydropower production during times of drought, what do you believe USBR should do to optimize the amount of power that can be produced given the available water supplies?

Response: In my experience, we must take into consideration the needs of all of our project beneficiaries including the power customers, the water users, recreationists, and fish and wildlife. If confirmed, I will work to ensure that Reclamation is engaged with our stakeholders and reviewing the science to ensure the water is most efficiently managed. Reclamation is engaging in multiple hydropower initiatives, including development of hydropower optimization systems and capital investments to mitigate drought impacts, and continues to look opportunities to safeguard hydropower production.

Question 7: Ms. Touton, President Biden's 2022 budget request for the USBR includes \$3.4 million to expand renewable energy implementation by increasing Reclamation project hydropower capabilities and value. **If confirmed, how do you think USBR can leverage the benefits provided by increasing hydropower production to help reduce current and potential project operating costs?**

Response: I recognize that Reclamation has a long, successful history delivering reliable, low-cost hydropower to our customer groups. As hydropower is a renewable, clean energy resource, Reclamation's hydropower program serves the Administration's clean energy and climate change initiatives. I believe investments should be targeted to achieve cost stability of hydropower resources while maintaining high reliability, maximize benefits of hydropower through increased efficiencies, and enhance scientific capacity and technological tools necessary to increase hydropower performance. Hydropower power investment can provide a steady source of revenue for project repayment and investment, while ensuring that Reclamation hydropower remains a long-term, cost-competitive energy resource.

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Question 8: Ms. Touton, two years ago litigation on a structure within the St. Mary's Milk River system threatened the continued supply of water resulting in further consultation and construction requirements by the Bureau of Reclamation. **If confirmed, how will you prioritize funding and limited resources between operations, maintenance, and rehabilitation of water resource projects, new construction, and compliance with endangered species and environmental regulations?**

Response: It is very important to me that Reclamation successfully execute its mission to provide reliable water supply in an environmentally sound manner. Reclamation's holistic asset management approach relies on condition assessments, facility performance metrics, technological research and deployment, and strategic collaboration to inform and improve the management of assets and deal with infrastructure maintenance challenges. If confirmed as Commissioner, I will seek opportunities to leverage this approach to assure that projects like St. Mary's and others in the Reclamation states continue to deliver critical benefits to those who rely on them.

Question 9: Ms. Touton, Montana is experiencing severe drought, threatening water reliability, availability, and supply. **If confirmed, how will you guide the agency in making decisions to mitigate the impact for rural communities, agriculture, and wildlife?**

Response: I take Reclamation's core mission of water reliability, availability, and supply to heart, and it must drive everything we do, in dry years and wet years. Facing this year's historic drought – I am committed to looking at all of the authorities that we have to maximize our response to the ongoing effects of drought in an environmentally responsible manner. If confirmed, I'll leverage those programs to maximize the continued delivery of water and power in Montana and across the west.

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Camille C. Touton
September 21, 2021

Questions from Senator Murkowski

Question 1: President Roosevelt signed the Reclamation Act in 1902 to help address water scarcity and lack of settlement in western states by improving water storage and transmission systems for irrigation projects. Although the Bureau of Reclamation does not have a large presence in Alaska, the Bureau was integral in the development of the Eklutna Project near Anchorage, which was authorized in 1950 and completed in 1955. While Alaska faces some different water challenges than typical Reclamation states in the lower 48, it still faces significant water challenges, including drought, lack of water storage, and aging water infrastructure.

- a. In what ways can the Bureau of Reclamation use its authorities and resources to help address some of the water challenges that Alaska faces?**

Response: I recognize that Reclamation recently received authority from Congress to extend the benefits of the WaterSMART Program to the states of Alaska and Hawaii. As it does in other western states, Reclamation can use this authority in Alaska to provide assistance to entities seeking to stretch limited water supplies to reduce conflicts, facilitate solutions to complex water issues, and meet the growing needs of expanding municipalities, domestic energy development, the environment, and agriculture. If confirmed, I would work to ensure that Reclamation works with Alaska stakeholders interested in pursuing WaterSMART.

- b. Alaska is currently eligible for WaterSmart grants and should the Infrastructure and Jobs Act be signed into law, Alaska would also be eligible for the small water storage and groundwater storage projects program established under that bill, given that the Bureau of Reclamation does not have a huge presence in the state, can you commit to conducting a training for interested stakeholders in Alaska in order to provide awareness and guidance for my constituents on how they apply for some of these competitive grant resources?**

Response: Yes, if confirmed, I will commit to Reclamation providing informational sessions for interested stakeholders in Alaska to promote awareness of opportunities associated with authorized competitive grant programs. Since entities in Alaska became eligible for WaterSMART funding, Reclamation has conducted outreach with Alaska stakeholders, and we are already seeing interest in the program. For example, in June 2021, Reclamation selected the Chugach Regional Resources Commission, the Southeast Alaska Watershed Coalition and Metlakatla Indian Community Department of Fish and Wildlife, and the Kenai Watershed Forum for WaterSMART Cooperative Watershed Management Program funding to expand their watershed-based approaches to addressing water management issues.

**Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Camille C. Touton
September 21, 2021**

Question from Senator Kelly

Question: If confirmed, do I have your commitment that the Bureau of Reclamation will move forward with its feasibility study for mitigating sediment on the Verde River in Arizona?

Response: I am committed to ensuring that Reclamation moves forward with the Verde Reservoirs Sediment Mitigation Study and to managing, developing, and protecting water resources on the Verde River and throughout Arizona and the West, and, if confirmed, look forward to working with the Congress to identify the appropriate authority and resources to do so.

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Answers to Questions for the Record Submitted to Ms. Sara C. Bronin

**ANSWERS TO QUESTIONS FOR THE RECORD
FROM SARA BRONIN
SUBMITTED SEPTEMBER 23, 2021**

Questions from Ranking Member John Barrasso

Question 1: You have extensive experience leading efforts to reform zoning laws. You have supported policies like locating multi-family housing in historically single-family neighborhoods, allowing single-family homeowners to construct additional dwelling units on their greenspace, and reducing the amount of available parking.

On July 28, 2019 you wrote,

“As a zoning official, I’m usually the last person to advocate for federal intrusion into local decision-making. But the problems of housing inequality and segregation are too big for localities to tackle piecemeal.”

- a. Do you hold this belief today?

Answer: Yes in that I believe, as a former local official, that federal intrusion into local decision-making is not preferable, yet I also recognize that the federal government has long played an important role in tackling housing inequality and segregation.

- b. Do you believe the federal government should legislate with regard to zoning laws in order to prescribe what should be allowed at the local level?

Answer: The federal government already plays a role in zoning, including, for example, through the Religious Land Use and Institutionalized Persons Act of 2000, which overrides local zoning of religious institutions. Whether Congress should further legislate with regard to zoning laws is up to Congress.

- c. Would it be appropriate for you, as Chairman of the Advisory Council on Historic Preservation, to advise the President and Congress with regard to local zoning and the types of reforms you have proposed?

Answer: The Advisory Council has a statutory scope relating to historic places (and not, for example, to urban planning more generally). If confirmed as its Chair, I will exercise my duties in accordance with its statutory scope.

Question 2: Traditionally, the Council has promoted the preservation, enhancement, and sustainable use of our nation’s diverse historic resources, and advised the President and Congress on national historic preservation policy. On June 24, 2021, you tweeted about the Advisory Council on Historic Preservation:

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"It plays a role in reviewing many federal infrastructure projects & advises on agencies' preservation activities. But just as important is ACHP's potential to ensure that preservation is 'at the table' during important national conversations about housing, transportation infrastructure, economic development, energy policy, and the arts – & that the preservation field advances sustainability, inclusive growth, innovation, and cultural inclusion—to preserve and honor the history of all of us, not just some."

- a. What do you envision as your role at ACHP?

Answer: If confirmed as Chair, I would ensure that the Advisory Council continues to fulfill its statutory duties in its assistance and advising in agency reviews of federal infrastructure projects and in its advising on preservation activities. In addition, I would help ensure that, within the Advisory Council's statutory scope, the issue of preservation is considered across any federal policymaking areas that might affect historic properties.

- b. Do you plan to expand the scope of topics the Council advises the President and Congress on and if so what are those topics?

Answer: If confirmed as Chair, I plan to exercise my duties in accordance with the Advisory Council's statutory scope, which is specific to historic properties.

Question 3: A key function of the Advisory Council on Historic Preservation is to guide federal agencies and other participants in the federal historic preservation review process established by section 106 of the National Historic Preservation Act. The process requires federal agencies to consider effects of projects on historic properties and provides the Council an opportunity to comment prior to a final decision being made. Many projects at the Department of the Interior are required to go through the 106 process and you could be involved in almost all of these decisions.

- a. Will you commit to ensuring this process will be implemented the way Congress intended when enacting the National Historic Preservation Act?

Answer: Yes.

- b. Will you commit to not politicizing the 106 process?

Answer: Yes.

Question 4: On November 9, 2020, Executive Director Fowler announced his resignation and officially retired on January 2, 2021. If confirmed, you will have the authority to appoint the next Executive Director, who oversees the daily operations of the Council.

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- a. As only the second person to ever be nominated for this position, please describe what characteristics and qualifications you will look for when appointing a new Executive Director, and what priorities you will seek to implement at ACHP.

Answer: First and foremost, I would prioritize someone with integrity: the credibility of the Advisory Council, whose central role is one of collaborator and advisor, depends on its having leaders on whose word all parties may rely. Expertise in managing interagency relationships, tribal consultation, and processes similar to Section 106 would also be a key priority in the next Executive Director.

Question 5: You are being nominated for a position that requires you to lead a Council of 24 statutory members, one of which you currently advise, the National Trust for Historic Preservation. I am concerned about the conflict of interest this poses.

- a. Will you commit to this committee that you'll be able to adhere to your ethics agreement?

Answer: Yes.

- b. Will you represent the Council and not just yourself or entities with which you have had previous associations?

Answer: Yes.

- c. Will you recuse yourself from matters that involve the National Trust for Historic Preservation?

Answer: In determining whether I recuse myself from any matter, I will abide by all applicable ethics rules and my ethics agreement. For the record, my role at the National Trust for Historic Preservation is as one of a large group of uncompensated volunteers who meet only quarterly (for 60-90 minutes each time), and who play no decision-making, supervisory, financial, contractual, or staff role at the National Trust. An advisor, such as myself, is not considered a trustee, officer, and director of the National Trust. Please also note for the record that the National Trust was chartered by Congress in 1949, and in accordance with federal law (54 U.S.C. § 312104), two members of the Cabinet (the Interior Secretary and the Attorney General) serve as ex officio members of the Trust's Board of Trustees.

Question 6: The Advisory Council on Historic Preservation “promotes the preservation, enhancement, and sustainable use of our nation’s diverse historic resources, and advises the President and the Congress on national historic preservation policy.”

- a. Will you commit to protecting ACHP processes and recommendations from political interference?

Answer: Yes.

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Question 7: You are the founder of an organization called Desegregate Connecticut, where you've advocated for reforming zoning laws in Connecticut. Specifically, you helped pass a bill that eliminated the terms "overcrowding of land" and "undue concentration of population" from state law as legal bases for zoning regulations.

- a. Please explain to the committee what problems these changes were intended to address.

Answer: Public Act 21-29 was passed by the Connecticut General Assembly. Its explanation of the bill's provisions can be found here: <https://www.cga.ct.gov/2021/BA/PDF/2021HB-06107-R010716-BA.PDF>. While the Desegregate Connecticut coalition did not specifically opine as a coalition on the language cited above, please note that the general goals of the 78-nonprofit coalition are threefold: inclusive economic prosperity, a cleaner environment, and greater equity. The coalition includes representatives of the business community (such as the Homebuilders and Remodelers Association, a community development bank, several nonprofit real estate developers, and the American Institute of Architects), the environmental community (such as the Sierra Club and Save the Sound), and community and neighborhood groups, because all recognize that they share a common interest in data-driven land use reforms to allow more housing, in the right places, is better for the economy, environment, and equity.

Question 8: In your professional and personal opinion, when is the best time to engage public input and involve State Historic Preservation Offices and other interested parties during the permitting process?

Answer: Parties should be engaged in the permitting process as early as possible.

Question 9: You have written extensively about your support for solar energy, green buildings, and microgrids. In your article entitled, Energy in the Ecopolis, you wrote "In the future, in order for our cities to be more regenerative, we must close the metabolic loop. Our cities must both use less energy and produce energy in a more thoughtful way."

- a. Do you believe oil and gas production should continue to be a part of the energy mix moving forward?

Answer: Oil and gas production will continue to be a part of the energy mix for years to come.

Question 10: ENR Minority staff conducted research and reviewed your Twitter posts leading up to your nomination hearing on September 21, 2021. As of September 21, 2021, your Twitter account does not show any tweets prior to June 21, 2021, even though staff have previously reviewed your tweets prior to this date. Since the initial review was conducted, the following tweets relevant to the position you have been nominated for, have been inaccessible.

- On July 10, 2021 you retweeted @TheRegReview, "The Interior Department's failure to address climate change has hindered property owners' attempts to preserve historic landmarks, @sarabronin of @CornellLaw argues."

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- On June 15, 2021 you tweeted: “ICYMI – Bears Ears on its way (hopefully) to reinstatement of boundaries:[she shared a tweet from @savebears that stated] “@SecDebHaaland ‘has advised President Biden to reinstate boundaries at #BearsEars and Grand Staircase-Escalante in Utah, and also in a marine area off New England. All were reduced by former President Donald J. Trump.” #RestoreBearsEars #HonorTribes”
- On June 14, 2021 you tweeted: “ICYMI: A week ago, @Interior @NatlParkService announced it was withdrawing the Trump administration-proposed changes to the National Register: <https://bit.ly/3gu9H7e> I just posted my 2019 comment about this on @SSRN <https://bit.ly/3xkSynj> Glad nothing will come of it!”
- On June 14, 2021 you tweeted, “Good morning! The illustrated @NatlParkService
- flood guidelines are out, making the guidelines more understandable!: <https://bit.ly/3zuTlnF> Congrats to Jenifer Eggleston, Jennifer Parker & Jennifer Wellock.”
- On May 20, 2021 you tweeted numerous times stating, “#NationalPreservationMonth publication announcement: “Law’s Disaster: Heritage at Risk” has been published by @ColumbiaLaw Journal of Environmental Law: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=3609930... Basic idea?: We don’t protect valuable historic & cultural sites (from Mesa Verde & @StatueEllisNPS to your beloved main street!) from natural hazards. What can we do about it? 1a) Pre-disaster prep: Fund @NatlParkService & State Historic Preservation Offices to digitize (at a minimum) National Register properties + eventually State/locally-designated properties too. 1b) Pre-disaster prep: Assess disaster risks beyond just sea level rise. This kind of planning isn't really happening - not even in state hazard mitigation plans - and it's the smart thing to do... 2) Mitigate disaster effects: Expand @Interior Dep’t’s “Secretary’s Standards” & related Guidelines & official interpretations to ensure sites can withstand hazards or are properly moved/deconstructed if there are no better options. How should we expand them? That's easy: include hazards beyond flooding & resources beyond buildings! Without changing the Standards, we lose more historic sites. (For more on this, see my forthcoming @ColumbiaGSAPP book chapter: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=3626043... 3) Post-disaster recovery: As a start, implement buyout programs that consider historic fabric, design clearer standards for debris, & give preservationists a seat at the funding/strategy table. The paper covers both federal laws (the @fema Stafford Act, the Flood Insurance Program, & the National Historic Preservation Act) and efforts by CT, LA, Annapolis, Philadelphia, Charleston, & New Orleans... Before concluding that we aren’t doing nearly enough at all levels, and a more robust, coordinated federal response is desperately needed.”
- On April 22, 2021 you tweeted, “In a video for this event, I answered the prompt – “How should preservation respond to climate change?” – with two priorities: (1) Secretary's Standards - actually thwart climate response!: <https://bit.ly/2AmzqNZ> (2) Disaster law - heritage is at risk!: <https://bit.ly/3el119H>”

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- a. Please confirm that these are your statements posted on Twitter.

Answer: While I do not have the original statements on any media or in any form, they all appear to be things I would have said, and I will thus claim them as my statements.

- b. Do you still hold the views stated in these Tweets even though they have since been taken down or deleted?

Answer: Yes. The views stated in these Tweets primarily are either factual (e.g., that the NPS has published flooding guidelines) or summarize and link to longer scholarly papers I have written.

- c. Please confirm that you deleted these posts.

Answer: I believe that Twitter should be treated as an ephemeral form of social media best used for celebration, announcements, quick observations, and connections. Like many other users, I have long used an auto-delete function; in my case, the period for automatic deletion is three months. If confirmed as Chair of the Advisory Council, I would abide in my use of social media by all pertinent record-keeping policies and procedures.

- d. If in fact you did delete these Tweets, please explain in detail why you deleted them.

Answer: See above.

- e. Were you directed to take these Tweets down by any person?

Answer: No.

- f. Please provide us with a catalog of all of your Tweets associated with the Twitter account @sarabronin.

Answer: All available Tweets are online at <http://twitter.com/sarabronin>. I do not have access to Tweets deleted by the auto-delete function.

Question 11: On June 15, 2021 you tweeted: “ICYMI – Bears Ears on its way (hopefully) to reinstatement of boundaries:[she shared a tweet from @savebears that stated] “@SecDebHaaland “has advised President Biden to reinstate boundaries at #BearsEars and Grand Staircase-Escalante in Utah, and also in a marine area off New England. All were reduced by former President Donald J. Trump.” #RestoreBearsEars #HonorTribes”

- a. What role would the Advisory Council on Historic Preservation have in advising the Secretary of the Interior over the use of the Antiquities Act in the establishment of national monuments?

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Answer: In 2017, the Advisory Council advised the Secretary of the Interior on the Bears Ears site, and I would not prioritize having the Advisory Council issue any additional such advice, if confirmed as Chair.

Question 12: On June 14, 2021 you tweeted: “ICYMI: A week ago, @Interior @NatlParkService announced it was withdrawing the Trump administration-proposed changes to the National Register: <https://bit.ly/3gu9H7e> I just posted my 2019 comment about this on @SSRN <https://bit.ly/3xkSynj> Glad nothing will come of it!”

- a. What role would the Advisory Council on Historic Preservation have in advising the Secretary of the Interior over changes to the National Register?

Answer: The Advisory Council has long worked with the Department of the Interior in a collaborative manner to suggest policy and program improvements. In such collaboration, the Advisory Council plays an advisory role.

Question 13: On June 14, 2021 you tweeted, “Good morning! The illustrated @NatlParkService flood guidelines are out, making the guidelines more understandable!: <https://bit.ly/3zuTlnF> Congrats to Jenifer Eggleston, Jennifer Parker & Jennifer Wellock.”

- a. What role would the Advisory Council on Historic Preservation have in advising the National Park Service on flood guidelines or other matters?

Answer: Same answer as Question 12.

Question 14: Will you commit to not participate personally and substantially in any particular matter in which you know that you have a financial interest directly and predictably affected by the matter?

Answer: Yes.

Question 15: Your nomination to role of ACHP chair was announced on ACHP.gov on June 24.

- a. Did you work with the ACHP in drafting the June 24 press release?

Answer: The Advisory Council’s staff provided me with a draft press release, based almost word-for-word on publicly available bios, prior to its release.

- b. Why was your forthcoming book, *Key to City*, mentioned in a press release on a government website?

Answer: The book, which has not been published and is not commercially available, is mentioned on all of my publicly available bios as a scholarly work-in-progress and item of biographical

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interest. If confirmed as Chair, I will not include the titles of any of my commercially available publications on any official bios or government websites.

Questions from Senator James E. Risch

Question 1: In your testimony, you mentioned that the ACHP plays the role of a convener, collaborator, and advisor in federal decisions with Section 106. If confirmed, to what extent would you expect Congress to take ACHP advice into consideration?

Answer: Whether Congress takes the Advisory Council's advice into consideration is up to Congress, but I believe that Congress will be more likely to take its advice if the Advisory Council continues to perform its advisory function with integrity and in an apolitical way in service of historic places. If appointed as Chair, I would ensure that the Advisory Council will be open to bipartisan collaboration and will be available to assist members of Congress in their pursuit and their understanding of policies that can protect and preserve our shared heritage.

Question 2: In June of 2015, you wrote in the *Environmental Law Reporter* “Modern cities consume energy in tremendous amounts for heating, cooling, lighting, and even transportation. Ninety percent of this consumption is fueled by either fossil fuels (coal, natural gas, and petroleum) or nuclear electric power. None of these sources is (sic) renewable. All have tremendous negative environmental effects.” Now in 2021, nuclear energy provides over half of the nation’s carbon-free electricity – my understanding is that one nuclear power plant in your home state of Connecticut generates 38% of the state’s power. Nuclear power is both clean and environmentally safe when responsibly utilized. Furthermore, this Administration has acknowledged that nuclear energy is essential for reaching its carbon reduction targets.

- a. Do you agree with this administration that nuclear energy is a key component of providing carbon free electricity into the future?

Answer: Nuclear production will continue to be a part of the energy mix for years to come.

- b. If so, can you reconcile this with your past comments? If not, would your personal beliefs about nuclear energy affect your decisions should you be confirmed for this position?

Answer: My prior, personal beliefs would not override ACHP processes, decision-making criteria, or votes as they relate to nuclear energy—or any other issue. Please note that if confirmed as Chair, I would have just one of twenty-four votes on the Council.

Question 3: The ACHP works alongside federal agencies in historic preservation projects, including several in the state of Idaho. If confirmed, will you commit to full transparency in any considerations the Council advises on?

Answer: Yes.

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Question 4: The National Historic Preservation Act requires the ACHP and other federal agencies to consult with and give ample opportunity for community members to comment on proposed decisions. If confirmed, how will you ensure successful communication with community members who may be affected by federal decisions?

Answer: I will review ACHP processes to ensure that community engagement occurs in a timely manner. If your office has suggestions in mind, I would be happy to work with your office to understand and review them.

Question 5: Can you describe your understanding of the term “multiple use?”

Answer: When referring to federal public land management, I understand the term “multiple use” to refer to both the resources and uses of such lands, which according to federal law (43 U.S.C. § 1702(c)) must be balanced in a way that meets the needs of both current and future generations.

Question 6: In December of 2020, you wrote an op-ed in the *LA Times* that argued that the “criteria and process for historic designation must be retooled” in order to create a more diverse set of historic places. What do you believe is needed in order to accomplish this “retooling?”

Answer: I have written that the National Register criteria, and particularly the “integrity” criterion, should be reviewed to ensure that they do not impose unnecessary barriers to underserved communities, including rural and main street communities, seeking to access National Register designation and the benefits that are associated with it. That said, I recognize that only Congress or the Department of the Interior may change the criteria for the National Register of Historic Places. The Advisory Council has long worked with Congress and the Department of the Interior in a collaborative manner to suggest policy and program improvements. In such collaboration, the Advisory Council plays an advisory function. If confirmed as Chair of the Advisory Council, I would be interested in seeing whether other members of the Council, which includes a representative from the Department of the Interior, are interested in exploring this issue.

Questions from Senator Steve Daines

Question 1: Ms. Bronin, tribal consultation and coordination with local tribal historic preservation offices should be a top priority for the Council. What actions will you take to ensure that tribal voices are heard when making decisions?

Answer: I agree that tribal consultation and coordination is a top priority for the Advisory Council. The Advisory Council has long been a leader in ensuring tribal voices are heard. If confirmed as its Chair, I will commit to meetings with tribal leaders early in my tenure and to working with your office to understand how this process can be improved.

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Question 2: Ms. Bronin, I strongly believe that local communities should have a greater say in federal actions or designations that occur in their communities. If confirmed, how will you ensure you are hearing from local communities before making decisions?

Answer: The Advisory Council does not play a substantive, decision-making role in other federal agency actions, nor does it play a role in any federal designation process. With that in mind, as someone who has worked as a publicly-appointed local regulator, I agree that local communities should be welcomed and encouraged to participate in processes affecting them. In addition, the Section 106 process has a mechanism for including local communities during consultations.

Question 3: Ms. Bronin, what will be your top priorities for the Advisory Council if you are confirmed as Chairman?

Answer: If confirmed as Chair, based on what I have learned and heard to date, I would prioritize: (1) ensuring the agency conducts its Section 106 reviews with integrity and in keeping with Congressional direction; and, (2) in collaboration with many stakeholders, advising on policies to better tailor disaster recovery response to historic places, develop procedural efficiencies, support the 59 state and territorial historic preservation offices, 574 federally-recognized tribes (which include 204 tribal historic preservation offices), and Native Hawaiian organizations, and facilitate private investment in preservation, whether through leasing or transferring historic federal properties or through improving the historic preservation tax credit. Already, the Advisory Council has made progress in some of these areas.

Question 4: Ms. Bronin, do you believe that the Council's reach or authority needs to be expanded in order for it to accomplish its historic preservation mission?

Answer: No.

Question 5: Ms. Bronin, what role do you believe the council should play in energy leasing and development on federal lands?

Answer: The Advisory Council should perform its statutory role, which is to assist and advise on the review of projects that are considered undertakings under Section 106 of the National Historic Preservation Act. The Advisory Council has no statutory role in negotiating, procuring, or approving such leasing and development.

Question from Senator Lisa Murkowski

Question: As the United States continues to economically recover from COVID-19, it is essential that projects to modernize and maintain our nation's infrastructure are completed in a timely manner to meet the needs of growing businesses and allow for them to compete in the global economy. In 2015, the Advisory Council on Historic Preservation was directed in the FAST Act to issue an exemption from Section 106 consultation requirements for projects impacting rail properties on their rights-of-way,

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consistent with the exemption given to Interstate Highways in 2005. However, the Council instead issued a program comment that imposes infeasible burdens on railroads and that fails to provide the relief contemplated by Congress. In the fiscal year 2021 Omnibus, Congress then encouraged the Council to continue working with the FRA and railroads to provide the relief intended in the FAST Act. Again, the Council was unwavering in its refusal to provide the relief intended by Congress and has instead chosen to keep intact a program comment that undermines railroads' ability to complete projects in timely fashion to better serve their customers' needs.

- a. As Chairman, do I have your commitment to ensure the Council provides the exemption for railroad rights-of-way that is contemplated in the FAST Act?

Answer: It is my understanding that the Advisory Council's current position is that it has issued a program comment that includes exemptions and complies with the requirements of the FAST Act. However, I commit to listening carefully to stakeholders to better understand relevant issues, constraints, and consequences of this program comment.

Question from Senator Mazie Hirono

Question: If you are confirmed as Chairman of the Advisory Council on Historic Preservation, how would you ensure that the concerns of stakeholders committed to preserving the history of the internment of Japanese Americans regarding the proposed placement of a wind farm within sight of the Minidoka National Historic Site are heard?

Answer: If the referenced project triggers the Section 106 process, the Advisory Council would urge the lead federal agency to carefully consider the views of these stakeholders as part of its consulting process. If confirmed as Chair, I would work with your office to learn more about this project and to ensure early consultation.

Questions from Senator Bill Cassidy

Questions: Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, and historic properties are any prehistoric or historic districts, sites, buildings, structures, or objects that are eligible for or already listed in the National Register of Historic Places. However, in order to be eligible for the Historic Tax Credit, a property must be listed on the National Register of Historic Places and be "income producing" as a place of business or with rents units. Many buildings that may be deemed historic for purposes of Section 106 are not for purposes of the Historic Tax Credit.

In order to expand credit eligibility, what are your thoughts on allowing properties either on or eligible for listing on the National Register to qualify for the credit provided all other requirements are met?

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Answer: I am on the record as a strong supporter of the need to ensure that the federal historic rehabilitation tax credit and other incentives that promote private-sector investment in our historic places are more accessible to rural, main street, and underserved communities. That said, the Advisory Council has no direct role in administering or regulating the federal historic tax credit program. Only Congress can change what types of resources are certified historic structures that qualify for the tax credit, and it has long required actual listing on the National Register. The Advisory Council has recently advised Congress on changes to the percentages/amounts of the tax credit, and not, to my knowledge, about the eligibility-for-listing requirement. If confirmed as Chair of the Advisory Council, I would be happy to meet with your office to discuss this issue further and to determine whether the Advisory Council might play a role in convening relevant stakeholders.

What are your thoughts on revisiting and modernizing the Secretary's Standards for Rehabilitation to meet today's modern needs?

Answer: I have written about the need to modernize the Standards in several recent articles on energy efficiency (<https://bit.ly/39BmiCh>), disaster response (<https://bit.ly/3el119H>), and sustainability (<https://bit.ly/2AmzqNZ>). Only Congress or the Department of the Interior can revisit and modernize the Secretary's Standards for Rehabilitation. That said, the Advisory Council has long worked with the Department of the Interior in a collaborative manner to suggest policy and program improvements. In such collaboration, the Advisory Council plays an advisory function. If confirmed as Chair of the Advisory Council, I would be interested in seeing whether other members of the Council, which includes a representative from the Department of the Interior, are interested in exploring this issue.

Questions from Senator Mike Lee

Question 1: a. Did you tweet this?

"ICYMI – Bears Ears on its way (hopefully) to reinstatement of boundaries: [retweeted post from @savebears that stated] "@SecDebHaaland "has advised President Biden to reinstate boundaries at #BearsEars and Grand Staircase-Escalante in Utah, and also in a marine area off New England. All were reduced by former President Donald J. Trump." #RestoreBearsEars #HonorTribes."

Answer: As noted above, while I do not have the original Tweet on any media or in any form, it appears to be something I would have said, and I will thus claim it as my statement.

b. If yes, why did you delete it?

Answer: As noted above, I believe that Twitter should be treated as an ephemeral form of social media best used for celebration, announcements, quick observations, and connections. Like many other users, I have long used an auto-delete function; in my case, the period for automatic

U.S. Senate Committee on Energy and Natural Resources
September 21, 2021 Hearing: *The Daniel-Davis, Touton, and Bronin Nominations*
Answers to Questions for the Record Submitted to Ms. Sara C. Bronin

deletion is three months. If confirmed as Chair of the Advisory Council, I would abide in my use of social media by all pertinent record-keeping policies and procedures.

Question 2: What role would the Advisory Council on Historic Preservation have in advising the Secretary of Interior over the use of the Antiquities Act in the Establishment of national monuments?

Answer: In 2017, the Advisory Council advised the Secretary of the Interior on the Bears Ears site, and I would not prioritize having the Advisory Council issue any additional such advice, if confirmed as Chair.



September 20, 2021

Chairman Joe Manchin
U.S. Senate Committee on Energy
and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Ranking Member John Barrasso
U. S. Senate Committee on Energy
and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

Chairman Manchin and Ranking Member Barrasso:

I am writing on behalf of the Central Arizona Water District (CAWCD) to express support for Camille Calimlim Touton's nomination to be Commissioner of the Bureau of Reclamation (BOR). Ms. Calimlim Touton has the breadth of experience, leadership skills, and substantive knowledge about water management policy and engineering to succeed in this position.

CAWCD operates the Central Arizona Project, which delivers Colorado River water to more than 5 million people within the State of Arizona. Given the importance of the Colorado River to CAP and its customers and BOR's vital role in the Lower Colorado River Basin, we are extremely pleased that the President has nominated Ms. Calimlim Touton to serve as Commissioner of BOR.

The mission of the BOR is "manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public." Ms. Calimlim Touton's significant government service in both the legislative and executive branch, together with her degrees in engineering and public policy, have enabled her to develop an ideal skill set to lead BOR in meeting this mission. Indeed, we cannot think of a better candidate to serve as Commissioner. Ms. Calimlim Touton has served as Professional Staff for the Senate and Energy Natural Resources Committee and the House Natural Resources Committee as well the Deputy Assistant Secretary for Water and Science at the Department of the Interior, a position that provides policy leadership to both the Bureau of Reclamation and the US Geological Survey.

Finally, Ms. Calimlim Touton has a proven track record working with different stakeholders throughout the West on difficult and complex water issues. She has negotiated Indian water settlements and been a part of many other negotiations involving various governmental and nongovernmental entities confronting issues like drought, endangered species, and overallocated basins.

In summary, Ms. Calimlim Touton is exceptionally well-qualified to serve as Commissioner of BOR, especially during this ongoing and historic drought. We therefore respectfully urge the Senate to confirm Ms. Calimlim Touton as swiftly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore C. Cooke".

Theodore C. Cooke
General Manager



CENTRAL UTAH WATER CONSERVANCY DISTRICT

Al Mansell *Chair of the Board*
Shelley Brennan *Vice Chair of the Board*
Gene Shawcroft *General Manager / CEO*

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Byron Woodland
Boyd Workman

September 21, 2021

The Honorable Senator Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Senator John Barrasso, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Central Utah Water Conservancy District, I write to express support for the nomination of Camille Calimlim Touton to serve as Commissioner for the U.S. Bureau of Reclamation (Reclamation). The Department of Interior is our partner in constructing the Central Utah Project that delivers Utah's share of Colorado River water to 8 counties in Utah. As Utah faces historic drought, it is important that those in leadership positions understand the unique challenges, laws and policies that govern water management in the Western United States.

For nearly 15 years, Ms. Touton has served as professional staff on several Congressional committees, but primarily the House Natural Resources Committee and Senate Energy and Natural Resources Committee focusing on Reclamation law, federal water projects, and water policy. She grew a reputation as someone that could work with water users, federal agencies and congressional offices to negotiate legislation that would facilitate project development, water conservation, enhance water supplies and resource management. She also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama Administration when the Administration was working with the states and Mexico to develop ongoing water management solutions for the Colorado River.

As Commissioner, Ms. Touton's vast experience with water policy and federal water projects will prove extremely valuable. I encourage the Senate to advance her nomination as soon as possible. Thank you for your consideration.

Sincerely,

Gene Shawcroft
General Manager

Cc: The Honorable Mike Lee, United States Senate
The Honorable Mitt Romney, United States Senate



The Confederated Tribes of the Colville Reservation

P.O. Box 150, Nespelem, WA 99155

(509) 634-2200

FAX: (509) 634-4116



September 20, 2021

The Honorable Joe Manchin
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Manchin and Barrasso:

On behalf of the Confederated Tribes of the Colville Reservation (the "Colville Tribes" or the "Tribes"), I would like to express the Tribes' support for Camille Calimlim Touton to be the Commissioner of the Bureau of Reclamation.

The Colville Reservation has a significant Bureau of Reclamation presence with the Grand Coulee Dam and large areas of its reservoir, Lake Roosevelt, being located within our reservation boundaries. As such, we believe that any nominee for Commissioner must have experience working with tribal governments. The Colville Tribes has worked with Ms. Touton since 2008 on several issues, including the Columbia Basin Fish Accords and pump storage legislation while she worked on Capitol Hill. We have found her to be both knowledgeable and interested in tribal issues and fully support her nomination.

I urge the Committee's swift consideration of Ms. Touton's nomination and confirmation in the full Senate. Please feel free to contact me directly with any questions via email (andy.joseph@colvilletribes.com) or by phone (509-634-2218).

Sincerely,

Andy Joseph, Jr.
CHAIRMAN



September 21, 2021

The Honorable Senator Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Senator John Barrasso, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the Contra Costa Water District, I write to express support for the nomination of Camille Calimlim Touton to serve as Commissioner for the U.S. Department of Interior, Bureau of Reclamation (Reclamation). Our District receives its water supply from California's Bay-Delta, which has its own unique history, challenges, and policies that govern water management for the region. It is important that we have a Commissioner of Reclamation that will understand these complexities.

In the role of Commissioner, Ms. Touton would contribute her vast experience with and her understanding of water policy and federal water projects. For nearly 15 years, Ms. Touton has served as professional staff on several Congressional committees, but primarily the House Natural Resources Committee and Senate Energy and Natural Resources Committee focusing on Reclamation law, federal water projects, and water policy. In her various positions, the District has interfaced with her on the development of title transfer legislation and to advance projects that provide regional solutions for water management. She has garnered a reputation as someone that could work with water users, federal agencies, and congressional offices to negotiate legislation that would facilitate project development, water conservation, and enhance water resource management. Ms. Touton also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama Administration.

Ms. Touton's experience will prove valuable and useful as Reclamation faces the urgency of the drought situation. I encourage the Senate to advance this nomination as soon as possible. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa M. Borba".

Lisa M. Borba, President
Board of Directors

cc: The Honorable Dianne Feinstein, United States Senate
The Honorable Alex Padilla, United States Senate

BOARD OF DIRECTORS

Lisa M. Borba, AICP
PRESIDENT

Ernesto A. Avila, P.E.
VICE PRESIDENT

John A. Burgh
Constance Holdaway
Antonio Martinez

GENERAL MANAGER

Stephen J. Welch, P.E., S.E.

July 30, 2021

Chairman Joe Manchin III
Ranking Member John Barrasso
Members of the United State Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Committee Members:

Please accept this letter of support for Laura Daniel-Davis, President Biden's nominee to be Assistant Secretary for Land and Minerals Management in the Department of the Interior.

In my first year as Interior Secretary, Laura worked closely with me as Chief of Staff, where she was instrumental in my understanding of the multiple facets of Interior and its diverse constituencies. Her informed, pragmatic approach to addressing the expectations of the public was very helpful in prioritizing our work and recognizing the importance of listening to multiple points-of-view.

In Laura's years of experience at Interior across multiple administrations, she built strong relationships with stakeholders ranging from industry trade groups to environmental non-profit organizations, tribes, citizen activists, and the public. She worked closely with my predecessor Secretary Ken Salazar in initiating effective efforts to stand up renewable energy development on public lands and waters. She also helped Secretary Salazar and colleagues address the devastating Deepwater Horizon Oil Spill in the Gulf of Mexico from crisis response to creation of the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement – both important bureaus under the jurisdiction of the Assistant Secretary for Land and Minerals Management, as well as the Office of Natural Resources Revenue.

Laura is an advocate for sustainable management and oversight of our public lands and waters to benefit long-term economic, environmental, and public interests. She will bring a pragmatic and thoughtful approach to the position of Assistant Secretary for Land and Minerals Management, working with Secretary Haaland, Members of Congress, and a wide variety of stakeholders to serve the interests of the American people today and in the future. I encourage your timely support of President Biden's nomination of Laura Daniel-Davis to this important position.

Sincerely,

A handwritten signature in cursive script that reads "Sally Jewell".

Sally Jewell
U.S. Secretary of the Interior, 2013-17



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

September 17, 2021

The Honorable Joe Manchin
Chairman
Energy and Natural Resources
Committee
U.S. Senate
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

The National Trust for Historic Preservation strongly supports President Biden's nomination of Dr. Sara Bronin to the position of Chair of the Advisory Council on Historic Preservation. Dr. Bronin has demonstrated a strong commitment to historic preservation law and policymaking through her scholarship on historic preservation, architecture, land use, and property law. We believe Dr. Bronin's experience qualifies her to carry out the duties of the Advisory Council on Historic Preservation in making recommendations to the President and Congress on how best to preserve, enhance, and sustainably use our nation's many historic resources.

The National Trust for Historic Preservation, a private nonprofit organization, was chartered by Congress in 1949 to "facilitate public participation" in the preservation of our nation's heritage and to further the historic preservation policy of the United States. See 54 U.S.C. § 312102(a). In addition, the National Trust has been designated by Congress as a member of the federal Advisory Council on Historic Preservation, which is responsible for working with federal agencies to implement compliance with Section 106 of the National Historic Preservation Act. Id., §§ 304101(8), 304108(a).

In carrying out these responsibilities, the National Trust is committed to protecting places representing a broad and inclusive historic narrative and effectively utilizing preservation as a tool for advancing the full scope of our nation's history. In this context, we look forward to the important perspectives Dr. Bronin brings from her experience as a board member of Latinos in Heritage Conservation and leader of the Connecticut Zoning Atlas. Her roles as a Professor of the Cornell College of Architecture, Art, and Planning, an Associated Faculty Member of the Cornell Law School, and a Faculty Fellow of the Cornell Atkinson Center for Sustainability further demonstrate her impressive expertise in historic preservation, land use, and property law.

Paul W. Edmondson | PRESIDENT & CEO

The Watergate Office Building 2600 Virginia Avenue NW Suite 1100 Washington, DC 20037
E p.edmondson@savingplaces.org P 202.588.6105 www.SavingPlaces.org

We are also grateful for Dr. Bronin's service as an advisor for the National Trust for Historic Preservation. The National Trust Advisors Program is a select network of civic and professional preservation leaders, recognized for their expertise and experience, who use their knowledge and skills to support the work of the organization specifically and the preservation movement broadly.

We would look forward to working with Dr. Bronin as Chair of the Advisory Council on Historic Preservation and continuing the National Trust's more than seventy-year history of working with the Advisory Council. We urge your support of her nomination.

Sincerely,

A handwritten signature in blue ink, reading "Paul Edmondson" with a stylized flourish at the end.

Paul W. Edmondson
President & CEO
National Trust for Historic Preservation



September 21, 2021

The Honorable Senator Joe Manchin III, Chairman
 Senate Energy and Natural Resources Committee
 304 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Senator John Barrasso, Ranking Member
 Senate Energy and Natural Resources Committee
 304 Dirksen Senate Office Building Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Southern Nevada Water Authority, I write to express support for the nomination of Camille Calimlim Touton to serve as Commissioner for the U.S. Bureau of Reclamation (Reclamation). As Nevada faces unprecedented drought, it is important that those in leadership positions understand the unique challenges, hydrology, laws and policies that govern water management in the Western United States. In her role as Commissioner, Ms. Touton would contribute her vast experience with and her understanding of water policy and federal water projects.

For nearly 15 years, Ms. Touton has served as professional staff on several Congressional committees, but primarily the House Natural Resources Committee and Senate Energy and Natural Resources Committee focusing on Reclamation law, federal water projects, and water policy. She grew a reputation as someone that could work with water users, federal agencies and congressional offices to negotiate legislation that would facilitate project development, water conservation, enhance water supplies and resource management. Ms. Touton also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama Administration when the Administration was working with the states and Mexico to develop ongoing water management solutions for the Colorado River.

Ms. Touton's experience will prove valuable and useful as Reclamation faces the urgency of the drought situation. I encourage the Senate to advance this nomination as soon as possible. Thank you for your consideration.

Sincerely,

John J. Entsminger
 General Manager

Cc: The Honorable Catherine Cortez Masto, United States Senate
 The Honorable Jacky Rosen, United States Senate

July 13, 2021

The Honorable Joe Manchin
Chair
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

The Theodore Roosevelt Conservation Partnership is a national hunting and fishing conservation organization working to ensure all Americans have access to quality places to hunt and fish. We work with our 61 partners across the conservation community to unite and amplify the voices of America's more-than 40 million hunters and anglers whose activities help sustain the \$778-billion outdoor recreation economy.

TRCP writes today in strong support of the nomination of Ms. Camille Touton to be the Commissioner of Reclamation at the Department of the Interior. As both a native Nevadan and trained engineer, Ms. Touton will bring a deep – and personal – understanding of complex western water issues, both in the Colorado River Basin, which has now begun its third decade of drought, and across the west. Her experience on the Hill, in both chambers (including your committee) and as both majority and minority staff, means that she understands how to work with Congress successfully to move important policy with adequate funding for implementation. And, as a veteran of the Department of the Interior, she will also be able to hit the ground running, which will be critically important in this year of dire drought across the West.

The TRCP urges the Committee on Energy and Natural Resources to move Ms. Touton's nomination to successful consideration on the Senate floor. Thank you.

Sincerely,

Whit Fosburgh
President and Chief Executive Officer
Theodore Roosevelt Conservation Partnership



September 21, 2021

The Honorable Senator Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Senator John Barrasso, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Truckee Meadows Water Authority, I write to express support for the nomination of Camille Calimlim Touton to serve as Commissioner for the U.S. Bureau of Reclamation. Our region relies on a combination of federal and non-federal upstream storage reservoirs the operation of which is governed by the Truckee River Operating Agreement. Also, the district continues to invest in regional water supply solutions as Nevada is faced with historic and sustained drought. We need a commissioner who understands the unique challenges, laws and policies that govern water management in the Western United States.

Ms. Touton's vast experience in water policy and with federal projects will prove extremely valuable and useful. For nearly 15 years, Ms. Touton has served as professional staff on several Congressional committees, but primarily the House Natural Resources Committee and Senate Energy and Natural Resources Committee focusing on Reclamation law, federal water projects, and water policy. In her various positions, she demonstrated that she could work with water users, federal agencies and congressional offices to negotiate legislation that would facilitate project development, water conservation, and enhance water supplies and resource management. She also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama Administration.

I encourage the Senate to advance her nomination as soon as possible. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Mark Foree'.

Mark Foree
General Manager

Cc: The Honorable Catherine Cortez Masto, United States Senator
The Honorable Jacky Rosen, United States Senator



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 East Highway 193 • Layton, Utah 84040 • Phone (801) 771-1677 • SLC (801) 359-4494 • Fax (801) 544-0103

September 20, 2021

Tage I. Flint
General Manager/CEO

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President
Morgan County

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Davis County

Randy B. Elliott
Davis County

Paul C. Summers
Davis County

Dave Ure
Summit County

The Honorable Senator Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Senator John Barrasso, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Weber Basin Water Conservancy District, I wish to express support for the nomination of Camille Calimlim Touton to serve as Commissioner for the U.S. Bureau of Reclamation. Utah is facing a sustained drought that is greatly impacting our storage reservoir levels, which are at historic lows this year. We need a commissioner who understands the unique history, challenges, laws and policies that govern water management in the Western United States.

My District is home to the Weber Basin Project which was constructed by Reclamation to deliver irrigation and municipal water in Northern Utah. The district now operates and maintains these associated water facilities and continues to expand the necessary water supplies and infrastructure to deliver water to over 700,000 people across 5 counties. Drought planning, water conservation, and replacing our aging infrastructure have remained key priorities.

Ms. Touton's vast experience in water policy and with federal projects will prove extremely valuable and useful. For nearly 15 years, Ms. Touton has served as professional staff on several Congressional committees, but primarily the House Natural Resources Committee and Senate Energy and Natural Resources Committee where she focused on Reclamation law, federal water projects, and water policy. She grew a reputation as someone that could work with water users, federal agencies and congressional offices to negotiate legislation that would facilitate project development, water conservation, and enhance water supplies and resource management. She also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama Administration.

I encourage the Senate to advance her nomination as soon as possible. Thank you for your consideration.

Sincerely,

Tage I. Flint, P.E.
General Manager/CEO