

S. HRG. 117-461

ROBINSON, DeCAROLIS, AND DANIEL-DAVIS NOMINATIONS

HEARING BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

TO

CONSIDER THE NOMINATIONS OF MARIA ROBINSON TO BE AN ASSISTANT SECRETARY OF ENERGY (OFFICE OF ELECTRICITY); JOSEPH DeCAROLIS TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY; AND LAURA DANIEL-DAVIS TO BE AN ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT)

FEBRUARY 8, 2022



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CONTENTS

OPENING STATEMENTS

Manchin III, Hon. Joe, Chairman and a U.S. Senator from West Virginia	Page 1
Murkowski, Hon. Lisa, a U.S. Senator from Alaska	2

WITNESSES

Robinson, Hon. Maria, nominated to be an Assistant Secretary of Energy (Office of Electricity)	5
DeCarolis, Dr. Joseph, nominated to be Administrator of the Energy Informa- tion Administration, Department of Energy	9
Daniel-Davis, Laura, nominated to be an Assistant Secretary of the Interior (Land and Minerals Management)	14

ALPHABETICAL LISTING AND APPENDIX MATERIAL SUBMITTED

Daniel-Davis, Laura:	
Opening Statement	14
Written Testimony	16
Responses to Questions for the Record	76
DeCarolis, Dr. Joseph:	
Opening Statement	9
Written Testimony	11
Responses to Questions for the Record	64
Jewell, Sally:	
Letter for the Record	115
Manchin III, Hon. Joe:	
Opening Statement	1
Murkowski, Hon. Lisa:	
Opening Statement	2
Robinson, Hon. Maria:	
Opening Statement	5
Written Testimony	7
Responses to Questions for the Record	50

ROBINSON, DeCAROLIS, AND DANIEL-DAVIS NOMINATIONS

TUESDAY, FEBRUARY 8, 2022

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

The Committee met, pursuant to notice, at 10:06 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 meet today to consider three pending nominations. The three nominations are: Ms. Laura Daniel-Davis to be the Assistant Secretary of the Interior for the Land and Minerals Management, Ms. Maria Robinson to be the Assistant Secretary of Energy overseeing the Office of Electricity, and Dr. Joseph DeCarolis to be the Administrator of the Energy Information Administration. All three of the nominees were nominated for these same positions last year, but the Senate did not take final action on them before the end of the session. Thus, all three of their nominations were returned to the President at the end of the First Session under the Standing Rules of the Senate. All three were re-nominated by the President and are now back before us.

Ms. Daniel-Davis has been here before. The Committee held a hearing on her nomination last September. Although the Committee usually forgoes a second hearing in cases like this, we have held second hearings before when members have requested them. We very much appreciate your willingness to return, Ms. Daniel-Davis, to answer any additional questions members may have. Unfortunately, the Committee was unable to schedule a hearing on Ms. Robinson's and Dr. DeCarolis's nominations last fall, so this is their first hearing. We welcome all three nominees and thank each of them for being here this morning and for their willingness to serve in these important positions. So welcome to each of you and your family members, and I want to thank all of you for being here.

As I said, Ms. Davis has been through this before. It is no reflection on her personally that she has been called back for a second hearing. It is, I believe, a reflection on the importance of the office to which she has been nominated, the breadth of her portfolio, and the interest members of this Committee have in the policies that her office oversees. The Assistant Secretary for Land and Minerals Management oversees four of the great bureaus and offices of the Department of the Interior—the Bureau of Land Management, the

Office of Surface Mining, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement. Members of the Committee may disagree with each other and with the Administration over the land and minerals management policies pursued by this Administration, as we have with prior Administrations, but no one should doubt Ms. Daniel-Davis's knowledge and experience or her commitment to public service. She served as 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 for the past year. She had my support last year, and she has my support this year.

Our next nominee is Maria Robinson, who has been nominated to head the Department of Energy's Office of Electricity. The Office of Electricity was established in 2005 to help modernize the electric grid, enhance grid security and reliability, and to facilitate recovery from grid disruptions. The Assistant Secretary for Electricity is responsible for overseeing the Department's research and development activities aimed at modernizing and strengthening the electric grid, and for overseeing the four Power Marketing Administrations. Ms. Robinson is currently a member of the Massachusetts House of Representatives, where she has been a leader on clean energy issues. Before being elected to the Massachusetts legislature, Ms. Robinson spent 10 years working on wholesale electricity market regulatory issues and energy efficiency and renewable energy issues in the private sector. I look forward to hearing about the views, the experience, and perspective that she would bring to the Office of Electricity.

Dr. DeCarolis, our final nominee, has been nominated to be the Administrator of the Energy Information Administration. EIA collects, analyzes, and publishes the energy data that the Department of Energy, other federal agencies, and Congress depend on to shape the nation's energy policies. The Administrator is responsible for collecting and analyzing energy information and forecasting future trends, but also for preserving EIA's political independence and its professional integrity. Dr. DeCarolis has been a professor at North Carolina State University for the past 14 years, where he has focused on developing and applying energy system models.

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

At this point, I want to recognize Senator Murkowski, who is filling in for Senator Barrasso, for her opening statement.

Senator Murkowski.

**OPENING STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman. It is good to be back at the head of the table with you, and I want to thank Ranking Member Barrasso, who asked me to cover for him this morning.

As you mentioned, we are here to consider Ms. Maria Robinson to be Assistant Secretary of Energy for the Office of Electricity, Dr. Joseph DeCarolis to be Administrator of the Energy Information Administration, and Ms. Laura Daniel-Davis to be Assistant Sec-

retary of the Interior for Land and Minerals Management. I welcome all three of you to the Committee.

Ms. Robinson, I look forward to hearing how you plan to help modernize the nation's electric grid, how you plan to help enhance its security and reliability, and how you will help facilitate recovery from potential disruptions in energy supply. I especially will be looking for you to demonstrate your understanding of my state, which leads the world in microgrids, but has limited big grids, if you will, but a genuine need for assistance to help us lower electricity costs.

Dr. DeCarolis, you should know that I am one who cares about the EIA. As I have chaired this Committee over the years, I look forward to the review every year. You are an agency, an entity that we rely on, but we rely on you for non-partisan information. I appreciate that in your testimony you highlighted EIA's legal obligation to operate independently of the Administration's policy positions, and I look forward to hearing more about your plans for the agency.

Ms. Daniel-Davis, you are nominated for a position that is of great significance to my home State of Alaska. As the Chairman has noted, I think all the members on the Committee have an interest in this position because of the very, very, very wide portfolio that you have. As you know, in Alaska, we have more federal land than any other state. Some can see that as a blessing, others may see it as a curse, but we need the Department to be our partner, not our landlord. But that relationship has really taken a turn—I think a turn in the wrong direction in the year-plus that this Administration has been in office. The last individual named to this position as Assistant Secretary was a fellow by the name of Joe Balash, who was a friend of mine, fellow Alaskan, and when he departed this role and when that last Administration ended, I would argue that the Department's policies toward Alaska were finally in a good place, or certainly a better place than they had been. Numerous Alaska projects were either approved or headed in the right direction. Our vastly outdated public land orders were being lifted. We were no longer being treated as one giant park or wildlife refuge.

But unfortunately, it did not take very long for this Administration to knock much of that off track. We have seen action after action and decision after decision go against reasonable land access and resource production in Alaska for oil and gas or mining and for just about everything that we have and responsibly want to produce, whether it is up in the NPRA (National Petroleum Reserve-Alaska) or over in the 1002 Area or other parts of the state. And it is a state that entered the union with an agreement that resource production is how we would sustain ourselves and reach our potential. It is pretty tough. It is just pretty tough. It is worse than a simple broken promise. It is a broken statehood agreement. And believe me, people in Alaska discuss it just that way. And it is hard on everyone. The consequences of the Administration's resource policies are clearer by the day. Commodity prices are way up, and so is inflation, causing pain for families and businesses. Our geopolitical leverage is down, which is what happens when

“keep-it-in-the-ground” prevails over the use of our energy as a strategic and a diplomatic asset.

Others are certainly happy to fill our void. That is no surprise, but they cannot replace the United States as the world’s swing producer, nor is there an excuse for an Administration that decides to go to OPEC for more oil and gas, and to Canada and others for minerals, while leaving our best domestic projects stalled out. We know that an energy transition is underway, but we also know that it is not going to be an overnight shift. The country and the world are going to need our traditional resources for a long time to come, and meanwhile, demand for minerals from projects like those that could be located in the Ambler mining district, the demand is only going up, and dramatically so. We need an Administration that recognizes those facts and plans their policies accordingly. We should do everything that we can to advance clean and renewable technologies, and we need to do more of it yesterday. But that cannot be paired with the fundamental incoherence on traditional energy and mining. And so, our job is to make sure the Secretary of the Interior has a team that will facilitate the safe, responsible production of our domestic resources, certainly including Alaska.

So I look forward to the question-and-answer section of this hearing and the decisions that are being made in or really against my home state. So I look forward to the discussions, and thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

The rules of the Committee, which apply to all nominees, require that they be sworn in in connection with their testimony. So if you all would please 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?

[Witnesses sworn in.]

The CHAIRMAN. You may be seated. Before you begin your statements, I will ask three questions addressed to each nominee before this Committee.

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

[All witnesses respond “yes.”]

The CHAIRMAN. Yes.

Are you aware of any personal holdings, investments, or interests that can 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?

[All witnesses respond “no.”]

The CHAIRMAN. No, to all three.

Finally, are you involved or do you have any assets held in blind trust?

[All witnesses respond “no.”]

The CHAIRMAN. No.

So let us begin with Ms. Robinson. You are recognized to make your statement. So please proceed.

**STATEMENT OF HON. MARIA ROBINSON, NOMINATED TO BE
AN ASSISTANT SECRETARY OF ENERGY (OFFICE OF ELEC-
TRICITY)**

Ms. ROBINSON. Thank you very much, Chairman Manchin and Senator Murkowski. It is wonderful to be here.

Chairman, Ranking Member, members of the Committee, thank you for inviting me today to testify in front of the Energy and Natural Resources Committee. I am honored to be nominated by President Biden to serve as the Assistant Secretary of Energy for the Office of Electricity, and I am humbled to have the opportunity to work with Secretary Granholm in the Department of Energy. Having myself grown up in a small, former coal mining town near Scranton, I share the President's concern that we need to provide reliable, secure, affordable, and clean energy to Americans while also creating good-paying union jobs. My background working in both the public and private sector on electricity issues provides me with a unique perspective and tools to meet the Department's mission and goals.

Before I begin, I want to acknowledge my family and friends for their ongoing support throughout my career. My gratitude knows no bounds for my parents, whose hard work and unending support provided me with the freedom to pursue my dreams; my loving husband, who gracefully provides our family with wonderful stability; and my brilliant 13-year-old daughter, who keeps me very grounded with reminders that I am a public servant, and therefore she is technically my boss.

My focus on energy and electricity policy emerged from an initial technological interest as an undergraduate studying chemical engineering at MIT, but I found a true passion for being at the nexus of technology and policy. My time at Navigant Consulting allowed me to work directly with state and local governments, utilities, independent power producers, and major corporations on strategy and implementation of programs to strengthen generation, transmission, and distribution across the nation's grid. Through this work, I traveled with electricians and contractors to distributed energy resource sites, and received firsthand lessons in the need to update our grid infrastructure to accommodate higher demand at sources ranging from Logan Airport to rural water treatment plants. We continue to see this need for additional deployment working with states and utilities to build new transmission assets and upgrade aging grid infrastructure using the funding provided for in the bipartisan infrastructure law.

In leading a national trade association's wholesale market policy, and wearing multiple hats in state policy and market analysis, I had the opportunity to work with state utility commissioners, state legislatures, air and energy offices, trade associations, and national groups in the energy sector, such as NASEO and NARUC as well as directly with utilities—both investor-owned and public power, and electric co-ops. All of these constituencies will play a key role in ensuring that transmission and distribution projects are built in optimal locations with minimal roadblocks. Part of the work must be done in research and development—taking existing technologies and finding ways to scale them for widespread use, such as the Department's Long Duration Storage Energy Earthshot. During my

time at Advanced Energy Economy, I had the privilege of working with businesses and utilities who were working in generation, transmission, software, efficiency, smart grid, and much more, all of whom will play a critical role in building and operating a 21st century electric grid.

I believe in America's ability to solve problems through technological development with smart investments and well-designed policies. This includes achieving the Biden Administration's goals of reaching net zero emissions by 2050 and maintaining a reliable, resilient grid that can withstand the ever-increasing amount of catastrophic weather-induced events. With new discoveries being made at rapid-fire pace across the power industry, I want to ensure that we are meeting the moment with flexible policies that can adapt to new advancements in technology. This is especially true for cybersecurity policy that can manage the delicate balance between security, affordability, and feasibility while accounting for technological changes in both hardware and software. I currently sit on the Advanced IT Internet and Cybersecurity Committee at the state legislative level, and policymakers across the country are grappling with the reality that we could see catastrophic failures without the right precautions. It is incumbent upon the Department to work with experts in cybersecurity to develop and implement technologies and policies that make our grid more secure. I know it is a priority of the Secretary, and if confirmed, would be a priority of mine, that cybersecurity is considered in all parts of the work that we do.

Again, I thank you, Chairman Manchin, Senator Murkowski, and all the members of the Committee that are here today for your time. Should I be confirmed, I hope that this is the beginning of a strong partnership between all of your offices and the Office of Electricity, and I look forward to answering your questions.

[The prepared statement of Ms. Robinson follows:]

Opening Statement
Maria Duaine Robinson
Nomination Hearing
United States Senate
Committee on Energy and Natural Resources

Chairman Manchin, Ranking Member Barrasso, members of the committee, thank you for inviting me today to testify in front of the Energy and Natural Resources Committee.

I am honored to be nominated by President Biden to serve as the Assistant Secretary of Energy for the Office of Electricity, and I'm humbled to have the opportunity to work with Secretary Granholm in the Department of Energy. Having myself grown up in a small former coal mining town near Scranton, I share the President's concern that we need to provide reliable, secure, affordable, and clean energy to Americans while also creating good-paying union jobs. My background working in the public and private sector on electricity issues provides me with a unique perspective and tools to meet the Department's mission and goals.

Before I begin, I want to acknowledge my family and friends for their ongoing support throughout my career. My gratitude knows no bounds for my parents whose hard work and unending support provided me with the freedom to pursue my dreams, my loving husband who gracefully provides our family with stability, and my brilliant 13-year-old daughter who keeps me grounded with reminders that as I am a public servant, she is technically my boss.

My focus on energy and electricity policy emerged from an initial technological interest as an undergraduate studying chemical engineering at MIT, but I have found a true passion for being at the nexus of technology and policy. My time at Navigant Consulting allowed me to work directly with state and local governments, utilities, independent power producers, and major corporations on strategy and implementation of programs to strengthen generation, transmission, and distribution across the nation's grid. Through this work, I traveled with electricians and contractors to distributed energy resource sites and received first-hand lessons in the need to update our grid infrastructure to accommodate higher demand at sources ranging from Logan Airport to rural water treatment plants.

We continue to see this need for additional deployment, working with states and utilities to build new transmission assets and upgrade aging grid infrastructure using the funding provided for in the Bipartisan Infrastructure Law. In leading a national trade association's wholesale market policy and wearing multiple hats in state policy and market analysis, I had the opportunity to work with state utility commissions, state legislatures, state air and energy offices, trade associations, national groups in the energy sector, such as NARUC and NASEO, and directly with utilities, including investor owned and public power, and electric cooperatives. All of these

constituencies will play a key role in ensuring transmission and distribution projects are built in optimal locations with minimal roadblocks.

Part of the work must be done in research and development – taking existing technologies and finding ways to scale them for widespread use, like the Department’s Long Duration Storage Energy EarthShot. During my years at Advanced Energy Economy, I had the privilege of working with businesses and utilities who are working in generation, transmission, software, efficiency, smart grid, and much more who will all play a critical role in building and operating a 21st century electric grid. I believe in America’s ability to solve problems through technological development with smart investments and well-designed policies; this includes achieving the Biden Administration’s goals of reaching net-zero emissions by 2050 and maintaining a reliable, resilient grid that can withstand the ever-increasing amount of catastrophic weather-induced events.

With new discoveries being made at rapid-fire pace across the power industry, I want to ensure that we are meeting the moment with flexible policies that can adapt to new advancements in technology. This is especially true for cybersecurity policy that can manage the delicate balance between security, affordability, and feasibility while accounting for technological changes in both software and hardware. I currently sit on the Advanced IT, Internet, and Cybersecurity committee at the state legislative level, and policymakers across the country are grappling with the reality that we could see catastrophic failures without the right precautions. It is incumbent upon the Department to work with experts in cybersecurity to develop and implement technologies and policies that make our grid more secure. I know it is a priority of the Secretary and, if confirmed, would be a priority of mine that cybersecurity is considered in all aspects of the work that we do.

Again, I thank you, Chairman Manchin, Ranking Member Barrasso, and all members of the committee, for your time today. Should I be confirmed, I hope this is the beginning of a strong partnership between your offices and the Office of Electricity, and I look forward to answering your questions.

The CHAIRMAN. Thank you, Ms. Robinson.

I am so sorry, if you would like to introduce your family, we would love to—is your family here with you?

Ms. ROBINSON. My family is not here. I have two friends and colleagues here with me today as support.

The CHAIRMAN. Okay.

Now we are going to hear from Dr. DeCarolis. Do you have any of your family members here that you would like to introduce?

Dr. DECAROLIS. Sure. So my wife, Chrissy, my daughter, Katie, and my son, Nicholas.

The CHAIRMAN. Great.

Dr. DECAROLIS. We have two of my three kids here today.

The CHAIRMAN. Great to have them with us.

Dr. DECAROLIS. Thank you.

The CHAIRMAN. Please.

**STATEMENT OF DR. JOSEPH DeCAROLIS, NOMINATED TO BE
ADMINISTRATOR OF THE ENERGY INFORMATION ADMINIS-
TRATION, DEPARTMENT OF ENERGY**

Dr. DECAROLIS. Chairman Manchin, Ranking Member Barrasso, Senator Murkowski, distinguished members of the Committee, it is an honor and a privilege to appear before you today as the nominee for Administrator of the Energy Information Administration. I am grateful to President Biden and Secretary Granholm for trusting me with this important role. I also want to thank my family—especially my wife, Christine—for their support.

I am deeply honored by the opportunity to lead the EIA. EIA collects, curates, analyzes, and disseminates data pertaining to all aspects of the U.S. energy system. As the federal statistical agency within the Department of Energy, the value of EIA's work is difficult to overstate. If you were to pick at random a news item or research study focused on the U.S. energy system, it very likely includes a reference to EIA data. EIA products underpin our collective understanding of the U.S. energy system and are a source of sound, unbiased data and analysis for decisionmakers in both the public and private sectors. I want to underscore EIA's legal obligation to operate independently of policy positions taken within the Federal Government. EIA's independence and impartiality make it a trusted and reliable source of information on highly complex energy issues. If confirmed, my highest priority will be to maintain EIA's well-deserved reputation for impartiality.

My academic career as an engineer and energy systems modeler aligns well with the analytical mission of EIA. After double-majoring in physics and environmental science and policy at Clark University, I obtained a Ph.D. in Engineering and Public Policy from Carnegie Mellon University. My Ph.D. research taught me to analyze complex energy issues at the intersection of engineering, economics, and public policy. After graduation, I joined the Environmental Protection Agency, where I developed expertise in energy systems modeling. Over time it became clear to me that the prevailing approach to modeling within the international community was flawed. First, the models were opaque to outsiders. If models were cars, it was impossible to look under the hood and kick the tires. Second, modelers needed to do a better job quantifying future

uncertainty and how it might affect the model projections. Making models public and addressing future uncertainty not only makes modeling more scientific, but it fulfills a moral imperative to inform stakeholders, decisionmakers, and the general public on issues that affect everyone's lives. Improving the energy modeling process became my overarching focus when I began my faculty position at NC State University in 2008, a position I still hold today. Over the last decade, I have helped to lead the development of next-generation energy system modeling tools that are open-sourced, transparent, and designed to deliver policy-relevant insights.

If I have the privilege of being confirmed, I would like to pursue several priorities that will enhance EIA's ability to fulfill its mission in the 21st century. These priorities are grounded in my experience as a consumer of EIA products over the last 20-plus years, and mirror priorities that are highlighted in the bipartisan infrastructure law. First, EIA should strive to make its products more accessible and transparent. This includes making EIA models open source, and integrating different data streams into real-time, online dashboards. Transparency and accessibility engender trust, foster understanding, and allow stakeholders to make better use of EIA products. Second, EIA's modeling capabilities should be expanded to examine a wider range of future scenarios that include the full spectrum of available fuels and technologies. The models should be tested under a wider range of assumptions to better evaluate potential outcomes pertaining to cost, emissions, reliability, and security. As part of this effort, EIA also needs to engage in cross-agency coordination on emerging issues in the energy economy, like the demand for critical minerals. Third, EIA data and analysis can provide additional insight into energy trends and the resulting impact on communities, including the accessibility and reliability of energy supply and the effect of price changes on energy poverty.

I am thrilled by the opportunity to lead the Energy Information Administration. As a country, we face many critical energy challenges over the next several decades, and EIA will play a critical role in that ongoing discussion. If confirmed, I look forward to working with Congress on a nonpartisan basis to advance our collective understanding of our past, present, and future energy system. Thank you for the opportunity to appear here today, and I look forward to taking your questions.

[The prepared statement of Dr. DeCarolis follows:]

**Opening Statement
Joseph F. DeCarolis
Nomination Hearing
United States Senate
Committee on Energy and Natural Resources**

Chairman Manchin, Ranking Member Barrasso, distinguished members of the Committee: it is an honor and a privilege to appear before you today as the nominee for Administrator of the Energy Information Administration. I am grateful to President Biden and Secretary Granholm for trusting me with this important role.

I also want to thank my family, especially my wife Christine, for their support.

I am deeply honored by the opportunity to lead the EIA. EIA collects, curates, analyzes, and disseminates data pertaining to all aspects of the U.S. energy system. As the federal statistical agency within the Department of Energy, the value of EIA's work is difficult to overstate. If you were to pick at random a news item or research study focused on the US energy system, it very likely includes a reference to EIA data. EIA products underpin our collective understanding of the US energy system and are a source of sound, unbiased data and analysis for decision makers in both the public and private sectors.

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Improving the energy modeling process became my overarching focus when I began my faculty position at NC State University in 2008, a position I still hold today. Over the last decade, I have helped to lead the development of next-generation energy system modeling tools that are open source, transparent, and designed to deliver policy-relevant insights.

If I have the privilege of being confirmed, I would like to pursue several priorities that will enhance EIA's ability to fulfill its mission in the twenty-first century. These priorities are grounded in my experience as a consumer of EIA products over the last 20+ years, and mirror priorities highlighted by the Bipartisan Infrastructure Law.

First, EIA should strive to make its products more accessible and transparent. This includes making EIA models open source, and integrating different data streams into real-time, online dashboards. Transparency and accessibility engender trust, foster understanding, and allow stakeholders to make better use of EIA products.

Second, EIA's modeling capability should be expanded to examine a wider range of future scenarios that include the full spectrum of available fuels and technologies. The models should be tested under a wider range of assumptions to better evaluate potential outcomes pertaining to cost, emissions, reliability, and security. As part of this effort, EIA also needs to engage in cross agency coordination to examine emerging trends in the energy economy, like the demand for critical minerals.

Third, EIA data and analysis can provide additional insight into energy trends and the resulting impacts on communities, including the accessibility and reliability of energy supply and the effect of price changes on energy poverty.

I am thrilled by the opportunity to lead the Energy Information Administration. As a country, we face many critical energy challenges over the next several decades, and EIA will play a crucial role in that ongoing discussion. If confirmed, I look forward to working with Congress on a non-partisan basis to advance our collective understanding of our past, present, and future energy system.

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

The CHAIRMAN. Thank you, Doctor.

Finally, we have Ms. Daniel-Davis, and Ms. Davis, I might say, we have your previous statement on record. Any additional comments you want to make, you are more than free to do so.

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

Ms. DANIEL-DAVIS. Thank you, Mr. Chairman, and good morning, and good morning Senator Murkowski and members of the Committee. It is, again, an honor to appear before you today as President Biden's nominee to be the Assistant Secretary for Land and Minerals Management at the Department of the Interior, and I am grateful that my husband, Mark, can appear with me again today. He is right behind me.

The CHAIRMAN. He is hanging right in there, huh?

Ms. DANIEL-DAVIS. Yes.

[Laughter.]

Ms. DANIEL-DAVIS. I will just offer a few remarks.

The Department of the Interior has been one of the most significant and formative influences on my life. The leadership positions that I have held there and in other organizations have given me knowledge of the public lands, the energy programs—both onshore and offshore—that the Department manages, and a deep understanding of the Department's operations and broad mission, which touches so many people's lives in very real ways every day, and that is true whether we live in the West or another part of our great country. Over the course of my career, I have had the privilege of working with and learning from so many significant mentors, including the former and current secretaries and former Congressman and Senator Mark Udall. These lessons were meaningful, and they are still with me—of the importance of government service, and that it is the people, not yourself, that you serve; of the value of collaboration; to ensure that we're leading with equity and fairness; and that we should strive for a bipartisan spirit to accomplish goals that are so important to our country's future.

I deeply value and appreciate the role that the Department's bureaus serve in accomplishing its mission activities, including those that fall under the jurisdiction for the position for which I have been nominated. The Bureau of Land Management's multiple-use mission makes it uniquely important for resource development, for recreation, and to provide economic opportunities to working families as it manages the vast federal acreage under its jurisdiction.

Offshore, the important work of the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement to responsibly and safely develop energy resources on the Outer Continental Shelf helps assure our country's energy independence and is critical to our energy future. And the Office of Surface Mining, Reclamation, and Enforcement provides crucial support to coal communities for reclamation of former mining lands and economic development opportunities, making sure that states have the tools to oversee their transitioning programs. These bureaus will, of course, be fundamental to the implementation of the bipartisan infrastructure law, which was supported by many of you

and has passed since I last appeared. We are so appreciative of the bipartisan support and for the opportunity to work with you to improve our country's infrastructure and to improve people's lives.

Just yesterday, Secretary Haaland had the opportunity to announce additional funding that will be provided this year to address abandoned mine land reclamation in communities across the country. I know that you, Mr. Chairman, worked tirelessly to extend the AML (Abandoned Mine Land) program and to ensure and secure that the supplemental funding would be available, and these resources are going to allow communities to do more, to put more people to work in well-paying, family-supporting jobs, to accelerate this vital reclamation and restoration work, and support local economies. Last week, Secretary Haaland announced the first tranche of formula funding for states to begin addressing the capping and restoration of orphaned oil and gas wells, and these resources, too, will provide jobs and economic support for hundreds of impacted communities—historic investments to clean up these areas and ensure that we catalyze economic growth and revitalization and reduce harmful methane leaks.

My time in Interior has also taught me the fundamental role that the Department's career employees serve. Their hard work and expertise help us accomplish so much—well, everything, really, across the Department's bureaus and programs. If confirmed, I will work hard to support the bureaus as they implement their programs and address the important infrastructure needs of society. I commit to tirelessly working to better understand how I can best help them be successful in their missions and for the American public. I look forward to working in a respectful and collaborative fashion with this Committee, with states, tribes, and program stakeholders to address the shared challenges that we face. Thank you again for having me, 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**

February 8, 2022

Good Morning Chairman Manchin, Ranking Member Barrasso, and Members of the Committee. It is again an honor 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. I understand that my statement from my previous hearing before this Committee is part of the hearing record and so will offer brief remarks today.

The Department of the Interior has been one of the most significant and formative influences on my life. The leadership positions that I have held there, and in other organizations, have given me knowledge of the public lands; the energy programs – both on- and offshore – that the Department manages; and a deep understanding of the Department's operations and broad mission, which touches so many people's lives in very real ways every day. This is true whether we live in the West or another part of our great country.

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These lessons were meaningful and are still with me – of the importance of government service and that it is the people, not yourself, that you serve; of the value of collaboration; to ensure we are leading with equity and fairness; and that we should strive for a bipartisan spirit to accomplish goals that are so important to our country's future.

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My time at the Department has also taught me the fundamental role that the Department's career employees serve. Their hard work and expertise help us accomplish so much across the Department's bureaus and programs.

If confirmed I will work hard to support the bureaus as they implement their programs and address the important infrastructure needs of society. I commit to tirelessly working to better understand how I can best help them be successful in their missions and for the American public.

I look forward to working in a respectful and collaborative fashion with this Committee, with states, Tribes, and program stakeholders to address the shared challenges we face.

Thank you and I look forward to answering your questions.

The CHAIRMAN. Thank you. Thanks to all three of you for your presentations. I will start the questioning, and Ms. Daniel-Davis, I will start with you.

During the previous Administration, the Department tried to lease probably as much as they could, as fast as they could, and under the current Administration, they came in and hit the pause button. We were supposed to get a report back after we evaluated our process and our leasing and how we did it. But then the courts intervened, and Louisiana said you had to start leasing again. And then two weeks ago, another court, here in town, found the offshore lease sale you held last November, which was the largest in history, to be unlawful and struck down the sale. So we are back to square one now. My question would be, can you explain the Department's leasing program—onshore, offshore, and where it stands at this point?

Ms. DANIEL-DAVIS. Thank you for that question, Mr. Chairman. And I think, just confirming that we are in compliance with the court ruling you referenced, *Louisiana v. Biden*, and moving forward with the leasing program onshore and offshore—I think at a very high level what you are describing with regard to litigation activities and outcomes really inspires me to continue to work with the Secretary and with the teams that we lead to ensure that we are taking the law seriously, taking processes seriously, taking the time to seek and reflect upon public input we receive, understanding where the requests are to site energy activities and any important conflicts that may be found there, and of course, I will reflect that what, you know, the concern with these rulings, of course, is that in many cases they are finding that the process was not completely followed, and indeed it is sometimes a shortcut.

The CHAIRMAN. Let me follow up.

Ms. DANIEL-DAVIS. Yes, sir.

The CHAIRMAN. I think I can follow up with another question with you. You are familiar with the Mountain Valley Pipeline?

Ms. DANIEL-DAVIS. Yes, sir.

The CHAIRMAN. Okay, and what it has been going through? I think, out of 300-plus miles, there are 24 miles left. That is it. That is in your bailiwick to a certain extent. It keeps running into court case after court case after court case. The product needs to get to market. The market desperately needs the energy we are producing from the natural gas production in the Marcellus and Utica Shale, but we are having a hard time. You know, I keep fearing we are going to end up like Europe, and in a crunch, and right now, it is hard for me to go to West Virginia and explain why we are asking other countries to produce energy for us when we have been energy independent for so long, and we have been able to hit that milestone, and now, we are back to where we are depending on other production.

So how quickly will the BLM, which you oversee, correct their issue in its permits? The reason I say that is, they are saying that they threw out several environmental reviews for the pipeline, which stopped the project. They were thrown out, not through any fault of the applicant, but because a judge ruled that the agencies did not include enough information in their reviews. So from my standpoint, these people said they jumped through every hoop you

put there, and then all of a sudden, a court throws it out because your review process, or what you told them to do, was not accurate enough.

Ms. DANIEL-DAVIS. Thank you, Mr. Chairman, that is a great question. I know that this is an issue of importance to you.

The CHAIRMAN. The whole East Coast.

Ms. DANIEL-DAVIS. Yes, of course.

The CHAIRMAN. Yes.

Ms. DANIEL-DAVIS. In our Department, the solicitor's office and BLM are kind of the leads in looking at these very recent litigation rulings. I will agree with you that this is the second time it has been sent back, and deficiencies in the review of the federal entities have been identified as the issue. So we are working closely with our solicitor's office. The Forest Service, as you know, has a role as well in this, as well as the Fish and Wildlife Service. So it is across my agency, and one other, and understanding that this was a permit that was provided really at the tail-end of the previous Administration, and it is—

The CHAIRMAN. I would like to spend more time with you so we can correct this and basically, agencies should have more input, knowing what the courts are going to be asking for, because they are giving us pretty clear direction.

Ms. Robinson, if I could very quickly just follow up with you, and then my time will be out. I am aware of your past roles. I am thinking specifically about your role for advanced energy economy. You are an advocate of renewable energy and energy efficiency over more traditional generation technologies like the fossil industry that we have, whether it be coal, natural gas, things of that sort. I am concerned about the reliability. I see what Europe is going through. I am all for clean energy. I am all for doing what we do cleaner. I have always said this: you cannot eliminate your way to a cleaner environment, but you can sure innovate your way to it. But if you are just moving on elimination, we are not going to be able to have the energy this country needs. That scares me. And I just want to know where you stand on focusing on advancing the reliable, and making sure the reliable is at the forefront of what we do, not just the desires for some that might not carry the load, as we know.

Ms. ROBINSON. Thank you, Senator. I will try and talk quickly, and I appreciate that and appreciate your concern for reliability. I believe that, for the Office of Electricity, reliability is the number one concern and will be my number one concern for maintaining. I think there are lots of things that we need to do in order to do that, including grid capability upgrades, which will come through the bipartisan infrastructure bill. I certainly see a role for firm, dispatchable power well into the future, and would love to continue having more conversations with you about that.

The CHAIRMAN. Right, and also if you would think about—you know, we need to get the transmission into the areas where our clean energy can be deployed.

Ms. ROBINSON. Correct.

The CHAIRMAN. How are you planning on getting through as far as getting the siting done? I mean, that has been a challenge. The transmission lines into where the large solar panels are going to

be or where the large wind farms are going to be are going to be challenging to get to market. Do you all have a plan, or have you thought about that, how you would be able to accelerate the transmission to carry the power to the market?

Ms. ROBINSON. Certainly, and there is funding in the bipartisan infrastructure bill that would allow for a greater buildout. There are, obviously, the siting and permitting issues, but there are also additional authorities in the bipartisan infrastructure bill that will allow for greater collaboration with states and municipalities.

The CHAIRMAN. Are you saying that we can share revenue or pay these states and localities that are not so keen on having a new transmission line coming through their state?

Ms. ROBINSON. Senator, I think that is probably a conversation to be had with FERC and their cost allocation and sharing, but happy to continue—

The CHAIRMAN. I think we need to find a way that we can get new power to market.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Ms. Daniel-Davis, I am going to start with you, and I am going to try to focus on these issues that have come up since the last time you were before the Committee, as I had a chance to go into some detail there. I am going to start by just acknowledging what you have noted in your opening statement and offer thanks. I appreciate the announcement last week from the Department about moving forward with the orphaned well program. We are going to be getting \$32 million in the State of Alaska, and that is going to help us with this cleanup effort that has been going on for a long time, but also help with the jobs. So we appreciate that.

I am pleased that the Administration is continuing to support the Willow Project. I have made it very, very clear to anybody who is willing to listen, from the President on down, that Willow is absolutely key when we think about Alaska's production capacity going forward. But I also recognize that as we are moving forward, we have some very, very, very tight windows, some narrow construction windows for this year. I would like your commitment that the Department will finish a supplemental EIS (Environmental Impact Statement) that addresses the court's concerns by the end of this first quarter.

Ms. DANIEL-DAVIS. Thank you, Senator, for the question, and we are pleased to move forward—even last week, I am sure you saw, with the informal scoping period with regard to informing our preparation of the supplemental EIS. I believe that our schedule has us ready to have a draft out in the public for comment during the second quarter.

Senator MURKOWSKI. Well, I am going to urge you, as I have others, that again, dragging this or extending too long results in real consequences on the ground because, again, we do not have 365 days a year within which to move forward with these projects. So I am just going to urge the Department to act as expeditiously as possible on this. Initially, I think folks were looking at that first quarter. So it is very frustrating to hear that it could slip into the second. So I am just going to urge again, expediency, efficiency, and a real recognition as to the urgency there.

Let me switch now to the Ambler Access Project, because I have a lot of Alaskans that are in town this week. They are going to be knocking on doors at the Department. They are speaking here. But this is a project that we have been engaged with for some time. As you know, it was initiated back in 2015, while you were at the Department with the Obama Administration. It is supported by many local Alaska-Native communities, the Northwest Arctic Borough, the NANA Regional Corporation. There has been a very, very lengthy record of public meetings, hearings, and consultations. And yet a 90-day public comment period was extended to a total of 330 days. The FEIS joint record of decision cost taxpayers nearly \$5 million to complete, and now, the Department is requesting a 60-day stay, and then another 30-day stay to allow for additional consultation. I am going through my homework from last night—this is a packet that was sent to me by ADA, who is involved in this project, just outlining the various consultation that has gone on recently. The additional thing that was in my home packet was a letter from our Governor, again, asking the Deputy Secretary to please move forward, recognizing the level of consultation that has been underway.

So I guess the question that Alaskans are asking me is, if they need more consultation, what have they been doing with this consultation period in this 60-day stay? So can you share with me who the Department actually consulted with during this period? There is a lot of record out there from ADA that shows me who has been involved with consultation. I don't know if you have a similar document that you can share, but they are saying if all this consultation has gone on, why is an additional 30-day stay now required?

Ms. DANIEL-DAVIS. I appreciate that question. This is a project on which we have heard from a lot of different organizations with regard to the consultation activity, and I understand what you are saying, Senator, about the, you know, the record that you are looking at. I think what we have heard directly from some tribes, and I don't have a list in front of me, but I would be pleased to go back and consult with the Department, but what we have heard is—

Senator MURKOWSKI. I think it would be important for us to just understand because, again, we are looking around and asking the question of who has not yet been consulted given the very voluminous record that has been created to date. So the question—when you say you need additional time for consultation—who?

Ms. DANIEL-DAVIS. Again, undertaking formal consultation, again, we heard that some tribes did not believe that they had been properly and formally consulted in the development of the record. Moreover, we heard about significant subsistence concerns, and those are the conversations and the consultations that have been ongoing. I want to hasten to add that we are, of course, open to meeting and have been meeting, I think the Deputy Secretary, in particular, with a number of the other organizations that you mentioned.

Senator MURKOWSKI [presiding]. Apparently, my time is expired, and Senator Heinrich, you are up.

Senator HEINRICH. Thank you.

Ms. Daniel-Davis, last month in New Mexico, there was a reprehensible criminal attack on petroglyphs on public land at La

Cieneguilla site near Santa Fe. Someone defaced images that had been left there by ancient pueblos centuries, if not millennia, ago. The damage that was done, to some degree, some of it may be irreversible. It may never be able to be undone, but we can work to make sure that people who desecrate sacred spaces on public lands are held accountable to prevent those kinds of attacks in the future. So I wanted to ask, in particular, what is BLM doing to investigate this particular crime, and then, how seriously is the BLM taking the protection of cultural sites on the Caja del Rio Plateau writ large?

Ms. DANIEL-DAVIS. Thanks, Senator, and this criminal desecration is unacceptable and unbelievably sad, and it is a top priority for the Bureau of Land Management to figure out what happened and to bring the criminals to justice. The BLM agents and rangers are working directly with the FBI and with the Santa Fe County Sheriff's Office on this matter. There has been a lot of outreach to local groups to see if there is any information about who might have been in that area when this happened, and, moreover, you know, the Taos BLM Office has recently hired a new law enforcement ranger to increase patrols here and elsewhere. I do think that the support in the FY22 budget—and I know you are all working very hard on that—to support the BLM and the rebuilding of the BLM can only help in terms of these law enforcement challenges out on a very wide and important landscape.

Senator HEINRICH. What portion of the BLM's budget goes to law enforcement?

Ms. DANIEL-DAVIS. Senator, that is a great question, and I don't know the answer off the top of my head but I am going to—

Senator HEINRICH. Let's find that out.

Ms. DANIEL-DAVIS. Yes, sir.

Senator HEINRICH. Because my experience is, having been an outfitter guide, it is not enough. It is rare to see law enforcement out on the ground on public lands, and that problem goes beyond the BLM. It applies to the Forest Service and the Park Service as well, but I think, in particular, Interior.

New Mexico is home to two of the newest national monuments, the Rio Grande del Norte Monument in Taos County, which you are intimately familiar with, and the Organ Mountains-Desert Peaks National Monument near Las Cruces. However, even though it has been nearly a decade since these were designated, neither monument has ever had a finalized monument management plan. What is the status of the planning process for both of these, and when can the Taos and Las Cruces communities expect those plans to be finished?

Ms. DANIEL-DAVIS. Senator, the BLM is very focused on the planning process for both of these. I think it is not as far along as any of us would want, and I know that they are working to determine what a timeline is that will allow them to, you know, tackle this and get it done. Again, I just have to reflect that the previous reorganization of the BLM, in which they lost over 300 employees, and the need to sort of build back and has certainly had an impact on this, but I really want to assure you, Senator, it is a high priority. BLM is very proud of these areas and wants to be sure that they have a functioning plan.

Senator HEINRICH. Ms. Robinson, I want to ask you about our high-voltage grid, our transmission grid, in particular. You know, much of it is based on technology—I should say, maybe, equipment rather than technology—that is 70 years' old. What can DOE and the Congress do to incentivize more rapid implementation of some of the grid technologies that we are seeing implemented very successfully around the world that can give us more transmission capacity in the short run, in addition to building new transmission? So things like power-flow controls, dynamic line rating with real-time sensors and management, and reconductoring of existing transmission. It seems like the financial models that many of our utilities work on do not incentivize those technologies because they are not big, expensive projects that can be rate-based. How can we get those technologies out onto the grid faster?

Ms. ROBINSON. Thank you so much, Senator, and I share your concern about getting those smart-grid technologies out onto the grid. You may have seen that PNNL just released a great report about transactive power, which is using a lot of those same technologies, and the potential \$50 billion in savings to consumers if we are able to do that across the entire nation's grid. So certainly, that creates a wonderful starting point as well as INL's grid testbed to put those to test right away. I am looking forward to working through the smart grid integration program, and the funding through the bipartisan infrastructure bill as well to continue quick deployment of all these technologies, but certainly there are a ton of efficiencies that we can utilize now to get an increasing amount of capacity on our existing infrastructure.

Senator HEINRICH. Yes, I would just leave you with the idea that we do not need more pilot projects. These things have been tested and tested and tested. We need a better grid. So I hope you are up to the task.

Thank you, Madam Chair.

Senator MURKOWSKI. Thank you.

Next on the Republican side is Senator Lee, but I am not sure if he is on. Are you online Senator?

[No response.]

Senator MURKOWSKI. If Senator Lee is not, then Senator Lankford is next up, and your timing is brilliant.

Senator LANKFORD. I don't know if my timing is brilliant or not because I am obviously stepping in right in the middle of the first question line. So you all, thank you. Thanks for going through the process. It is not a fun process to be able to go through, and some of you have been through this for quite a while. So I appreciate your engagement to be able to serve the country on it.

I do have several questions just about how do we deal with energy long term, and how do we resolve some of this. So let me begin with Ms. Robinson.

Let me just pick a day. January the 16th of this year, New England, 24 percent of their power was coming from home heating oil. Now, I think we would agree that natural gas is cleaner than home heating oil, but you have been very strong in your opposition to natural gas pipelines coming through, and then push continually for renewables to try to be a long-term substitute. If I take that same day, January the 16th of this year, 24 percent of the power

in New England was from home heating oil, eight percent of that was actually coming from renewables on that same day, and if I take just what you talked about with solar and wind, that is about 30 percent of that eight percent. So it is a really tiny fraction that is actually coming there.

So what I am trying to figure out is just directionally, I understand where directionally you are looking to be able to go somewhere else on this, but the reality of what we are actually facing right now, we literally have, at times, Russian tankers coming to be able to bring in natural gas to New England instead of getting American because we cannot get pipelines to that area, and the people in New England are facing higher prices, and you have been very outspoken in support of that. So I am just trying to get the balance of where we are going on some of these things.

Ms. ROBINSON. Thank you, Senator Lankford.

Senator LANKFORD. Sure.

Ms. ROBINSON. And I appreciate the concern about prices. I am a Massachusetts Representative, and I get phone calls about the price of energy—

Senator LANKFORD. I would assume.

Ms. ROBINSON [continuing]. All the time from folks. So one of the things that I want to be very sensitive about in coming into this role, if confirmed, is to consider what regional organizations and states want to see long term. I have worked for a long time in state policy. I am currently on the state legislature, and I want to be considerate of the fact that the long-term goals of New England are moving in the general direction, as you said, toward decarbonization. Now, if you look at the interconnection queue in ISO New England, where I am sure you got that delightful graph—

Senator LANKFORD. Sure.

Ms. ROBINSON [continuing]. With the 24 percent of oil. The vast majority of oncoming projects in the interconnection queue are renewable projects, but they have been stalled for a long period of time, in large part due to lack of integrated, long-term transmission planning across the entire country, which is something that the Department intends on doing as part of the Building a Better Grid Initiative that was announced a couple weeks ago. And that is going to make a big difference to allow some of these projects that have been stuck in the queue for a long time because we do want American-made energy here.

Senator LANKFORD. So is that the assumption then, that wind and solar power will be created somewhere else in the country and then just brought to New England?

Ms. ROBINSON. So these are projects that are actually located in New England that are waiting to be interconnected. A ton of solar, in particular, is waiting to be interconnected into the queue. That is located across the six New England states. So, in addition to the larger planning, of course, where we are looking at very wind-heavy states such as yours, of course.

Senator LANKFORD. Right.

Ms. ROBINSON. Where we want to make sure that we are moving those resources to larger sources of demand moving forward, such as cities. There is going to be a really strong element of planning,

and part of that is making the grid a lot smarter through this and so it can understand where it needs all the interchanges.

Senator LANKFORD. So your assumption is in future days then, New England will have more solar power, but where there has been a significant amount of pushback on offshore wind to say we don't want to see offshore wind here, we will do it in Oklahoma, and then just bring power to it so New England does not have to look at it. We do.

Ms. ROBINSON. Thank you for bringing up some of those regional differences as well, and I would say that offshore wind is, if you ask Governor Baker, if you ask Governor McKee, offshore wind is a big part of the long-term plans for New England. Obviously, it is facing some hurdles throughout that process, but it is not just relying on offshore wind. It is also looking at other firm, dispatchable power sources such as energy storage, which, I think is also going to be a major component of any sort of grid resource—

Senator LANKFORD. Right. Do you expect energy storage to be on board to be able to handle a city's capacity with mixing with renewables in the next 25 years? Can you run Boston with energy storage and wind and solar in 25 years, do you think?

Ms. ROBINSON. Senator, I think we are seeing a larger transition toward clean energy in large part, not just in the generation sector, but we are also seeing it on the demand side, going back to demand response being a significant part of this work, but also resources like electric vehicles, which are shown to provide grid benefits—vehicle-to-grid work—and adding additional storage as that market continues to grow.

Senator LANKFORD. I appreciate it. I apologize, I have run out of time on this. This is a larger conversation, obviously. I have questions for all three of you. I am not going to have time for it, to be able to go through. My bigger issue is just the practicality of what is actually going on on the ground right now. If I take that, just that one day I was mentioning before, over 50 percent of the energy of New England was in natural gas and oil that day and eight percent renewables. In the next 25 years, we are not going to have 50 percent of the renewables based on where we are going at this point and what is happening on the grid. And I am just trying to figure out what happens now for consumers, and how do we actually deal with prices as we continue to be able to look towards the future and where we are, and I want to make sure that we are balancing both on this, whether that be leasing issues, where we do not have a leasing plan now for five years for offshore and do not know what is going to happen on prices on that because there does not seem to be a plan or whether it is day-to-day operations.

So thank you. I apologize for going a minute over.

The CHAIRMAN [presiding]. Senator Cortez Masto, by WebEx.

Senator CORTEZ MASTO. Thank you, Mr. Chair.

Let me just say to the nominees, congratulations, and thank you for your willingness to serve.

Ms. Laura Daniel-Davis, let me start with you. I am going to talk a little bit about a challenge and an issue that we deal with in Nevada every day, and let me couch this by saying that over 80 percent of the lands in Nevada are owned by the Federal Government,

and 60 percent of that is BLM-managed. Then we also have the Nevada National Security Site, in which the Department of Energy plays a key role. And so, I know that the U.S. imports more than half of its annual consumption of 31 of the 35 critical minerals, and the U.S. is completely dependent on imports to supply its demand for 14 of them. These are materials that are necessary, really, for electronic devices, for national defense applications, and for renewable energy technologies. The Biden Administration, through the Department of Energy, has already been heavily investing in initiatives to increase the domestic critical mineral production, and likewise, has been heavily investing in renewable energy deployment, as we are talking about today.

However, our public lands are key to facilitating this need. I also know, at the same time, the Biden Administration has launched the “America the Beautiful” initiative to place a substantial amount of land and water into conservation. Again, our public lands will be at the forefront of this effort, too. To many, it sounds as if these two interests are in direct opposition to each other. However, to me, it sounds like a challenge we can meet if we bring together the right people to take a holistic look at our needs and our resources and plan accordingly. I think that our lands provide for us, but we also need to take proper care of them in return. There is a balance here that we can find. I also want to mention that Nevada has incredible mining, and it is known as a mining state as well.

So Ms. Daniel-Davis, let me ask you, do you agree that you can find that balance, and that these initiatives can co-exist with one another? How do you intend to reconcile these interests and work with differing stakeholders to make that balance to secure our public lands and make sure they are managed in a proper way? At the same time, as we lean into this innovation economy and this clean energy economy, how do we manage both of those?

Ms. DANIEL-DAVIS. Senator, thanks so much for the question, and I absolutely agree that this is a balance that can be managed. Of course, multiple use is the heart of the Bureau of Land Management, and certainly, the President supports responsible development of critical minerals. The Secretary and I do, as well. Renewable deployment, as you know, is also very active in Nevada, and you have some of the most amazing conservation lands. So as a process matter, I think the BLM does a good job of this in Nevada, of being sure that they are having conversations early and often with all of the stakeholders—interests, government officials, tribes, only in that way and sort of, you know, doing the sit-down with maps and understanding where the resources are and where folks’ interests are, are you able to kind of deconflict areas, you know, protect wildlife habitat, for example, but also ensure that you are able to move forward in a balanced fashion with, you know, all of the activity that you mentioned, which we support. And you are right, Nevada has all of it. So you really have a bird’s-eye view of it.

Senator CORTEZ MASTO. Thank you.

Ms. Robinson, let me talk a little bit about cybersecurity. In your written testimony, you touched on your experiences on the Advanced IT, Internet, and Cybersecurity Committee, in which you

work with other policymakers across the country to combat 21st century challenges and cyber threats to our electric grid. And you went on to state, and I quote, "It is incumbent upon the Department to work with experts in cybersecurity to develop and implement technologies and policies that make our grid more secure." So, if confirmed, can you speak to some of the cyber aspects that you would prioritize, specifically as it relates to interagency and intergovernmental collaboration and coordination to keep our energy system secure and reliable?

Ms. ROBINSON. Thank you so much, Senator. I appreciate the focus on cybersecurity. I think it is something we are all very concerned about, but talk about in a somewhat vague fashion from time to time. I participated in a number of zero-day tabletop exercises, and I think we need to continue to utilize those resources in order to better plan for potential attacks on the grid, recognizing that they can happen either on the OT or the IT side of things, and they obviously have very different outcomes and processes. You know, whether we are talking about utilities themselves and some of the resources that they own and operate, or even to some degree subcontractors, like you saw with the Colonial Pipeline issues, we need to ensure that all sorts of contractors and utilities that work on the grid are implementing some basic cybersecurity hygiene, whether it is just two-factor authentication or regular password changing, recognizing that we want to avoid as many zero-day opportunities for hackers as possible.

Senator CORTEZ MASTO. Thank you. I notice my time is up. Dr. DeCarolus, I did not get a chance to ask you a question. I will submit the rest of my questions for the record.

Thank you, Mr. Chair.

The CHAIRMAN. We have Mr. Lee.

Senator LEE. Thank you, Mr. Chairman.

Ms. Daniel-Davis, the draft EIS from the Cook Inlet lease sale includes a "no-action" alternative. So the Department of the Interior's analysis—its new analysis—proposes to withhold leases, which I think is something that we can see leading to decreased supplies of oil and gas and, in turn, an increase in energy prices, which will decrease demand, and result in lower emissions. Does the Administration plan always to choose the lowest emission proposal from their analysis?

Ms. DANIEL-DAVIS. Thank you very much, Senator, for that question, and I don't—this is an EIS, and a review of it is in process so decisions have not been made. There are alternatives before the Department which the BOEM has taken comment on and is evaluating, so.

Senator LEE. Right, but the question is just, is that the plan? Is there a plan in place to always choose the lowest emission proposal?

Ms. DANIEL-DAVIS. So I think that, in all things, we are going to follow the law and undertake the process and develop fully the alternatives associated with any EIS, and there is no pre-decisional activity that we undertake at the Department.

Senator LEE. Okay. So you are aware of no policy that says we are always going to go with the lowest emission alternative?

Ms. DANIEL-DAVIS. No.

Senator LEE. Okay.

Has the agency considered a maximum that it would be willing to see energy prices reach before it would forgo a no-action alternative, or is that even a consideration?

Ms. DANIEL-DAVIS. I think what is really important to remember is that production has continued on public lands, onshore and offshore, it has stayed steady. Revenue has continued to be generated as well as there are over 9,000 permits available on BLM lands and over 70 percent of OCS land is not being developed. So I think that there is a lot of space there for production and development to continue over time.

Senator LEE. The Bureau of Land Management recently updated its webpage, and in so doing, it indicated that it is going to slap a levy, it is going to impose an 18.75 percent royalty on oil and gas leases. Now, this is an increase in royalty of about 50 percent. That is heavy. That is a heavy spike. I find this curious given everything else that is going on.

What can you tell me about why the Department's increasing oil and gas royalties and placing a moratorium on leasing, even while the Administration is scrambling to try to relieve prices at the pump by calling for oil to be released from the Strategic Petroleum Reserve, for OPEC to increase production, and suggesting that oil companies simply are not drilling as much as they should be—how is that consistent?

Ms. DANIEL-DAVIS. The leasing process is underway and continues onshore and offshore, and with regard to the posting you are referencing, you may have missed that BLM indicated publicly that that had been a draft—one of many variables under consideration, that it is not—decisions have not been made. I think, you know, since I have been here last, we did issue a—

Senator LEE. But decisions have not been made on what?

Ms. DANIEL-DAVIS. With regard to how to move forward with leasing and what the variables will be associated with the BLM lease sales. And again, since I was last here, we issued our report at the end of November. You may have had the opportunity to review it, and it indicates recommendations associated with, you know, ensuring a fair return to the taxpayer, and discouraging speculation and, you know, ensuring that we are assessing climate impacts. So I think it is unsurprising that you might see a draft, again, which was a draft and was, you know, posted in error, that would be looking at precisely those kinds of issues.

Senator LEE. Okay, well, it was posted nonetheless, and a lot of people, you can understand, would be concerned about that when it comes through an official source.

Now, the oil and gas leasing report is something that I believe you helped to produce, and it is 18 pages long, including the cover sheet, but it somehow took 11 months to prepare. There appears to be, as far as I could tell, no real original analysis in it. It sort of resembles a copy, cut, and paste job on some talking points that has been parroted for years. Can you tell us how the oil and gas report factors into the President's promise, to quote, "ban new oil and gas permitting on public lands and waters?" And that is a direct quote.

Ms. DANIEL-DAVIS. So the oil and gas report that we worked on and prepared and then, you know, released at the end of November, I agree with you, it is not an original work and in fact, we were pleased, actually, to be able to look at literally decades of information that has been developed by the General Accounting Office by our own Inspector General at Interior. We held a public forum. We had repeated meetings with folks across the spectrum, from industry to the conservation community to indigenous communities. We held formal tribal consultation. So again, I think that, and what we ended up doing was providing some recommendations associated with the leasing program that we think, you know, if those are undertaken, will be a more fair program and reflective of the issues that we put forward.

Senator LEE. I appreciate that. I don't think you have answered my question. My question was whether it factors in the President's promise to ban new oil and gas permitting on public lands.

Ms. DANIEL-DAVIS. So, I mean, I guess I'll just say again, the leasing process is underway, onshore and offshore, and the report, as developed and released, provides specific recommendations associated with a leasing program.

Senator LEE. So that would suggest he does not do this, he is backing away from it?

Ms. DANIEL-DAVIS. So I am not in a position to speak for the President. I can just tell you what we are doing at the Department of the Interior. And again, that report was developed to provide specific recommendations for a program to ensure that it provided a better return to the taxpayer, was less speculative, particularly onshore, and took climate impacts into account and ensure that we were doing proper public review of any leasing activity on public lands and waters.

Senator LEE. Thank you.

The CHAIRMAN. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

Congratulations to all of you on your nominations and your willingness to serve. I ask the following two initial questions of every nominee in any of the committees on which I sit. You can answer en masse.

So the first question. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

[All witnesses respond "no."]

Senator HIRONO. No, for all of you.

Have you ever faced discipline or entered into a settlement related to this kind of conduct?

[All witnesses respond "no."]

Senator HIRONO. Thank you.

I was listening very carefully to the increase in royalties from our oil and gas leases, and those have been traditionally very, very low. I, for one, am glad that you are increasing the royalty amounts. That is a comment for Ms. Daniel-Davis. So all I can say is, good.

For Ms. Robinson, thank you for mentioning your really smart 13-year-old daughter. I feel like she is going to be running the

world soon. Just make sure that public service is really important to her, too, as it is to you.

If confirmed, you will be responsible for overseeing the historic investments to modernize the power grid. Modernization of grids is, I think, an important issue for every single state, including, of course, the State of Hawaii, which has seven separate grids, one for each island. It is a challenge for us to modernize the grid. But in the bipartisan infrastructure bill, the law provides \$11 billion for states, tribes, and utilities to improve the resilience of the grid against cyberattacks and extreme weather from climate change. It provides \$3 billion for small-grid grants, which make it easier for homes and businesses to use their own solar and storage systems. How would you ensure that the funds are spent well and on time so people see the benefits of affordable, reliable, and clean power? This is probably more of an investment in grid modernization than ever before, and we need to make sure that it is spent well. So how would you go about making sure of that?

Ms. ROBINSON. Sure, thank you so much, Senator, and Hawaii has been such a leader on all of the energy issues, somewhat out of necessity, I suppose, over the past decades, and recognizing that, much like Alaska, you are not necessarily as invested in the high-voltage DC the way that other parts of the country are. So increased investment in microgrids is going to be incredibly important as we are moving forward. And, similarly, I might note, that the Department just made an announcement around work in Puerto Rico, working with HUD, DHS, and FEMA to develop a number of different tools that I think are applicable for both Hawaii and Alaska as well, including a great emergency management tool that will look at weather events and how to prevent outages on the grid, should they move forward. So I do look forward to working with you on that.

With regards to the bipartisan infrastructure bill, you know, I am not privy to internal deliberations over at the Department of Energy now, but I know that that is a major focus of the Secretary, to ensure that the Department is working very closely with states, tribes, regions, and municipalities, many of whom have long-term plans that they would love to see funded, but haven't had an opportunity to fund in the past. So I look forward to working with you and the other members of the Committee on getting those funds out the door.

Senator HIRONO. These are going to be very complex kinds of issues and challenges because you are answering questions about why others with such a small amount of reliance on alternative energy—I think, in New England and Maine, and I just note that in November, voters in Maine rejected a \$1 billion transmission project to bring hydropower from Quebec into New England, and that line could have reduced their reliance on fossil fuels and provided power in New England. So these are very complicated issues. And for Hawaii, you know, we are not connected as are the 48 states, and so the idea of using power generated from one of our islands and having a transmission capacity to send that power to another island is highly—well, there are technical issues, but, you know, there are all those kinds of community concerns about that kind of situation.

Mr. Chairman, if you don't mind?

The CHAIRMAN. Sure.

Senator HIRONO. For Dr. DeCarolus, you noted that you will be the federal statistical entity that we can rely on independently. But my understanding is that your agency has not been terribly accurate in terms of how it is determining what the cost of solar energy may be, et cetera, et cetera. So I hope that you will be making the accurate assumptions and inputting the kinds of information that you need to provide us with much more accurate information—I am not blaming you, you are not there yet—more accurate information for the communities. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cassidy.

Senator CASSIDY. Thank you.

Ms. Daniel-Davis, I will be directing my questions to you, and with the kind of prologue that we now have the highest inflation in 40 years. If we included the cost of energy, the inflation rate would not be seven percent, it would be approaching ten percent. Russia has leverage in the EU. We have higher energy prices here because this Administration has kind of led an effort to limit production and development of North American resources. That we can say unequivocally. Indeed, we have Democratic Senators who want to leave the EU high and dry and vulnerable to the Russians because they do not like the fact that natural gas is \$3.79 per BCF (billion cubic feet), when that is the envy of the world. We have gone from within a year being energy independent to groveling before OPEC to ask them to increase world supply because our gasoline prices have gone up so much. That is the so-far legacy of this Administration.

Now, my question, if you will, and it is a little long—the U.S. District Court ordered a preliminary injunction on the leasing pause and ordered federal oil and gas lease sales to proceed on June 15th, 2021. The DOI held Lease Sale 257 on November 17th to comply. But then on January 27th of this year, the U.S. District Court for the District of Columbia invalidated this, requiring DOI to reassess the environmental impacts of Lease Sale 257.

Now, has the Department of the Interior started the process to comply with the January 27th court order so that Lease Sale 257 can be validated and leases awarded to offshore operators, and what is the DOI's timeline for compliance with the court order, and how soon can they meet the requirements so the leases can be awarded? And please keep your answer short.

Ms. DANIEL-DAVIS. Thank you, Senator, and of course, we are looking at the decision. It is not yet two weeks old and it did—

Senator CASSIDY. I am sure this was anticipated, so it would be a little naive to say that oh, it came out of the blue.

Ms. DANIEL-DAVIS. So the remand and vacatur of the lease sale is sort of where we're at, and what that requires is the Department, you know, working together with our solicitor's office, of course, and having a lot of internal conversation about the process to cure the defects identified by this court.

Senator CASSIDY. And so when do you intend to and when do we anticipate that being—one, do you intend to, and when do we expect it to be accomplished?

Ms. DANIEL-DAVIS. So, again, I think we are at the beginning, and I understand that this is a very important question, and it is important to us——

Senator CASSIDY. So currently there is no timeline?

Ms. DANIEL-DAVIS. There is no timeline for that.

Senator CASSIDY. Okay, that tells me a lot. I am sorry to be—I don't mean to be rude, but I mean, I just have a lot of questions, and I am a little frustrated, as you might guess, as are the workers in my state who will not have jobs because of this deliberate foot dragging by the Administration.

The Department of the Interior—second question—must issue a notice of sale for lease for the Lease Sale 259 on March the 2nd, 2022, in order to comply with the June 15th ruling, and provide, by the way, the U.S. with much-needed benefits associated with federal oil and gas leasing. Is DOI working on the notice of sale for Lease Sale 259, and when do you expect to issue this notice assuming that you are? Is DOI expediting Lease Sale 259 to comply with the June 15th order and to hold it before the expiration of the 2017–2022 Outer Continental Shelf Lease Plan?

Ms. DANIEL-DAVIS. So I am not going to be in a position to talk about deliberative activities and get ahead of the Secretary. I can assure you that we are in compliance with the court—the June ruling—and are moving forward with the lease program onshore and offshore.

Senator CASSIDY. Now, compliance now speaks of now. Is that to say that three weeks from now you will still be in compliance, which is to say that the lease sale will be held by March 2nd?

Ms. DANIEL-DAVIS. So I said I am really not in a position to get ahead of the Secretary's decisionmaking on a——

Senator CASSIDY. So you mean the Secretary may decide not to do this. She may decide to defy the district court. That is what I am hearing from you.

Ms. DANIEL-DAVIS. So Secretary Haaland has wide discretion in managing this program——

Senator CASSIDY. Even if a court is ordering her to do so?

Ms. DANIEL-DAVIS. I am not signaling anything about the Secretary's decisionmaking other than we are in a deliberative posture, and I am not going to get ahead of her here.

Senator CASSIDY. Let me ask another. The 2016 Obama Administration study conducted by BOEM concluded that America's greenhouse gas emissions will be little affected by leasing decisions on BOEM's offshore leasing program, and indeed, could result, if we do not lease, in an increase because the emissions associated with importing foreign oil are greater than domestic production. Now, by the way, I represent those workers who will be on those rigs, so it is also about jobs here versus jobs elsewhere in the world. So as DOI does more effective moratorium, are they taking into account that it actually lowers greenhouse gas emissions to produce it domestically and creates American jobs and strengthens our economy as opposed to the Russian economy or another economy in which they greater pollute? Are those part of the deliberations?

Ms. DANIEL-DAVIS. So I do want to clarify that production has continued onshore and offshore so those jobs and revenues——

Senator CASSIDY. We are speaking about new leases, of course. We are speaking about new leases.

Ms. DANIEL-DAVIS. I'm sorry, I must have misunderstood, and I am familiar with the 2016 report and analysis that you reference, and I appreciate what you are saying about it with regard to the analysis that was developed back in 2016.

Senator CASSIDY. Ms. Daniel-Davis, I suspect that some of these decisions are being made higher than you. But the only leverage I have right now is to oppose your nomination. And until these answers are given, and it may be March 2nd in which we know, I will speak on behalf of my workers and my economy and the world environment to deliver a message that we don't like where this Administration is going. And it's nothing personal. It is entirely for our country and our workers.

I yield.

Senator MURKOWSKI [presiding]. Senator Cantwell is next on the list. Is she virtual? No.

Then Senator King, please proceed.

Senator KING. Thank you, Chair.

Ms. Daniel-Davis, Dr. Feldgus testified last October that the Department was eager to work with Senator Cassidy and I and Senator Whitehouse on the issue of revenue sharing for offshore wind. Eager may have been an overstatement, because we have not heard much on that. Will you commit to me here and now that you will work actively with us on the issue of revenue sharing for offshore wind, which we all believe is a future important part of our energy picture?

Ms. DANIEL-DAVIS. Senator, thank you, and I do commit, if confirmed, I would be pleased to work with you on this really important issue. Thank you.

Senator KING. Thank you.

Ms. Robinson, I have worked a good deal of my professional life in the area of renewables, and I have been a strong advocate for renewables here in the Senate. However, Senator Lankford made an important point, and the question is not getting to renewables, the question is timing. By the way, I commend to you an iPhone app called ISO to Go. And if you do not have it, you probably ought to get it. It tells you on a five-minute basis what is going on in the New England energy grid, where the power is coming from, and what the prices are. For example, five minutes ago, natural gas was 57 percent of the electricity in New England. Nuclear was 26 percent. Renewables, nine percent, and coal, three percent. I emphasize coal because one of the reasons we have problems in access to natural gas in New England is not gas supply, it is pipelines. And so the question is really timing, and what do we do to supply energy at a reasonable price and on a reliable basis to the people of New England that are now almost 60 percent dependent upon natural gas if we do not allow additional pipeline capacity to be developed in the expectation of a growth of renewables? But it is certainly going to take a decade or more. Senator Lankford suggested 25 years. It is going to take a significant amount of time to develop the storage capacity and the generation capacity to make up that gap.

So I am not—I just want your thoughts, perhaps more succinct than my question, on how we get from here to there.

Ms. ROBINSON. Thank you so much, Senator. And I do have the ISO To Go app. I also have the PJM one, and some of the other RTOs have great apps, and I encourage everyone watching this to download those, I suppose.

So I think the timing is a very important question, and certainly there is larger concern on domestic prices for fuel costs, sort of, broadly, and then specifically in the New England region. And I will note at this moment in time——

Senator KING. Well, also, there are also important environmental questions. If we do not have enough natural gas and we are burning coal to make up the difference, that is an environmental disaster.

Ms. ROBINSON. So I think it is important to note that natural gas pipeline capacity in New England is completely constrained. It is being utilized as much as possible, but I do point to some of the more fast-moving policies that are happening in New England specifically. I will speak a little bit more to Massachusetts because that is my bailiwick, but a lot of the issues relating to New England are that New England relies on natural gas not just for electricity supply, but for heating and cooling and as, you know, Governor Baker has a whole task force oriented around moving to different varieties of heating and cooling needs, particularly focused on heat pumps. And as that transition happens, as well as greater implementation of demand response and other work there, that is going to help alleviate some of the price concerns and constraints in the immediate——

Senator KING. I am certainly with you on smart grid, microgrids, and demand response and all of those, but I can tell you that one of the parts of the plan for developing a cleaner energy system involves a significant expansion of transmission capacity. And the problem that I am concerned about is the permitting and the timing of developing that additional transmission capacity. If you think it is hard to put a pipeline underground through a community, try a high-tension line. And as Senator Hirono pointed out, two-thirds of the people of Maine recently rejected additional transmission capacity for Hydro-Québec. So your office has principally been in the research realm, but you are going to be into deployment and implementation, and I think you are going to find that this is a significant challenge. I urge you to take the challenge of developing additional transmission as a very, very important part of your new position.

Ms. ROBINSON. Thank you very much, Senator, and I certainly do, and recognize that it is a challenge, but one that I am excited to take on.

Senator KING. Thank you.

Thank you, Madam Chair.

The CHAIRMAN [presiding]. Thank you, Senator. So nice to hear from you.

Senator KING. Sir.

[Laughter.]

The CHAIRMAN. Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman.

And my question is for Ms. Daniel-Davis. Here we are again talking about a five-year plan and lease sales within the Gulf of Mexico. I have never seen such slow-walking in my life, to the detriment of my home State of Mississippi. Referring again to a report prepared during the Obama Administration—and I know you served under the Obama Administration—that looked at greenhouse emissions from offshore operations under various leasing scenarios. Under the no-leasing scenario, the report concluded that net greenhouse gas emissions would actually increase, as the country would simply turn to imported oil produced in areas with less environmental controls to meet oil demand.

Ms. Daniel-Davis, what are your views on pausing lease sales and slowing permitting given that this actually hurts the Administration's goal to reduce greenhouse gas emissions by forcing the nation to turn away from cleaner, U.S.-produced oil?

Ms. DANIEL-DAVIS. Thank you, Senator, and I want to reiterate that leasing is ongoing, onshore and offshore. Of course, the court ruling on Lease Sale 257 has been referenced here, and as far as permitting, that too has been ongoing, onshore and offshore.

Senator HYDE-SMITH. So what is your answer? And can you tell me by forcing the nation to turn away cleaner oil that is produced, what are your views on that?

Ms. DANIEL-DAVIS. So I think I am sort of thinking about the role that I have at the Department and my awareness around onshore and offshore production and that it has continued and, you know, stayed at a level that is historic, which means the revenues coming off royalties have been produced, people have kept working. In fact, I think there has been an uptick in activity as we are coming out of the pandemic. So that is really my orientation, is sort of thinking about the role I have at the Department, and the work that I am doing with the bureaus on moving forward with the oil and gas leasing program.

Senator HYDE-SMITH. So you think that it is appropriate and that you are going in the right direction there? That is your opinion?

Ms. DANIEL-DAVIS. Well, I do feel that we are moving forward with the leasing program onshore and offshore and that, you know, again, production has continued. Permitting has continued. There are over 9,000 permits available on the onshore public lands that could be utilized.

Senator HYDE-SMITH. And we have witnessed the Biden Administration pleading with Russia and OPEC for oil and natural gas instead of increasing domestic supply, and we continue to dig ourselves into a huge hole by tapping into the Strategic Petroleum Reserve. We know that oil and natural gas will be part of the U.S. energy portfolio for decades to come. So why is the Administration so determined on constricting domestic production and forcing us to rely on adversaries for our emergency stockpile? Please make that make sense to me.

Ms. DANIEL-DAVIS. So Secretary Haaland, I know, when she appeared before the Committee certainly, you know, confirmed what you said—that oil and gas will be a part of America's energy signature for a while as we move toward a more clean energy economy, and I just—with sort of production ongoing and so many permits

available to drill onshore and offshore, production where we have leasing areas of up to 70 percent available that are not being produced right now, I feel like we are in a position where there is a lot of production activity that can continue.

Senator HYDE-SMITH. And will DOI timely fulfill its statutory obligation to have a new five-year program in place in a timely manner so there is no gap between the existing plan and the commencement of a new one?

Ms. DANIEL-DAVIS. So BOEM is absolutely working forward on the next five-year plan. As you know, I think, probably better than anyone, OSCOLA is a very prescriptive law, and they are following the process carefully so that we get some good outcomes.

Senator HYDE-SMITH. Do you have any idea of when we can expect it to be finalized?

Ms. DANIEL-DAVIS. So again, you know, BOEM is working carefully on the required analysis. We were in the position when we came in of—I think you are probably aware the previous Administration had put forward a plan that included a number of sensitive leasing areas proposed, you know, Pacific, Atlantic, Florida, and then they had not really taken any action for about three years. So there is a lot for BOEM to sift through, and we of course have overlay of, you know, litigation and rulings which actually also inform the analysis and look-in that they are doing. So I don't have a timeline for you here today, but they are absolutely working forward on it.

Senator HYDE-SMITH. But, I mean, six months? Twelve months? Eighteen months? No idea?

Ms. DANIEL-DAVIS. So again, this sort of falls into the deliberative posture with regard to the Department and the Secretary's authorities and decisionmaking, and I am just not in a position to get ahead of decisions that she would be making with regard to this program.

Senator HYDE-SMITH. Okay, I think I am out of time now.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair. Thank you all for your time today and your time in public service. Ms. Daniel-Davis, nice to see you again. And Dr. DeCarolis—with a name like Hickenlooper, I am allowed to stumble on other people's names. Thank you all for being here.

Dr. DeCarolis, I strongly support the vision you laid out, both in your testimony and when we talked earlier about a more accessible and transparent EIA, particularly for long-term outlooks. As we discussed, I am kind of a nut for data and for making sure that we have information. And we discussed a few things. I am just going to go down and let you say something on these just to make sure that—I think I know where we are, but I just want to make sure. So if you can just tell how you might pursue each of these measures, if confirmed, as Administrator. First, the breaking out of renewable outlooks by generation type.

Dr. DECAROLIS. Yes, absolutely. The current annual energy outlook basically lumps all renewables together, and in the latest outlook from 2021, renewables, in the reference case, are over 30 percent and sort of an equal share between—I should say, wind and

solar together are about 30 percent, and I think it makes sense to break those out and some of the high-level graphics so people can see where the energy is coming from.

Senator HICKENLOOPER. Yes, perfect.

What about including renewables in the EIA's annual retrospective review of its annual energy outlook?

Dr. DECAROLIS. Yes, thank you for that question, Senator. I agree that as a modeler it is really important that we reflect on the analysis that we conduct. EIA already performs a retrospective analysis of the annual energy outlook. It is focused exclusively on fossil fuels, and it should continue to do that analysis, but I would also like to see a retrospective analysis of renewables deployment added to that so we understand where we are headed.

Senator HICKENLOOPER. Yes. I couldn't agree more. Making models and the input data fully transparent?

Dr. DECAROLIS. Yes, absolutely. I think that is really important to the modeling endeavor.

Senator HICKENLOOPER. Yes, so that the whole energy modeling community can have access.

Dr. DECAROLIS. Yes.

Senator HICKENLOOPER. Quantifying and communicating uncertainties associated with the forecasts?

Dr. DECAROLIS. Yes, absolutely. You know, one of the things I focused a lot on in my career is the role that future uncertainty can play in what we understand about where the energy system is headed. And so, I think we need to run the models under lots of different scenarios in order to get insights that are more robust.

Senator HICKENLOOPER. Right, we agree. As we discussed, there are so many uncertainties that we just have to keep exploring and making sure that we have a better range.

And lastly, directly comparing EIA's total expected shale extraction and its long-term outlooks to relevant EIA and USGS estimates of proven, unproven, and technically recoverable reserves?

Dr. DECAROLIS. Yes, absolutely. I mean, I want to use the best available data that we have and that would include looking at shale reserves and making sure that we are using the most accurate data available.

Senator HICKENLOOPER. Great. Perfect.

Ms. Robinson, last year Colorado passed bipartisan legislation requiring all of its transmission utilities to join an organized wholesale market by 2030. And as we move forward, or as Colorado moves forward in exploring and developing organized wholesale electricity markets, I think they would benefit from working with the Office of Electricity, given the Office's tools and expertise, as I understand them, regarding grid, economic functions, emission modeling, those things. If confirmed, do you anticipate being able to work closely with our office to support Colorado as they seek to expand organized wholesale electricity markets, not just in Colorado, but throughout the Western United States?

Ms. ROBINSON. Thank you so much for bringing that up, Senator. This is an area that I am particularly excited to work on, which is state technical assistance, and in particular, on the Western RTO. It is an area that I worked on in a previous position as well, and I know that Nevada has similar policies in place to move it to-

ward joining an organized wholesale market as well as Colorado. So really, I think, we recognize that states are maybe not as well funded to do that type of analysis that needs to happen in order to make these important decisions. And so I would be excited to work with all of you in these states that are considering joining an RTO or developing a wholesale market with the Office of Electricity's resources.

Senator HICKENLOOPER. Great. And I think it is exactly as you said, I think that most states do not have the—not just the experience doing this, but they do not have the computer modeling and a system set up to do it as easily as you can. You have the tools.

And I guess I am out of time, so Ms. Daniel-Davis, you are off the hook, but I will submit questions so you can answer at your leisure to the record. Thank you all. I yield back.

The CHAIRMAN. Thank you, Senator.

Senator Daines.

Senator DAINES. Thanks, Chairman Manchin.

Ms. Daniel-Davis, the last time your nomination was before us was in September, I believe. That was nine months since the Biden Administration illegally paused oil and gas leasing on public lands. It was also three months after a federal judge ruled that the Department of the Interior had to resume leasing. It is February. No oil and gas lease sales have been conducted in Montana. It is an unlawful action. It is hurting local communities. It is killing jobs. In fact, the court found that the leasing ban would cause irreparable injury to the states, including Montana. The law is clear. The Department must hold quarterly lease sales in each state where lands are available. That is the law. Yet in Montana, all four quarterly lease sales were canceled last year, and a date has yet to be publicly set for this year.

My question is, when does the Department intend to hold all the illegally paused lease sales that it missed in 2021?

Ms. DANIEL-DAVIS. So Senator, BLM is moving forward, I think you know, with the leasing process. When I was here in September, we were able to talk about the scoping that they were in the middle of. They also, of course, moved forward with some draft environmental assessments, had the opportunity to extend the comment period, which was requested by both industry and the conservation community, and did so, and is in the process of analyzing 20,000-plus comments that came in the door. And I think I would just reflect that the process—following the process, following the law, taking into consideration all of the issues in a, you know, in sort of a careful way, is incredibly important given the litigation that we have seen around this program, and that is both onshore and offshore, and be sure that we are addressing what we are hearing from the courts with regard to deficiencies in the program as well as, you know, BLM, certainly taking into consideration the recommendations that were put forward.

Senator DAINES. Well, this is not something that we invented recently. We have been doing quarterly lease sales for a long time. So while I appreciate the comments on process, having spent a lot of time in the private sector, I am most interested in results. So my question is, will you guarantee that a lease sale will happen in Montana this quarter? There has been plenty of time.

Ms. DANIEL-DAVIS. So Senator, I am a fan of process so——

Senator DAINES. Wait, I am a big process fan too. I am a chemical engineer. I love process.

Ms. DANIEL-DAVIS. Sure, sure.

Senator DAINES. Process is a means to an end to deliver a result. So the question is, will there be a lease sale in Montana this quarter?

Ms. DANIEL-DAVIS. So again, BLM is looking at and analyzing the comments. They are moving along. I am not—I don't think it would make sense for me to get ahead of a deliberative process. I am interested in having consistency and certainty associated with this program.

Senator DAINES. A judge said that what has been happening was illegal. It was not following the law. And my concern is the actions by the Department show a blatant disregard for the law. Not only was the initial ban illegal, what we are seeing here is a slow-walk. It is a slow-walk of the lease sale process since the federal injunction back in June. The Department does not have a desire to follow the law.

My question then, if confirmed, how can we be confident that you will follow the law?

Ms. DANIEL-DAVIS. So Senator, I want to assert unequivocally that I will always follow the law, and I do think that being sure, in a program that has received so much litigation and lease sales being remanded repeatedly, I think it is important for BLM to take the time that it needs to take to get the process right. That is the way to provide certainty and consistency for this program, and not have operators concerned that these lease sales are going to be turned back and open questions about what the next steps are.

Senator DAINES. Well, I think there is slow-walking going on here, and there has been plenty of time to get this right. It is not something we have never done before in doing the lease sales.

Let me move on to another area here, which is the 30 by 30 initiative. It has come to my attention that several of my colleagues have urged Secretary Haaland to unilaterally designate more wilderness study areas in order to bypass Congress and increase acreage of public land that is managed as wilderness under the guise of the 30 by 30 initiative. The letter states that the intent is to bypass Congress to increase acres managed for wilderness.

Ms. Daniel-Davis, putting aside the fact that there are millions of acres of existing wilderness study areas that have been studied and recommended unsuitable for wilderness—and I am not opposed to wilderness. I have passed wilderness bills here—led them. But these are unsuitable for wilderness as deemed by the process that Congress laid out that is not being followed. They are still awaiting Congressional action. Do you believe the Department has the authority to unilaterally designate more wilderness study areas?

Ms. DANIEL-DAVIS. I appreciate that question. I am familiar with the letter that you reference. And I think as far as “America the Beautiful” and the things the Department is looking at, of course, we are in the middle of a lot of public outreach. It is meant to be a bottom-up process that takes into consideration the——

Senator DAINES. But does the Department have the authority unilaterally to designate more? That is a direct question.

Ms. DANIEL-DAVIS. Yes, I think I am not in a position to answer that, and I will have to get back to you.

Senator DAINES. Okay, well, it is over years and years of precedent here. It has been Congress's authority to designate WSAs, not the Department's. So I would appreciate a response back on that.

Thank you.

Ms. DANIEL-DAVIS. Of course.

The CHAIRMAN. Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman, and thank you for holding this very important hearing.

Ms. Daniel-Davis, good morning, and thank you everybody for being here today. Welcome back to the Committee. I would like to talk a little bit about our critical minerals supply chain. I have spent a lot of time working to address the semiconductor chip shortage, and last week the House passed our bipartisan plan to invest \$52 billion into semiconductor research and manufacturing over the next five years. And now, I am working with my colleagues to get this plan to the President's desk. The chip shortage that we are facing is serious. It is impacting costs and the economy in real time, and it is a national security problem because most of the microchips that are used in this country come from abroad, including adversaries like China. The same can be said about rare earth elements. These materials are used in advanced technology, including semiconductors, high-powered magnets, fighter jets, medical devices, electric vehicles, wind turbines, and batteries. The United States once led in rare earths, but now 80 percent of our rare earth imports come from China.

So Ms. Daniel-Davis, I raise this issue because Senator Cotton and I introduced legislation that would direct the Defense Department and the Interior Department to begin the process of establishing strategic stockpiles of rare earth elements. This is not a solution chasing a problem. China disrupted rare earth exports to Japan in 2010 over an East China Sea dispute. And more recently, China threatened shipments to the United States during tensions around trade. We need a reserve that could meet our national defense needs in the event of a supply disruption. So Ms. Daniel-Davis, would you agree that more must be done to improve the rare earth supply chain?

Ms. DANIEL-DAVIS. Senator, thanks so much for that question, and I want to affirm that the Department, directed by the President, we are committed to responsible development of critical minerals and rare earth minerals and understand the importance of their use across the economy, as you have noted. So I do think that we are working together with an all-of-government approach to ensure that—you know, we are one part of it, but we have a lot of partners across the government, including DOE, to ensure that we are undertaking this work in an effective and efficient manner.

Senator KELLY. Could you give me some examples of what the Interior Department could do to help develop this strategic reserve?

Ms. DANIEL-DAVIS. So I am going to admit here that I don't have a lot of familiarity with, you know, approach of development of a reserve. I can tell you that what we are looking at in terms of responsible development of critical minerals and rare earth minerals on public lands. The law that governs it, the 1872 Mining Law, is

a bit archaic. So at a minimum we are trying to be sure that we understand what is out there, where the resources are, and where the best opportunities are for sort of lesser conflict areas where we can work together, you know, with interests on the ground, you know, states included, to be sure that we are undertaking development in the right way and in an efficient manner.

Senator KELLY. So if confirmed, would you be willing to work with my office to help us come up with this plan to develop this strategic reserve of rare earths?

Ms. DANIEL-DAVIS. Senator, I would be pleased to, and I would be pleased to learn more about the reserve concept as well.

Senator KELLY. All right. Thank you.

And Madam Chairwoman, I yield back.

Senator MURKOWSKI [presiding]. Thank you.

Senator Cantwell.

Senator CANTWELL. Thank you, Madam Chair. Thank you so much. I thank Ms. Robinson for her willingness to serve, and all the nominees.

I wanted to ask you about—obviously we are here and you were mentioning in your opening statement about cybersecurity and the need to better fortify the communication layer of the grid. Our colleague here, Senator Manchin, put forward some language that did just that by building out more fiber opportunity on the grid. Fiber not only provides a way to affordably transmit massive amounts of data, it can do so in a physically secure manner. And fiber encased in aluminum strung 40 feet in the air, surrounded by high-voltage transmission, is a pretty good security layer for physical attacks, unlike some of our other communication infrastructure that has been targeted over the last year or two. This kind of network can provide a closed-loop system. So it is definitely a more secure communication layer than what is currently serving us, and more broadband can empower generators and grid operators with close-to-real-time data and visibility needed to negotiate and integrate more distributed resources. It gives the data they need to respond to outages and adapt to extreme weather conditions, which are definitely costing all of us at the local level and certainly at the federal level. Some of these systems, with the proper monitoring, even can detect wildfires. And as we have seen, this has been a devastating issue in the past.

So lighting up dark fiber and building out OPGW along the nation's transmission grid could move data needed to modernize our energy system and make our grid more secure. Do you agree that expanding the communications capacity along the grid's existing rights-of-way could provide a significant co-benefit for cybersecurity and grid modernization and provide high-speed internet to tens of millions of Americans that currently cannot afford to connect to broadband?

Ms. ROBINSON. Thank you so much, Senator, and I know this is a larger conversation, and certainly the Office of Electricity has done, I am pretty sure, a recent report on dark fiber, and it will continue to perform a lot of research around that. I want to point specifically to the smart grid infrastructure fund, which was just given several billion dollars, in addition, through the bipartisan infrastructure bill, and one piece of that does include expansion of

broadband in order to support smart grid infrastructure. And I could see there being a real benefit there and an opportunity, and I would love to continue the discussion with your office to see if there is a way to make that happen.

Senator CANTWELL. Okay. Do you think that covers investments like cost sharing and building out the fiber?

Ms. ROBINSON. I think that it—assuming that there is a grid aspect associated with it, I obviously don't want to step on the toes of our friends over at the Department of Commerce who oversee broadband communications, but where it does overlap with smart grid communications and grid communications, writ large.

Senator CANTWELL. Do you think there are other ways to spur deployment of grid fiber per site by providing incentives through FERC or when transmission gets built? Do you think there are other ways to do this? Because I just look at what we have been through on the cyber side of the equation, and a lot of resources are spent. It is amazing how much time our various colleagues on various committees spend on this, particularly Armed Services. I think they spend a ton of time thinking about this, but in reality, we are talking about fortifying the grid. So do you think there are other ways to build out that communication labor with fibers or other ways to incent?

Ms. ROBINSON. I think that there probably are. Obviously, I won't speak for FERC and how they would do that sort of cost allocation work. Another area that I admit I am excited about is being able to do more pilot programs with the Department of Defense in figuring out what those cybersecurity benefits could be and figuring out how to best determine the cost-benefit ratio as well, which I think will be important if we are going to figure out how the cost allocation works.

Senator CANTWELL. On that point, our region led the nation's smart grid demo in 2012, and PNNL—the Pacific Northwest National Labs—just recently released a report showing that if this technology were used across the country, we could cut peak loads by up to 15 percent and deliver \$50 billion in economic benefits to customers. Innovations like this are critical for us moving forward. How would you work with innovation technologies like that to get them better integrated into the grid?

Ms. ROBINSON. So the PNNL study that just came out is on reactive power. It is a seminal study. I think it really shows—using Texas as an example, of course—but looks at all of the different ways in which we could optimize the grid in order to provide \$5 billion in benefits to consumers, which, I think we all agree, is a positive thing, as well as tackling a lot of the other issues, be it cybersecurity or emissions, that we are facing at this moment in time. I will say a partnership between PNNL and INL, I think, could be a big component, recognizing the grid testbed that is available over at INL to put, not just the theoretical modeling—no offense—to test, and actually do some of that work on the ground at Idaho. So I would love to talk with you more about ways that we can make that work.

Senator CANTWELL. I like that suggestion.

Thank you, Mr. Chairman.

The CHAIRMAN [presiding]. Thank you.

And we are going to start a second round very quickly because we have votes coming up right now.

But Ms. Robinson, I would like to start a second round with making sure that you are aware that Congress made a very significant investment in modernizing the electric grid in the bipartisan infrastructure bill we just passed. For example, we updated what DOE designates as the National Energy Interest Electric Transmission Corridors, where transmission expansion is most needed. We also included \$3 billion to deploy technologies that can make the grid smarter, more flexible, and more resilient, and we have a new anchor tenant authority to combine with a revolving loan program for the grid. And I understand you might not be able to speak on current implementation plans, but what I am asking you is, how would you prioritize using these federal dollars to get us the grid we really need without just paying for the investment with a grant program? And can you speak about the value of transmission and the value of the grid system? And who is receiving that money?

Ms. ROBINSON. Sure.

The CHAIRMAN. People think that, basically, it flows free across these wires and all that.

Ms. ROBINSON. It very much does not flow free, Senator.

The CHAIRMAN. Is it more profitable than making the power?

Ms. ROBINSON. So when it comes to transmission, we are talking not just about increasing generation opportunities, right? It is also about redundancy and ensuring that reliability is increased, which I think is a component that we may not talk about quite as much as we talk about increased access to new resources.

The CHAIRMAN. I think really, the question I was—I'm sorry—do you believe that the utilities have enough revenue coming across those lines to pay back the loan program at no interest to the Federal Government to try to help them to deploy into areas, such as where renewables are going to be expanded?

Ms. ROBINSON. I think FERC has more of the authority over some of that cost allocation work. What I can see potentially are not necessarily just no-interest loans, as you mentioned, but there are opportunities to do matching. I think it is a really good opportunity not to just work—I think when we talk about utilities we talk about investment-owned utilities a lot of the time. But this is a really great opportunity, you know, to work with co-ops and municipal utilities as well.

The CHAIRMAN. I am just asking, should we be giving the utilities a grant—federal dollars for free—to build transmission, or should they borrow and have access to loans? What makes sense?

Ms. ROBINSON. I don't have access to all of the analysis that is available on that right now.

The CHAIRMAN. Okay.

Ms. ROBINSON. But I understand your concern about—

The CHAIRMAN. Well, my concern is they are going to get free money. If there is enough money—I know how valuable the transmission is, and they should be paying back the Federal Treasury and the taxpayers if we loan them the money to build out transmission.

With that, I will go to Senator Murkowski for her second round.

Senator MURKOWSKI. Mr. Chairman, thank you, and I will be very brief.

Ms. Daniel-Davis, I will share with you, I have been disappointed with some of your answers here today. I think for some pretty direct and clear questions with regard to the five-year lease sale in terms of timing and whether you are going to keep the commitment, we really received nothing there, which is concerning. I am disappointed in your response on the federal oil and gas report, and then when asked multiple times about the analysis that was used in the Cook Inlet Lease Sale 258 and the relationship with the life cycle greenhouse gas emissions, recognizing that the no-action alternative clearly says that prices are going to be higher due to the lower energy supply relative to the proposed action. And for those of us in states where it is pretty high-cost, to be able to suggest that the Department would even consider looking at an alternative where it will result in increased energy prices for folks, and to have kind of the view of this as something that we are considering. And I understand that no decision has been made in terms of which alternative, but know that there is great concern as we are talking about things like reliability, that affordability is absolutely essential and key as well.

Two very quick things here that I want to make sure are on your radar screen. We have been working for years now to try to resolve a situation between the BLM and several small Alaskan miners that we tried to address within the Dingell Act; it deals with a small miner waiver and claim maintenance fee. I really need your commitment to work with us on this one. The Chugach land study, this is, again, a requirement out of the Dingell Act to look at lands that are suitable for exchange with the Chugach Alaska Corporation. Back in January we got a response from Director Stone-Manning saying she expects the study within the next several weeks. I don't know where the status is on that, but I have Alaskans in town this week that are wondering, and I do not want to be able to say imminent, because for them, it does not mean anything.

And I will just end with a statement on public land orders. You know, I have asked multiple times—multiple times—certainly in the last hearing that we had with you, for some relevant authority or statute that allows a senior advisor to the Secretary to exercise delegated authority to withhold the public land orders that were previously signed by the Department of the Interior. As you know, this has been a longstanding issue with me. We passed my bill, the Alaska Land Transfer Acceleration Act, back in 2003. In 2006, BLM says all d-1 withdrawals should be revoked. In 2008, we saw four of those RMPs completed, but no action taken to revoke these withdrawals. We made some good headway with the Trump Administration, but we are again sitting here with no action, basically two years now of delay on the PLOs and no real action with regards to the regional management plans. So my disappointment continues with some of these issues that are key to our state's ability to be able to engage in resource production, whether it is big or small.

I am going to end with just a comment to Dr. DeCarolis because you have gotten off easy today, I think.

[Laughter.]

Senator MURKOWSKI. But you started in your testimony by indicating that you believe that the agency—the EIA—should be independent and impartial, and as long as you stick to that, we are going to be okay.

With that, Mr. Chairman, I know we have votes, and we are way late.

The CHAIRMAN. Thank you very much.

Senator MURKOWSKI. Thank you to the witnesses.

The CHAIRMAN. Between the two of you—Senator Cassidy, I know you have been waiting for a second round. Do you have a quick question you want to ask?

Senator CASSIDY. Ms. Daniel-Davis, I am concerned about the lease sales and how that went down in terms of the environmental groups. Mr. Chairman, you told some of us that you are concerned about the lack of leasing being undertaken by the Department. I also want to point out something with respect to Lease Sale 257 and the legal challenge.

Ms. Daniel-Davis, on August 31st at 3:23 p.m., you electronically signed the record of decision for Lease Sale 257. Correct?

Now, less than four hours later—the record of decision was signed—and less than four hours later, three environmental groups filed a 52-page complaint in the U.S. District Court for the District of Columbia. You sign it, four hours later, a 52-page complaint is filed. Now, I am not an attorney. But for the plaintiffs to have reviewed the record of decision, drafted, finalized, and filed, and then do 52 pages thoroughly reviewed and agreed to with citations and signed, seems a little bit—wow, they may have had some indication this was coming. The Louisiana Attorney General's office has also given us information regarding the timing of this filing on the part of the plaintiffs.

Ms. Daniel-Davis, did you coordinate with anyone from outside the Department, including the plaintiffs with respect to the record of decision for Lease Sale 257?

Ms. DANIEL-DAVIS. So I did not. And Senator, I just want to point out one of the features of the decision that the judge made on 257 a couple weeks ago was that our Administration relied on the record developed for that record of decision by the previous Administration. So it is something that had been out there in the public realm for months at that point. So I just think that is an important point that I wanted to make.

Senator CASSIDY. That is an important point. I accept that as an important point. Nonetheless, do you know of anybody within the Department, aside from yourself or the Administration, who coordinated with or shared information with the plaintiffs or any other interested party regarding the publication of the record of decision for the Lease Sale 257?

Ms. DANIEL-DAVIS. I am not aware of anything, sir. No.

Senator CASSIDY. Okay. With that, I yield. Thank you.

The CHAIRMAN. Thank you.

Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman.

Ms. Daniel-Davis, as gas prices continue to rise, shouldn't we be doing more to make U.S. production more competitive, including holding lease sales on federal lands?

Ms. DANIEL-DAVIS. Senator, I appreciate that question, and we are moving forward with the lease sale process both onshore and offshore.

Senator HOEVEN. When you say moving forward, does that mean having auctions and getting this going, not just continuing to delay?

Ms. DANIEL-DAVIS. So I think I want to just reiterate the importance of appropriate process with regard to lease sales. I think we saw what happened in Lease Sale 257 and the defects identified by the judge. Also, onshore there has been quite a bit of litigation activity with similar concerns and others raised, and I am very, very interested in BLM undertaking a complete process and a full review and following the law. I would rather them get it right and provide some consistency and certainty to operators and others in this program.

Senator HOEVEN. Well, do you think it is acceptable that these policies are discouraging or delaying U.S. production, increasing our reliance on energy from places like Russia and Saudi Arabia and other OPEC countries? The average price of gasoline now is up to \$3.50 a gallon, high inflation, is that acceptable?

Ms. DANIEL-DAVIS. The data that I have reviewed, and again, this is only about onshore and offshore production on federal public lands and waters, doesn't actually suggest that production has slowed or been curtailed. In fact, in some cases, it has risen as we are coming out of the pandemic.

Senator HOEVEN. Well, in my State of North Dakota, our lease sales are being held up on federal lands. Our production is down from 1.5 million barrels a day down to about 1.1 million barrels a day. So that would contradict what you just said. Not to mention the price of gasoline being up more than a dollar over the last year. How do those two correlate? Energy production in our country is down, not up. We are importing more oil from Russia—from Russia—not less.

Ms. DANIEL-DAVIS. So again, I am aware—and I am only responsible for public lands and waters—that, in fact, production has continued at sort of the regular pace that has been historically seen, in terms of—and again, there are over 9,000 permits available to drill on onshore public lands. Seventy percent of the OCS lands that are leased are not currently in production. So again, when I look at what is in my area of responsibility, I do see that that production is moving forward. Royalty revenue is continuing to produce, and permits are continuing to be approved.

Senator HOEVEN. Sure, because it takes time for you to hold those lease sales and actually get that into production. So you can argue that you are not seeing that decline. You are creating the decline though. You do not acknowledge that?

Ms. DANIEL-DAVIS. I just want to reiterate that the leasing program is moving forward, and again, I am very interested in working with BLM and BOEM on a process that doesn't lead to defects being identified by judges and really sort of putting at risk the certainty that we want to see in that program for operators and others who count on that revenue. So that is sort of my orientation to the question you are asking.

Senator HOEVEN. Could you get us some timelines in terms of when we are actually going to see more lease sales? Do you have any kind of timelines or Gantt charts rather than just saying, well, we are moving forward, but we are doing all these reviews? Can you get us some timelines?

Ms. DANIEL-DAVIS. So again, I think much of the ongoing activity is deliberative in nature, and I am happy to go back to the Department and figure out how we can get you the information that you need.

Senator HOEVEN. Thank you.

Senator HOEVEN. And then, Ms. Robinson, do you agree that reliability is a critical issue and that coal continues to be an important part of baseload power?

Ms. ROBINSON. Thank you, Senator. I agree with you 100 percent that reliability is a major concern, and certainly, we are seeing that with more weather events happening as well that it's both reliability and resilience. And certainly, there is going to be a role for firm dispatchable power, whether it is coal, whether it is natural gas, hydropower, hydrogen, geothermal storage, or so on and so forth, and when it comes to the Office of Electricity, the Office of Electricity is source neutral. And so, looking forward to ensuring that there's reliable electricity from whatever source.

Senator HOEVEN. How about natural gas and having adequate pipeline capacity to move it around the country?

Ms. ROBINSON. Certainly there are conversations to be had about natural gas capacity, having conversations about what is going on specifically in New England, where I think there are probably some more constraints than we see in other locations, and how it impacts consumers. So I am happy to continue that conversation with you moving forward, if confirmed.

Senator HOEVEN. And Dr. DeCarolus, thank you for visiting on the phone, I appreciate it very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

First of all, I want to say this to all three of you. Thank you so much for coming in, and we appreciate it very much.

Dr. DeCarolus, you have not had a chance, because you know there is a lot more interest, as you can tell, in how we get the power to your house and how we make the power. We want you, and we have all the confidence in you—and I think that you can see that—the confidence this Committee had in you to make sure we get the accurate information to make the decisions we have to make. We rely on that, and I think your job is probably one of the most important jobs because we rely on the information you give us.

Do you have anything you would like to say while we are closing?

Dr. DECAROLIS. I just wanted to say thank you, Mr. Chairman, and I really appreciate the opportunity to serve.

The CHAIRMAN. You are going to do great, all of you are. Let me say to Ms. Daniel-Davis, I think what we are trying to say is that we know the previous Administration acted very swiftly and quickly, and sometimes maybe too hastily, and we saw some problems. We have identified those problems. What we were concerned about is they were not fixed or the applicants were not helped to fix them

before they went to court, and we knew it. It is pretty much like we knew what the court outcome was going to be, but we let it happen. We are not blaming you. We understand there are other powers that be, and we are honing in on that pretty hard. What we all want to do is work with you to identify any problems there might be in future leasing and things that are going on right now that you thought the way—if I was the applicant, and you were telling me this would be fine, I think you should do it this way, and you know it is not fine, and you know the courts will react differently, then come and help me and say, Joe, I think you need to change, you need to change your application or basically improve it. I think that is where everybody was coming from. I am going to wrap that up.

So let me just say this. Again, we appreciate all of your attendance today, and your willingness to serve. I think that is most important. Members are going to have until 6:00 p.m. tomorrow to submit additional questions for the record.

And with that, the Committee is adjourned.

[Whereupon, at 12:15 p.m., the Committee was adjourned.]

APPENDIX MATERIAL SUBMITTED

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

Questions from Ranking Member John Barrasso

Question 1: As a Massachusetts state legislator, you cosponsored a bill to mandate a zero-carbon electric grid by 2030. In 2020, natural gas accounted for nearly two-thirds of electricity generation in Massachusetts. According to the Massachusetts 2050 decarbonization roadmap:

“Reliance on zero-carbon fuels needed for grid balancing and end uses leads to dramatically higher costs in 2050.”

- a. Do you believe the entire nation can achieve a zero-carbon electric grid by 2035 with no negative effects on grid reliability or increases in consumer prices?

The opportunity exists to achieve a zero-carbon electric grid by 2035 if state and federal investments/policies support this goal and utilities/regulators provide actionable information regarding system requirements for essential reliability services including the deployment of energy storage and other flexible generation and flexible loads technologies. Supply chain concerns and extreme climate weather events must be modeled and evaluated. In Massachusetts, we have seen price increases for consumers due to our reliance on natural gas, which becomes constrained in the winter. Addressing supply chain constraints can help improve both reliability and affordability.

- b. How do you intend to utilize existing authorities at the Office of Electricity to minimize negative impacts to grid reliability and consumer costs?

The Office of Electricity should investigate high risk - high reward technologies that can provide transformational change and support to grid reliability. The organization should focus on reducing cost of major components and systems, such as reducing the cost and improving performance of the power electronics to facilitate direct current transmission, integrating power electronics into transformers and substations to standardize the technology versus unique components and designs.

Question 2: The most recent EIA data show Massachusetts has the fifth highest electricity rates in the country, 72% higher than the national average.

- a. Do you believe the people in Massachusetts pay too much for electricity?

No.

- b. Please explain why electricity rates in Massachusetts are so high?

Electricity rates are set by the state Department of Public Utilities. A number of factors go into setting electricity rates.

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson

- c. About three-quarters of Massachusetts's power generation comes from natural gas. In 2018, when being interviewed during your run for the Massachusetts State Legislature, you stated, "I would certainly be a part of a group of folks who would oppose any new gas pipelines." Do you disagree that access to the abundant, affordable gas being produced in Ohio, Pennsylvania, and West Virginia would put downward pressure on electricity rates in your state?

If gas were to be the least-cost option in ISO-NE's dispatch order, there is potential for impacts on electricity rates.

Question 3: Numerous cybersecurity experts agree that the internet connectivity of many clean energy technologies increases the likelihood for cyber-attacks against energy infrastructure. Barely two years ago, a cyberattack affected a grid operator's visibility into nearly 500 megawatts of solar and wind facilities in a "denial of service" attack. Some of these facilities were in Wyoming.

- a. Do you agree that the internet connectivity of many new energy technologies increases the vulnerability of the electric grid to cyberattacks?

Any connection to the internet will expand the surface area for attacks and provide an access point for hackers. At the same time, communication technologies can provide system operators with important tools for improving system efficiency, affordability, and day to day reliability. It is important to consider not only which systems are vulnerable, but also which systems need to be protected the most for safety and security.

- b. What will you do to address this vulnerability?

The Office of Electricity should develop advanced approaches to grid modernization that consider cybersecurity vulnerabilities and engineer/design in cyber protections. For example, closed loop monitoring of assets, where possible and especially for high priority systems. We should leverage the use of the NIST framework and cybersecurity maturity models to evaluate risks at all stages of project design and development.

- c. How will you address the problem of cybersecurity of components, such as power inverters and other components that have proven susceptible to cyber-attacks?

The Office of Electricity should coordinate with the Office of Cybersecurity, Energy Security and Emergency Response to prioritize cyber testing of critical components and components that are susceptible to cyber-attacks so mitigation measures can be developed, or risk mitigation operational approaches be executed.

Question 4: Last year House Democrats proposed a national "clean electricity standard" as part of their budget reconciliation bill. The so-called "Clean Electricity Payment Program," or CEPP, would have provided grants to

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson

electric utilities that meet pre-determined “clean energy” targets, and penalized those that do not. You have been nominated to lead the office that would have been tasked with administering the CEPP.

- a. If confirmed, will you advocate for the CEPP or any other similar measure?

If confirmed as Assistant Secretary, my role is to implement programs put into law by Congress, not to advocate for specific policies. If Congress were to put forward this law, I would implement it willingly, like any other law.

- b. Have you had discussions with anyone at the White House, at DOE, or elsewhere in the Administration about establishing in federal law or by regulation any form of a national “clean electricity standard” or associated program like an emissions credit trading system for electricity?

No.

- c. If so, please identify whether any such discussion is on-going.

Question 5: When you were formally nominated to lead the Office of Electricity, Secretary Granholm stated, “This office’s work [...] is critical to helping us confront the climate crisis and create a clean energy economy that works for everyone. Maria has been leading the charge for clean energy in Massachusetts, and her political smarts and technical expertise will help us turn President Biden’s goal of 100% clean electricity by 2035 into reality.” The Office of Electricity is a fuel-neutral office. The core functions of the office are providing technical assistance to the states on various energy priorities (such as transmission planning and permitting) and cybersecurity and grid modernization R&D.

- a. What actions will you take to ensure that the Office stays within its mission?

The role and mission of the Office of Electricity is critical to developing solutions that will support the reliability and resilience of the electric system in accordance with congressional appropriations and Administration policies. The Office of Electricity will continue to work with National groups, such as National Association of Regulatory Utility Commissioners and National Association of State Energy Officials, to ensure the appropriate level of support is given to States with a primary focus on technical assistance and scenario analysis provided by the National Labs, research and development of new grid technology as well as deployment of the new Infrastructure Investment and Jobs Act funds in accordance with the law.

- b. Please point us to any authority from Congress for the Office of Electricity to seek “100% clean electricity by 2035”?

100% clean electricity by 2035 is an Administration priority. 30 states have laws or policies that support clean electricity or direct utilities to develop clean or renewable electricity generation. It is within the

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

role of the office to help electricity system operators meet the evolving needs of their service territories, through research and development of technologies that can help provide them with additional tools for flexibility, reliability, and resilience.

Question 6: On the first day of his Administration, President Biden suspended for 90 days President Trump's Executive Order on Securing the United States Bulk Power System (EO 13920). Additionally, some special interest groups were advocating for revoking this order, such as the American Wind Energy Association (AWEA). This order granted the Secretary of Energy, through the Office of Electricity, authority to prohibit the acquisition or installation of equipment in the bulk power system that is deemed a threat to national security because of foreign ownership, control, or interest.

- a. As head of the Office would you advocate issuing a revised version of the Executive Order?

The Office of Electricity will work with the Office of Cybersecurity, Energy Security and Emergency Response in the development of a revised Executive Order as directed by the White House. Supply chain security and domestic manufacturing is critical to the United States and remains a core part of the organization's mission.

- b. Will you assure this committee, both now and in the future, if you are confirmed, that you will put the security of our nation's electricity supply and delivery system ahead of any environmental goal or any objective to promote certain forms of energy?

Reliability and security of our nation's electric infrastructure is paramount. The Office of Electricity should evaluate and monitor the transition to ensure essential reliability services are met through the deployment of clean flexible generation including but not limited to hydropower, biomass, offshore wind, nuclear, and energy storage.

Question 7: Last year, Secretary Granholm stated that foreign adversaries have the capability to shut down our electric grid through cyberattacks. Do you see cybersecurity as a primary threat to the reliability and resilience of the electric grid?

Yes, cyber-attacks and extreme weather events are both significant threats to the reliability and resilience of the electric grid. Climate change will continue to increase the frequency and duration of extreme weather events.

Question 8: The easiest way to reduce emissions is to use less energy by increasing energy efficiency. Technologies are available for enhancing the efficiency of the electric grid by reducing transmission line loss. This allows for increasing transmission capacity without siting and permitting new lines, which can take years to do. What should DOE do to promote such transmission technologies?

Advanced conductors, grid enhancing technologies such as dynamic line rating, power flow controllers and dynamic topology configuration, and HVDC provide excellent opportunities for improving the capacity, operations and efficiency of the electric grid. The Office of Electricity should continue to demonstrate

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

innovative technologies such as these as part of its research and development portfolio in order to reduce cost, document the cost/benefits of their application, and help develop control strategies and procedures for effective operation.

Question 9: How do you evaluate the risk of a disruption to the nation's electric grids from electromagnetic pulse (EMP) or geomagnetic disturbance? How can the Office of Electricity help mitigate this risk?

The Office of Electricity will work with the Office of Cybersecurity, Energy Security and Emergency Response to develop and demonstrate innovative shielding technologies, transformers and advanced operational approaches to minimize the effects of electromagnetic interference and geomagnetic disturbances.

Questions from Senator James E. Risch

Question 1: How do you see the national labs playing a role in protecting and enhancing grid reliability? Specifically, what are your views of the Idaho National Lab's industry-scale power grid testbed capability, which is part of the recent Office of Electricity investment over the last 5+ years?

The full-scale test grid allows experts from across the federal government and private industry to develop and demonstrate technologies that improve security and enhance resiliency. Capabilities like these at the national laboratories provide industry and academia with access to the tools they need to safely and effectively test and develop new technologies that will be critical for meeting the nation's energy needs.

Question 2: One of the Office of Electricity's divisions is Electricity Delivery Cybersecurity Research and Development. Can you please explain how you will prioritize the cybersecurity of the nation's grid if you are confirmed, and how you will leverage research and development efforts to support electric grid cybersecurity?

The Office of Electricity should develop advanced approaches to grid modernization that consider cybersecurity vulnerabilities and engineer/design-in cyber protections. For example, closed loop monitoring of assets, where possible. The organization should leverage the use of the NIST framework and cybersecurity maturity models to evaluate risks at all stages of project design and development. Most importantly, this should be applied to the technologies the organization is developing such as energy storage and microgrids.

Question 3: With Fifth Generation (5G) wireless technology rapidly being deployed, and enabling, in some cases, game changing capability, what are your thoughts on the interdependence between the electric and telecommunications sectors?

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

Secure and reliable communications are critical to the operation of the electric grid. The Department in coordination with other federal agencies should work to ensure that wireless technologies are available to support the operation of the electric grid as well as assure policies are made to mitigate cybersecurity risks while ensuring policies not interfere with grid operations.

Question 4: What is your vision for connecting the Office of Electricity to the breadth of DOE programs, including the stable clean energy from advanced nuclear, that contribute to our nation's resilience to catastrophic storms, cyberattack and other threats?

Cyber-attacks and extreme weather events are both significant threat to the reliability and resilience of the electric grid. Climate change will continue to increase the frequency and duration of extreme weather events. The Department should leverage all of its resources and support efforts such as the grid modernization initiative to develop strategy teams that ensure a unified Departmental approach to a clean and resilient electric grid.

Questions from Senator Maria Cantwell

Question 1: Ms. Robinson, as we discussed during your confirmation hearing, a nationwide build out of Optical Ground Wire along our nation's transmission grid systems could move the data needed to modernize our energy system, make our grid more cybersecure, and provide the backhaul, middle-mile capacity needed to bring affordable broadband to essentially every household or business that currently serviced by the grid.

- Do you agree that expanding communications capacity along the grid's existing rights-of-way could provide significant co-benefits for cybersecurity, grid modernization, and providing affordable high-speed internet to underserved and unserved communities and households?

To the extent that developers can "dig-once" or leverage assets being built, such as transmission, to enable communication capacity along existing rights-of-way, underserved communities would be able to take advantage of the benefits building this infrastructure provides. Optical ground wire is necessary for transmission/grid operations and can provide communication services to the communities along the transmission rights-of-way. It is currently standard practices to install optical ground wire with transmission.

- How do you think the Office of Electricity could help facilitate more investment and rapid deployment of optical ground wire along our nation's grid?

The Office of Electricity conducts research and development to advance the reliability and resilience of the electric grid. Operating the electric grid requires a significant buildout of secure communications for grid operations. To the extent developers/utilities support the building of transmission and distribution lines as part of its projects or through the implementation of the Bipartisan Infrastructure Law funding, optical ground wire will be part of the transmission infrastructure.

- Do you think there other ways to spur deployment of grid fiber, like requiring all transmission projects that receive federal funding include Optical Ground Wire or by providing incentives through FERC when transmission gets built out?

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson

DOE, through the Office of Electricity, would recommend considering any incentives, policies, or credits to spur the building of transmission. Operating the electric grid requires a significant buildout of secure communications for grid operations. To the extent, the developers and utilities support the building of transmission and distribution lines as part of its projects on implementation of the Bipartisan Infrastructure Law funding, optical ground wire will be part of the transmission infrastructure.

Question 2: Ms. Robinson, if confirmed, you will be a key decision maker in the management of the \$3 billion in cost-shared smart grid grants that the Energy and Natural Resources Committee approved and was included in the Bipartisan Infrastructure Bill.

- As the author of the Smart Grid Title of the 2007 Energy Bill, which included the authorization for the original Smart Grid Grant Program which was then funded in the 2009 American Rescue and Reinvestment Act, I am interested in hearing your views on the results and lessons learned from the original program.

The Smart Grid Program was a success in several ways, it catalyzed technology deployment with over 1380 transmission synchrophasors deployed; 82,000 intelligent automated devices on the distribution system; 16 million meters and over 47,000 direct/indirect jobs (vendors, supply chain, etc.). The program did more than just technology deployment, it enabled the development of data analytics such as advanced outage management systems, and asset management systems. This capability enabled outcomes such as reduced time to forensic assessments of events, reduced outage times, and prevention of catastrophic equipment events (e.g. transformer failures).

- What are some example of smart grid technologies and projects that you think are more beneficial to support using the current round of funding as compared to the smart grid technologies and projects funded a decade ago?

Given the current need for additional transmission capacity, the deployment of grid enhancing technologies would provide some early benefits to enabling clean energy deployment. Asset management and fault identification continues to be critical to enable for wildfire prevention and health monitoring of equipment.

- The Bipartisan Infrastructure Bill expanded eligibility for the smart grid program to include *“In the case of utility communications, operational fiber and wireless broadband communications networks to enable data flow between distribution system components.”* Do you believe that would cover investments like cost-sharing the build out of Optical Ground Wire along our nation’s electricity grid?

The funding available for smart grid investments under the Bipartisan Infrastructure Law is \$3 Billion – approximately \$600 million per year over 5 years. Given the cost of deploying such investments, this funding will provide a small incremental investment and deployment of operational fiber and wireless broadband communications.

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson

Question 3: Ms. Robinson, the Pacific Northwest National Laboratory recently released a new study showing that if transactive energy technologies were used across the country, we could cut peak loads by up to 15% and deliver \$50 billion in economic benefits to consumers.

- Do you agree with the report's conclusions and do you think transactive energy technologies can help achieve the Administration's goals for decarbonizing the power system, while maintaining an affordable, reliable, and resilient electric grid?

The PNNL Study is based upon a large-scale simulation of a grid the size of Texas and demonstrated how customer-owned Distributed Energy Resources (DERs) could be engaged as grid assets and be fairly compensated for their participation. The benefits of transactive energy technology were shown to be independent of the types of DERs (EVs, energy storage, flexible loads), enabling multiple future paths. The study further showed that both active participants and non-participants benefit because total system costs go down, due to efficient coordination between supply and demand. As such, the study concludes that transactive energy technologies improve affordability and maintain reliability and provide an enhanced source of control necessary for a more dynamic, decarbonized power system.

- As the Assistant Secretary for the Office of Electricity, how will you work to advance technologies and innovations in distribution like transactive energy?

The Office of Electricity maintains a broad portfolio of R&D such as energy storage, microgrids, and sensors, and the connections between these programs is as important as the accomplishments within the programs. Ensuring that these programs share results and develop combined opportunities is valuable, and can also inform DOE's newly formed deployment-forward organizations.

- And can you deliver in this area with current distribution R&D budgets that have been flat for the past decade?

There is a gap between a large-scale simulation as utilized in the PNNL report and full scale deployment of transactive energy capabilities. Any R&D program whose mission is to have a substantive impact on the nation's electric system should be capable of executing applied research, pilots and demonstrations, and commercially self-sustaining activities within its portfolio. Some pilot projects utilizing transactive energy technologies are underway, such as a project by the Post Road Foundation funded by DOE's Connected Communities awards.

Question 4: Ms. Robinson, the Pacific Northwest National Laboratory has been a leader for the Office of Electricity, and across the Energy Department, in Co-Chairing the Grid Modernization Lab Consortium (GMLC) and leading the Department's Grid Modernization Initiative. Over the past several years, this initiative has supported a series of important projects that leverage the expertise and facilities across almost all of the Department's National Labs. The Lab Consortium has been a great mechanism for galvanizing the labs to coordinate amongst each other, and with hundreds of other stakeholders in industry, academia, and our public utilities.

- Can I have your commitment that you will leverage the GMLC as you implement your parts of the Bipartisan Infrastructure Law?

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

The Department of Energy's national laboratories have unique capabilities to provide technical assistance, partner on innovative demonstrations and assist in program execution in a variety of Bipartisan Infrastructure Law provisions. The modeling work on resilience through the North American Energy Resilience Model is an example of capabilities that will provide states critical insights regarding resilience strategies.

- Can I have your commitment that you will continue to focus on the important core research and development work that your office funds so that we can keep our innovation pipeline full of great ideas that will feed future deployment opportunities?

The Office of Electricity must continue its critical core research and development activities, given the lack of the private sector to drive innovation in the electricity system. Key priorities include the development of long duration energy storage, advanced solid-state systems such as transformers and substations, microgrids and advanced modeling and control.

Questions from Senator Steve Daines

Question 1: Ms. Robinson, do you believe that individual states should be able to choose and regulate the energy and electricity mix that best fits their needs?

Congressional law dictates the roles of states and FERC in electricity regulation. The states and federal government each can develop energy policy as a fundamental principle of our democratic society.

Question 2: Ms. Robinson, if confirmed, do you pledge to work with and provide assistance to state public service commissions to implement their electricity generation and transmission programs, even if those programs include increases in traditional energy production such as natural gas or coal?

The Department recognizes the need for flexible generation in support of electric system reliability and will work within state and federal policies and regulations to enable clean energy deployment. The Office of Electricity will continue to work with National groups, such as NARUC and NASEO, to ensure the appropriate level of support is given to States with a primary focus on technical assistance and scenario analysis provided by the National Labs, research and development of new grid technology as well as deployment of the new Bipartisan Infrastructure Law funds in accordance with the statute.

Question 3: Ms. Robinson, do you believe that funding for electricity programs should be limited to solely renewable energy projects and would you deny or advocate for the denial of funding for a project based on the fuel used to generate electricity?

Reliability and security of our nation's electric infrastructure is paramount. The Office of Electricity should evaluate and monitor the transition to ensure essential reliability services are met through the deployment of clean flexible generation, regardless of fuel source or technology.

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson

Question 4: Ms. Robinson, access to affordable and reliable electricity is extremely important to the lives and livelihoods of Montanans. Over the last year we have seen home energy and heating costs got up. What solutions do you have to ensure access to affordable and reliable electricity for Montanans?

Transmission is paramount in the ability to access affordable and reliable electricity. Through the Bipartisan Infrastructure Law and existing programs, the Office of Electricity can help accelerate the development and reinforcement of transmission by helping to fund the adoption of new technology, deploying new approaches in helping transmission weather climate change, and aiding inter regional transmission development. A transmission grid that is integrated across regions is key to allowing the most affordable and reliable resources to reach customers.

Question 5: Ms. Robinson, do you support the construction of additional natural gas, hydropower, wind, solar, nuclear and geothermal generation sites and infrastructure?

Supporting the integration of a portfolio of clean resources is important in helping reach a decarbonized electric industry while also ensuring reliability and resiliency.

Question 6: Ms. Robinson, do you believe that the U.S. should increase nuclear energy production?

A mix of resources and technology will be needed to reach carbon reduction goals. Each state and region should develop a portfolio of resources that best meets their goals of clean and reliable electricity.

Question 7: Ms. Robinson, as a State Representative in Massachusetts you were responsible for advocating and supporting constituents in your district. As the Assistant Secretary for Electricity at DOE you will be responsible for advocating and supporting all your constituencies, from Montana to Massachusetts. If confirmed, will you commit to listen to state public service commissions, local and tribal governments, diverse industry representatives, and communities before making decisions or policy actions?

It will take input from state public service commissions, local and tribal governments, diverse industry representatives and communities in order to provide clean, affordable and reliable electricity to all parts of the U.S. Hearing from a diverse set of stakeholders is important in order to form policies that work for all different needs across the U.S.

Question 8: Ms. Robinson, powerlines that are older, in need of maintenance, or overheated pose a wildfire risk in the West particularly in the midst of drought and undermanaged forests. This poses a particular challenge in rural and remote areas where powerlines that are sagging, sparking, or otherwise malfunctioning may go unnoticed. If confirmed, what steps will you take to promote the development and usage of technologies to mitigate this risk?

In FY21, the Office of Electricity hosted a series of 4 webinars showcasing around 33 wildfires mitigation capabilities developed at the DOE laboratories. Four months later, the Office of Electricity recommended 4 promising capabilities to the U.S. Secretary of Energy for funds to accelerate these technologies. These capabilities address the challenges faced in the West as well as in remote and rural areas. The Office of Electricity has also leveraged on the Congressionally mandated Small Business Innovation Research program to

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

develop some of these capabilities. In the last two years alone, nearly half a dozen small businesses were funded at Phase I or Phase II level, including one Phase III award to accelerate AI capabilities onboard drones to inspect powerlines and vegetation. We are committed to continuing taking the steps necessary to promote the development and usage of technologies to mitigate this risk.

Question 9: Ms. Robinson, will you commit to partnering with States and land management agencies to reduce the risk of wildfires ignited around powerlines?

Yes. The Office of Electricity has established years of trusted relationships with State-level stakeholders as well as Federal partners and will continue to work closely with them as well as through other DOE Program Offices. The Office of Electricity will also continue to leverage the capabilities of its national labs to address this critical issue.

Question 10: Ms. Robinson, do you support the development of carbon capture technologies on new and existing coal and natural gas electric generation?

If confirmed, my role as Assistant Secretary would be to ensure reliability of the grid, regardless of source. I certainly believe that carbon capture technologies paired with fossil fuel facilities can provide critical firm, dispatchable power for the grid. I would look forward to working with colleagues in the FECM office to see the successful commercial demonstration and deployment of CCS in the power sector.

Questions from Senator Angus S. King, Jr.

Question 1: What role could DOE's new anchor/tenant authority in the Transmission Facilitation Program (Sec. 40106) play to encompass onshore interconnection infrastructure for offshore wind?

The Transmission Facilitation Program can provide support for large transmission projects that would aid in distributing offshore wind to multiple states and regional transmission entities onshore that the existing infrastructure cannot accommodate. This could be done through loans, public-private partnerships or by purchasing capacity on the transmission line.

Question 2: Is DOE considering directing some of the grant funding provided for enhancing grid resiliency (Sec. 40101) towards grid interconnection upgrade projects needed for offshore wind?

The grant funding for enhancing grid resiliency is a formula grant that utilities, states, tribes, or public entities can use for making their grid more resilient, including integrating offshore wind if desired. Each Bipartisan Infrastructure Law provision has specific criteria that then can be used by the applicant to best suit the needs of their state, tribe, or utility.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

Question 3: How can DOE ensure that the energy security plans (Sec. 40108) and the State Energy Program (Sec. 40109) are being used to prioritize necessary interconnection upgrades to accommodate offshore wind projects?

The requirement in section 40108 for a state to submit a state energy security plan, the contents of which are to include “a State energy profile, including an assessment of energy production, transmission, distribution, and end-use,” and the addition in 40109 of a mandatory element to the State Energy Program regarding “the mandatory conduct of activities to support transmission and distribution planning” provide an opportunity for states to consider what transmission and interconnections are necessary to support the deployment of renewable energy resources like offshore wind. While I am not privy to the internal deliberations around the implementation of the Bipartisan Infrastructure Law, if confirmed, I would look forward to collaborating with EERE on the reliable integration and transmission of offshore wind projects.

Questions from Senator James Lankford

Question 1: Ms. Robinson, do you agree that natural gas has a lower emissions profile than some of the fuels currently being burned in New England, like fuel oil, for instance?

Yes. Natural gas has a lower emissions profile compared to fuel oil.

Question 2: Ms. Robinson, you have in the past made the case that we should forego replacing energy sources like fuel oil with lower-emitting sources like natural gas now and instead transition to renewables, even though that is likely to take decades. Are you concerned that this strategy could actually increase emissions in the short term due to an avoidable reliance on fuel oil?

In order to help the nation transition to a clean electric industry, there must be short term and long-term goals. Transitioning an industry will need to take the long view in order to ensure reliability and resiliency are not compromised. Each part of the country is in a different spot and state energy policies drive much of that transition plan. The Office of Electricity is committed to provide technical analysis, drive advances in technology as well as provide funds to help the industry transition in the best way.

Questions from Senator Catherine Cortez Masto

Question 1: Last year, my home state of Nevada enacted legislation to require electric utilities to join a Regional Transmission Organization (or RTO) by 2030. This is a huge opportunity for renewable energy development across the West, as organized wholesale electricity markets can help serve diverse load profiles, support grid resiliency efforts, and promote energy saving opportunities for consumers.

- a. If confirmed, would you commit to working with me and Nevada stakeholders as the State and region seek to expand organized wholesale electricity markets in the Western U.S.?

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

The Office of Electricity is committed to continuing its support of states and regions to provide both market and transmission analysis.

Question 2: This was raised during the hearing, but existing transmission capacity can be a real bottleneck for connecting large-scale renewables. In fact, some studies have found that national transmission capacity needs to double or triple in order to decarbonize our energy grid.

- a. If confirmed, how would you seek to utilize infrastructure investments to leverage new and existing technologies, such as grid enhancing technologies, to increase transmission capacity and quickly bring more clean energy onto the grid?

Advanced grid grid-enhancing technologies, such as dynamic line rating, dynamic transformer rating, topology optimization, and power flow control, have the potential to significantly increase transmission capacity by deferring costly transmission upgrades through eliminating or reducing system constraints. Through the Bipartisan Infrastructure Law and core Office of Electricity programs, the incorporation of grid-enhancing technologies can advance beyond the pilot demonstrations stage and enable broad use of these innovations by a workforce well-trained to use them. Specific technical areas holding back wider deployment of grid-enhancing technologies include optimizing technology siting, aligning incentives and benefits, and measuring cost impact.

Question 3: Can you expand on the emphasis you placed on research and development (R&D) in your written testimony – especially as it relates to the development of innovative technologies to contribute to a cleaner, resilient, and more reliable energy grid?

As far as research is concerned, many technologies are already available, but more research and development needs to take place to better optimize their use on the grid. Resources such as the national laboratories, especially INL's test bed, could be excellent for developing use cases of these technologies. In addition, as grid technologies are developed and deployed, we can anticipate breakthroughs in cost and implementation that could advance the grid.

Questions from Senator Bill Cassidy

Question 1: The Infrastructure Investment and Jobs Act includes substantial funding to enable the development new transmission. Louisiana currently produces a significant amount of energy from fossil fuels while also possessing extensive renewable energy potential both on land and in the Gulf of Mexico. Can you please detail how the implementation of the transmission provisions in the infrastructure bill will ensure increased resiliency of the grid while not advantaging one energy source over another?

The Bipartisan Infrastructure Law provides \$2.5 billion to establish a Transmission Facilitation Program which will allow for strategic investments in transmission for both resilience and clean energy. The cold weather event in Texas, the heat dome in the Pacific Northwest, and other extreme weather events are a constant reminder of the importance of grid resilience investments that will be enabled through the Bipartisan

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to the Honorable Maria Robinson**

Infrastructure Law to include new transmission, upgrading transmission lines, undergrounding, and reconductoring activities.

Question 2: The Infrastructure Investment and Jobs Act contains a provision requiring the Secretary of Energy to develop a report to Congress assessing the use of digital tools and platforms such as blockchain, distributed ledgers, artificial intelligence, and machine learning to help address the role such digital tools can play in tracking, analyzing and addressing emissions and other climate impacts. It is likely that this report would be the responsibility of the Office you are nominated for. This provision was an amendment that I introduced as a part of the mark-up this committee had on energy infrastructure. How might such technologies may be utilized to help illustrate the U. S. emission advantage relative to its global competitors?

I am not privy to the internal deliberations of implementation of the Bipartisan Infrastructure Law, but I understand that Section 40433. requires a report within 1 year that assesses using digital tools and platforms as climate solutions. Modeling tools and digital tools will be important to help define and illustrate investment priorities, and to compare relative climate and reliability impacts of various technologies. One such tool that the Office of Electricity supports is the North American Energy Resilience Model.

Question 3: The role of the digital climate solutions report has become even more important recently as the Nevada PUC just declined to allow digital tools such as the ones named in the legislation to help track and assign compliance with the states Renewable Portfolio Standard. Can you commit to ensure the Department of Energy ensures that this report is completed within a year of the date of enactment of the infrastructure bill as required by the law?

If confirmed, I will commit to supporting the completion of this report based on funding availability.

Question from Senator John W. Hickenlooper

Question: Constructing new high-voltage, interregional transmission lines as part of a “macrogrid” will enable the movement of electricity from resource-rich rural areas to major load centers, benefiting both. However, no process exists to plan for and optimize an efficient national network and quickly put Americans to work to build it. Can you speak to the importance of transmission planning, and how the Department of Energy can help deliver an efficient network that anticipates our future energy mix?

DOE is working with two of the national labs and industry to produce a National Transmission Planning Study aimed at helping identify the needed inter-regional transmission projects to deliver a diverse portfolio of clean generation across regions. The Bipartisan Infrastructure Law Transmission Facilitation Program can then help the developers of these large inter regional projects, if desired, with financial support to help accelerate the building process.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

Questions from Ranking Member John Barrasso

Question 1: EIA’s mission statement says it –“collects, analyzes, and disseminates independent and impartial energy information.”

- a. Are you committed to safeguarding and promoting EIA’s independent and impartial mission?

Yes – If confirmed, I pledge to uphold EIA’s independent and impartial position.

- b. Will you fight to preserve the agency’s reputation for independence?

Yes – If confirmed, I will hold this priority above all others.

- c. Do you promise that you will not put your own thumb on the scale in favor of policy positions you may hold for any particular source of energy?

If confirmed, I promise not to put my thumb on the scale regarding particular policy positions or energy sources. My focus on transparency is designed to increase accountability with the public and safeguard against such bias.

Question 2: Representative Cathy McMorris Rodgers and I sent a letter to acting administrator McNalley requesting EIA to model President Biden’s announced goal of a 50 to 52 percent cut in emissions by 2030. EIA subsequently issued three carbon fee side cases. The results of these side cases, while showing significant increases in costs for consumers, fall well short of the President’s stated emission goals. The administration claims it has analyzed the President’s pledge. If it has, that economic analysis has not been made public. When Congress and the public are presented with major, “transformative” policy proposals, we must understand their potential implications.

- a. If you are confirmed, do you commit that EIA will expeditiously conduct and make available to Congress and the public an independent analysis of the President’s emissions goals that will provide an unbiased assessment of achieving those goals?

I certainly agree that EIA needs to be able to evaluate major energy policy proposals. As noted in the carbon fee report, EIA does not currently have the capability to model deep decarbonization or net-zero emissions scenarios via the National Energy Modeling System (NEMS). To correct this deficiency, NEMS needs to include a better representation of biofuels; carbon capture, transport, and sequestration; modular nuclear; advanced electrification; and hydrogen deployment. If confirmed as Administrator, I would move expeditiously to develop this capability, and in the meantime would be happy to work with your staff to address specific, outstanding questions.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

Question 3: The EIA has a budget of more than \$126 million, and employees about 325 federal civil servants and many contractors. Do you have relevant, professional experience managing an organization of similar size and scope?

At NC State, I built an internationally recognized research program from scratch and have managed millions of dollars in research funding. I have successfully pursued collaborations across traditional academic siloes by inspiring people to contribute their time and effort to new endeavors. For example, I co-led the creation of a faculty cluster across multiple colleges, launched and managed a University-wide Energy Collaborative, and led multi-institutional research efforts focused on energy systems analysis. Managing large research projects has taught me how to keep a broad perspective, delegate work, and respond to contingencies. Also, as a former EPA employee, I know the power that leaders have to inspire. If confirmed as EIA Administrator, I plan to motivate and empower EIA employees, making sure they understand the critical importance of their work to the nation. Finally, EIA has excellent front office staff and dedicated career employees, and I will rely on their expertise and experience to perform my administrative duties.

Question 4: In 2019, the United States produced more energy than it consumed for the first time since Dwight Eisenhower occupied the Oval Office.

a. Do you believe overall that this development was beneficial for the United States?

Yes.

b. Do you agree that the primary driver of this was the dramatic increase in natural gas production from shale formations?

Yes, natural gas production played a significant role. According to EIA data, the primary sources of increased production are natural gas, crude oil, and natural gas plant liquids.

Question 5: Are you concerned at all that the increased reliance on wind turbines, solar panels, and electric vehicles will make the United States more dependent on critical materials, like rare earths, that are controlled by China and other U.S. adversaries and tainted with human rights abuses? What can you do as EIA Administrator to help Congress and the public understand some of these trade-offs?

Yes, I believe that is important to build a domestic and secure supply chain for critical minerals and rare earth elements required for renewable energy technologies and batteries, as well as many other consumer products and electronics. EIA does not currently monitor the production and trade of raw manufacturing materials, and EIA's forecasts do not track technology components in enough detail to project sourcing issues. However, the Bipartisan Infrastructure Law calls for the development of a Critical Minerals Outlook, with EIA developing projections of energy technologies requiring critical

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis

minerals. If confirmed, I will direct EIA to engage in cross-agency coordination to help develop this Outlook.

Question 6: The *Washington Post* reported on satellite data that show large leaks of methane from Russian natural gas infrastructure.

- a. Do you agree with me that the U.S. oil and gas production has much lower methane intensity of production compared to OPEC+ countries?

The reported satellite data regarding methane emissions is concerning, and I understand the importance of this issue. EIA does not currently track methane emissions domestically or internationally. Such data would be challenging for EIA to build independently, including an accurate characterization of leakage rates where a significant fraction of emissions come from so-called “super emitters.” If confirmed, I will confer with EIA staff and explore possible ways to develop estimates of methane intensity from oil and gas production by country.

- b. Haven’t emissions of methane from U.S. oil and gas systems declined relative to the production of these fuels?

I am not aware of a comprehensive dataset to definitively address this question. Venting and flaring can be difficult to quantify, and precise measurements of leakage are lacking. If confirmed, I will work with EIA staff to explore ways to bound estimates of US methane emissions from oil and natural gas.

- c. Do you agree that decreasing domestic natural gas production would place upward pressure on energy prices?

Over the short term, a complex balance of supply, demand, and storage inventories support price development for U.S. natural gas, with imports and exports making up part of that balance. Holding all these other factors constant, decreasing domestic natural gas production would put upward pressure on natural gas prices. This observation is borne out by the 2018 LNG export study commissioned by the Office of Fossil Energy. In addition, EIA is embarking on a multi-year study of the international natural gas market and how it affects long-term market modeling. I would be happy to brief your staff when the first part of the report is released later this year.

Question 7: The energy crisis now sweeping Europe has resulted in record high prices and shortages, and governments there are warning of blackouts this winter.

- a. What can and should we learn from this European experience?

Europe is experiencing record high prices due to a complex, interrelated set of drivers, including short-term demand that has outstripped supply, low fuel inventories, weather, generator availability, energy

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

transportation costs, and ongoing geopolitical risks. The European situation highlights the need for market participants and policymakers to have access to a broad range of information about the operations of their energy system, which are crucial to effective decision-making.

- b. Even before the crisis, American consumers and industries were paying much less for electricity and fuels than consumers and industries in Europe. Isn't inexpensive energy a competitive advantage for the United States?

Yes -- American consumers and industries have been paying much less for electricity and fuels than consumers and industries in Europe. EIA currently estimates that the average retail price for electricity in 2021 was 13.7 cents/kWh for the residential sector, 11.3 cents/kWh for the commercial sector, and 7.2 cents/kWh for the industrial sector. These prices are considerably lower than electricity costs in Europe, and do represent a competitive advantage for US commerce and industry.

Question 8: Don't high energy prices have a disproportionate impact on consumers with low and fixed incomes? Does EIA's modeling adequately capture these impacts? What should EIA do to remedy this situation?

Yes, I agree that rising energy costs have a disproportionate impact on low- and fixed-income households. Given high fuel prices and market volatility, I think it is vital assess the impact of energy costs on American consumers. The Bipartisan Infrastructure Law (Section 40413) calls on EIA to assess household energy burdens at the community level. If confirmed, I would make it a priority to assess the effect of current and projected changes in energy prices on households.

Question 9: Advocates for wind and solar electric generation assert these sources are competitive with thermal generation because the "levelized cost of electricity" or "L-C-O-E" may be lower from those sources. EIA explained in its 2021 Annual Energy Outlook that, "Actual plant investment decisions consider the specific technological and regional characteristics of a project, which involve many other factors not reflected in LCOE."

- a. What are some of those other factors that affect investment decisions?

There are many other factors that affect individual investment decisions. Factors related to broad market conditions include the cost of other generation that would be displaced by the investment, compensation for contributions to regional reliability or ancillary service markets, and the ability to support compliance with local, state, or national requirements. There could also be site-specific factors including access to high-quality resources, low-cost fuels, transmission, and even the favorability of local terrain for construction.

- b. Is the cost of back-up generation for intermittent generating capacity included in the levelized cost of electricity?

As currently calculated in the Annual Energy Outlook (AEO) 2021, the reported LCOE does not include the cost of backup generation. However, EIA has developed a "Levelized Avoided Cost of Energy"

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

(LACE), which indicates the value of a given generator to the grid, approximated by the potential revenue generated by displacing another marginal asset on the grid. LACE applied to intermittent generators implicitly accounts for its lower capacity value, i.e., its lower contribution to production during peak demand periods. As reported in AEO 2021, the value-cost-ratio obtained by dividing the LACE by LCOE indicates the cost-effectiveness of different technologies and highlights the relative difference between levelized cost and value. Also, EIA publishes an annual report that compares the LACE with LCOE to provide additional insight into its Annual Energy Outlook projections.

c. How about new transmission or storage?

EIA includes the cost of transmission interconnection proportionate to the amount of installed capacity in its levelized cost of electricity, regardless of technology/resource. Renewables with fixed geography, (i.e., wind, hydro, geothermal) have additional transmission costs added to their capital cost to account for the need to build transmission collector lines out to the point of interconnection. Regarding storage, EIA currently reports the levelized cost of electricity for combined solar photovoltaic generation and battery storage investments as well as for stand-alone battery storage assets.

Question 10: The Energy Information Agency has reliably produced impartial research on all types of American energy over the last several decades. Will you commit that, if confirmed, you will work to ensure data on fossil fuel production, exports, and decarbonization is not sidelined or erased?

Fossil fuels currently represent 78% of the US primary energy consumption, and if confirmed, I will maintain EIA's work providing key, unbiased energy data, including fossil fuel data. In addition, growing levels of petroleum and natural gas exports play an important role internationally. Under decarbonization scenarios, fossil fuels still represent a critical pathway to consider and EIA models need to use the best available data on CCUS technologies.

Question 11: You have focused much of your career on developing models relating to energy technology and policy aimed at cutting greenhouse gas emissions.

a. How has your research over the past decade shaped your energy philosophy?

Running complex models under a limited number of scenarios can lead to misleading results. Models should be exercised under a number of assumptions to ensure that the resultant insights are robust. I've learned that accounting for uncertainty can lead to big shifts in technology deployment. Thus, a core tenant of my energy philosophy, based on my own research, is the importance of an all-of-the-above energy strategy to hedge against future uncertainty.

b. Do you believe there should be room for all forms of energy in the American energy system?

U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis

Yes. As an energy modeler, I think it is critically important to represent all available fuel and technology pathways. Our future energy system represents a multi-objective planning problem to ensure affordability, security, reliability, and low emissions. To meet this challenge, we all need to consider all technologies.

- c. For electric generation in particular, do you agree that having sources that can be called upon to meet instantaneous demand is vital?

Yes. Energy modelers (myself included) have expended much effort making sure that the models include constraints to ensure that electricity supply can meet demand at all times to maintain system reliability.

Question 12: According to the organizing statute (42 U.S. Code § 7135(a)(2)), “The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation’s economic and social needs.” Will you commit to briefing the Administration and Congress on data produced to comply with the mission of the EIA to “meet demands in the near and longer term future for the Nation’s economic and social needs”?

Yes.

Question 13: You have academic experience in open-source modeling and have advocated for a more open-source modeling system at EIA. What works in an academic setting may not be appropriate for a “just the facts” independent government agency that is supposed to be free of political influence and whose modeling can have a huge influence of policy. There is a lot at stake in EIA modeling, which is why its independence is critical. I’m worried afraid that open-source could be used by interest groups to push EIA’s modeling more to pre-determined and favorable outcomes that serve political ends.

- a. How would you guard against outside groups using open-source modeling as a way to tip the scales in in one direction or another to match a political preference?

Outside groups on both sides already express frustration about modeling results that do not align with their thinking. With closed models, stakeholders are only able critique the model outputs and have limited ability to understand how model dynamics drive those results. The result can be mistrust and a sense that the modeling is hopelessly flawed. With open models, stakeholders can scrutinize modeling input assumptions. Such an approach can result in more productive discussions based on data and evidence rather than opinions or expectations regarding results.

- b. How would you assure people that changes to EIA modeling would be based on merit and not on political influence?

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

EIA experts are the ultimate arbiters of merit-based changes in the modeling. If confirmed, in my role as Administrator, I will shield them from political influence. As an experienced modeler, I also have a deep understanding of the relevant issues and can discern legitimate points from advocacy.

Question 14: There were some proposals floated early in the discussions of the Bipartisan Infrastructure Framework to require EIA to add to its annual forecasts data on health impacts of energy policy. I can't think of anything more destructive to EIA's reputation for independence and impartiality than getting it in the middle of, and making judgments concerning, the many controversial issues that would entail. Do you think EIA should be in the business of modeling the health impacts of energy policy?

No, I do not think that EIA should be modeling the health impacts of energy policy. If confirmed, I will continue EIA's focused attention on energy data, statistics, and analysis. Energy data made available by EIA can serve as inputs to other federal agencies such as EPA that have expertise in assessing health impacts.

Question 15: Do you agree that rising energy costs have a disproportionate impact on low- and fixed-income households? Is energy poverty an area EIA could contribute?

Yes, I agree that rising energy costs have a disproportionate impact on low- and fixed-income households. Given high fuel prices and potential price changes associated with the energy transition, I think it is vital to assess the impact of energy costs on American consumers. The Bipartisan Infrastructure Law (Section 40413) calls on EIA to assess household energy burdens at a granular level. If confirmed, I would make it a priority to develop this capability.

Question 16: In the past you have tweeted about Republican leaders being in charge of executive agencies, expressly stating your disapproval. Some examples include the following:

- On March 9, 2017, you tweeted, "Disgraceful and infuriating that @EPAScottPruitt (a lawyer) rejects scientific consensus on climate change: <https://nyti.ms/2m6TtJU>"
- On December 13, 2016, you tweeted, "Hopefully Rick Perry forgets (again!) that he wants (wanted?) to abolish @ENERGY. Can't make this stuff up. <http://nytimes.com/2016/12/13/us/politics/rick-perry-energy-secretary-trump.html>
- On November 11, 2016, you tweeted, "I worked at EPA under Bush and it was difficult; it will likely be far worse under Trump. Academics must step up and help fill the void."

In the role you've been nominated for you must work with like-minded individuals as well as individuals with opposing viewpoints. I would like to get your commitment to work with the Energy and Natural Resources Committee in a bipartisan fashion, with Republicans and Democrats.

Answer: If confirmed, you have my commitment to work with both Democrats and Republicans. I will be impartial and non-partisan in my role as Administrator. I will always support informed decision making with rigorous, impartial data and analysis.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

Questions from Senator Maria Cantwell

Question 1: Mr. DeCarolis, I have seen repeatedly that transparency and comprehensive data, like the products that EIA provides, are necessary elements to ensuring that our oil and gas markets are operating fairly and prices are being set based on the fundamentals of supply and demand. That is why I would like to explore whether EIA is collecting sufficient data from the oil and gas supply chain to ensure consumers are being protected from market manipulation and fraud. My understanding is that the general 1977 law providing EIA with the authority to collect data from the oil and gas industry supply chain provides EIA with considerable discretion on what data it can request.

- Do you believe that collecting more oil and gas supply chain data from industry could increase our understanding of supply and demand and pricing trends in the physical and derivatives oil and gas markets?

Over the past few years, EIA has been able to expand coverage of various energy sources by publishing it on a more timely basis, and with expanded geographical distinctions. As an example, EIA tracks much U.S. natural gas supply by interstate pipeline reservations. EIA also routinely reviews its surveys and has expanded them to increase available information. For example, EIA will soon begin collection of above-ground storage of natural gas, and has proposed expanding its weekly collection of natural gas processing plant production activity. These reviews are important for improving EIA coverage of energy trends.

I believe collecting more oil and gas supply chain data from industry could increase our understanding of supply and demand and pricing trends in the physical and derivatives oil and gas markets, but any additional data collection puts burdens both on EIA staff and on the industries involved. I think that reviewing information needs and efforts by EIA to expand its collections are worth the effort, with a clear consideration of the costs of the information collection and the value to market analysts providing insights. I would be happy to work with you and your staff to advance this discussion.

- How could collecting more oil and gas supply chain data from industry provide market analysts within non-government organizations, academia, and regulatory agencies with the tools needed to review, track, and analyze these markets?

In general, improving data collection frequency or adding new data streams can certainly assist other organizations with market analysis. I would emphasize that EIA is not a regulatory or enforcement agency, but it does play a crucial role through its data collection efforts.

- Do you support collecting further disaggregated data by week (rather than by month) for additional downstream segments below the refinery level including terminals, wholesalers, and retail levels of the supply chain?

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

It is certainly worth considering the collection of additional data by week for additional downstream segments below the refinery level including terminals, wholesalers, and retail levels of the supply chain, but the costs may be quite significant given the extremely disaggregated nature of the industry in the United States. I would be happy to work with you and your staff to better understand data needs.

Questions from Senator Steve Daines

Question 1: Dr. Decarolis, if confirmed, will you commit to ensuring that the Energy Information Administration remains a non-partisan, non-political, impartial and transparent agency for the dissemination of energy information?

Yes – I commit to ensuring that EIA will remain non-partisan, non-political, impartial, and transparent.

Question 2: Dr. Decarolis, what actions will you take to further EIA’s mission to “collect, analyze, and disseminate independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment”?

If confirmed, I would like to pursue three priorities. I want to emphasize that while pursuing these priorities, my overriding objective is to maintain EIA’s impartial stance. First, EIA will work to make its models and input data more accessible and transparent. Second, EIA’s modeling capability will be expanded to examine a wider range of future scenarios that include the full spectrum of available fuels and technologies. Third, EIA data and analysis will provide additional insight into energy trends and the resulting impacts on communities, including the accessibility and reliability of energy supply and the effect of price changes on energy poverty.

Question 3: Dr. Decarolis, EIA publishes outlooks and projections on a wide range of energy topics. These outlooks are used for policy making as well as market decisions. If confirmed, what actions will you take to provide transparency and accountability for EIA published outlooks?

If confirmed, I would pursue two actions. First, I would work to make the model code and input data more accessible and transparent so that stakeholders can examine it. Second, I would like to enhance the Annual Energy Outlook Retrospective Review to more fully account for the accuracy of past projections.

Questions from Senator James Lankford

Question 1: Dr. DeCarolis, do you agree that the mission of the EIA is to provide independent and impartial energy data to policymakers and the public?

Yes.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

Question 2: Dr. DeCarolis, do you believe that it is the EIA's responsibility to be an honest broker of information and allow policymakers to decide how to use that information, or do you believe it is EIA's job to push policymakers in one direction or another?

It is EIA's responsibility to be an honest broker of information, allowing policy makers to make use if it as they see fit. If confirmed, I pledge to uphold EIA's independent and impartial position.

Question 3: Dr. DeCarolis, there has recently been much discussion over the energy sector's access to capital. Do you believe there could be consequences if access to capital is limited for some in the energy sector, like pipeline companies?

- Specifically, do you believe credit challenges could raise consumer energy prices?
- Could a lack of access to capital jeopardize companies' ability to upkeep and maintain critical energy infrastructure?

Prices of petroleum products are determined primarily by global supply and demand. Producers, refiners, and pipeline companies may not be able to pass through higher costs of capital immediately to consumers. However, over time, prices would likely reflect a sustained increase in the cost of capital as long-run prices reflect marginal costs. For companies with projects that require significant amounts of capital, a lack of access to capital would affect their ability to fund or maintain infrastructure projects.

Questions from Senator Catherine Cortez Masto

Question 1: Your written testimony spoke to your career experiences and noted the need to make additional models and data public, in order to address future uncertainty and allow for all energy stakeholders and communities to better understand the ways that energy touches our lives.

- a. If confirmed, how do you envision this approach to modeling will contribute to your priorities for the Energy Information Administration (EIA)?

If confirmed, making EIA models and input data more transparent and accessible will be one of my top priorities. Taking such an approach engenders trust, fosters understanding, and allows stakeholders to make better use of EIA products.

- b. How can we apply this data to pressing issues like energy poverty to assist disadvantaged communities? Can you please elaborate on some of the information gaps that currently exist?

Prices in EIA's Residential Energy Consumption Survey include national and regional estimates of household energy insecurity, as well as estimates by demographic subpopulations. Downscaling to a more granular community scale might be possible by blending Residential Energy Consumption Survey

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

results with data from other statistical agencies and federal departments. If confirmed as Administrator, I intend to explore these options.

Questions from Senator Bill Cassidy

Question 1: The infrastructure bill directs the EIA to implement measures to expand and improve international energy data resources at the EIA to better understand the production and use of energy in foreign countries, the emission intensity of foreign energy, and how that intensity translates to end-uses. In your role at EIA, do you have thoughts on how to improve international energy data collection?

EIA does not collect any international data directly, but relies on numerous third-party sources to gather international energy data that cover the full spectrum of energy production, uses, and flows. I think there is opportunity to improve EIA's international energy data, including the coverage and timeliness of data updates. On the supply side, EIA does not track the carbon intensity of foreign sources of oil and natural gas. On the demand side, EIA's international data currently do not include energy consumption data by end use sector. EIA would need to avail itself of additional data sources to expand coverage. EIA could also improve the timeliness of data updates by employing imputation methodologies to estimate missing data until actual data become available. If confirmed, I will work with EIA staff to consider how to improve and expand international data collection.

Question 2: Multiple parts of the infrastructure bill increase the EIA's ability to expand the scope of levelized cost of energy to include a more complete metric – levelized cost of carbon abatement – that would take into consideration of all the factors levelized cost of energy does not. How do you anticipate ensuring that the EIA completes the required analysis on levelized cost of carbon abatement and how do you see the study of levelized carbon abatement?

My understanding is that EIA is currently investigating ways to quantify the levelized cost of carbon abatement, as prescribed by the Bipartisan Infrastructure Law. If confirmed as Administrator, I will work to ensure that the levelized cost of carbon abatement metric reflects system-wide costs informed by models that simultaneously account for cost, emissions, and reliability.

Question 3: How can a study of levelized cost of carbon abatement feed into the also required updates to the National Energy Modeling System?

The levelized cost of carbon abatement could be derived by post-processing results from the National Energy Modeling System (NEMS) in order to better evaluate the relative cost-effectiveness of different low carbon technology options. Incorporating a carbon abatement metric would be part of a larger effort to improve NEMS.

**U.S. Senate Committee on Energy and Natural Resources
February 8, 2022 Hearing: The Robinson, DeCarolis, and Daniel-Davis Nominations
Questions for the Record Submitted to Dr. Joseph DeCarolis**

Questions from Senator John W. Hickenlooper

Question 1: If confirmed, what specific actions will you commit to taking in your first month to make EIA's analyses— and particularly its longer-term outlooks — more open, accessible, and transparent?

If confirmed, a critical first step is to work with staff to understand ongoing EIA efforts, including the responses required by the EIA Administrator under Title IV, Subtitle B of the Bipartisan Infrastructure Law. From there, I will work to set both short-, medium-, and long-term plans to make current EIA modeling efforts more open, accessible, and transparent.

Question 2: Today, many people benefit from open-source, interactive models which help technical and nontechnical audiences alike see how their assumptions—in this case about our energy system — impact future outcomes. Do you see merit in EIA building interactive models out of its long-term outlooks to increase accessibility for policy makers and investors, and also afford outside experts deeper insight into EIA's models and assumptions?

I believe building interactive models is a great idea and should be a long-term goal. To clarify, I would consider an interactive model to be one that is run on the cloud and accessible to users through their web browser. The computational burden associated with models such as the National Energy Modeling System (NEMS) is high, and thus it may not be feasible to run a fully interactive version online. However, it may be possible to develop a reduced-form model or provide a set of pre-run scenarios that users can investigate online. If confirmed, I will confer with EIA staff to determine the feasibility of deploying interactive models.

Question 3: EIA's historical forecasts of renewables have famously, consistently, and significantly underpredicted deployment of small, modular energy technologies like wind and particularly solar. Consistent underprediction, from a source as respected and credible as EIA, can deter investment and misdirect policy makers. To the best of your understanding, what factors may have contributed to this, and what steps do you plan to take to ensure maximally accurate and unbiased forecasting going forward?

My understanding is that the under-projection of renewables derives from two sources. First, past EIA estimates of capital costs for solar and wind have not kept pace with actual cost declines. Second, the 'Reference' scenario in the Annual Energy Outlook (AEO) assumes that all policies sunset—including renewable tax incentives—according to the timeline prescribed by law when the AEO is written.

Published analysis indicates that this Reference case assumption may have affected the projections of wind deployment in particular. I would take two steps to remedy this issue. First, I want to ensure that EIA is using the most up-to-date and accurate cost data available. Second, I would like to enhance the Annual Energy Outlook Retrospective Review to examine projected technology deployment in order to provide more accountability and stimulate additional thinking on ways to improve future editions of the AEO.

**Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022**

Questions from Ranking Member Barrasso

Question 1: You have said in writing to this Committee that you take seriously your commitment to be responsive to us. Yet numerous letters sent to multiple Department officials, including officials under your direct supervision, have been ignored. BLM Director Stone-Manning has also committed to open communication with the Committee. Yet, she has failed to respond to any of the letters I have sent her.

- a. As her direct supervisor, will you ensure that she responds to all the questions that have been asked of her by this Committee no later than the date by which you must provide answers to the questions for the record for this hearing?
- b. Please provide Director Stone-Manning's responses to my letters of July 10, 2021; October 28, 2021; December 14, 2021.

Response to a and b: I appreciated receiving your letter to me dated February 3, 2022, which highlighted eight specific pieces of outstanding correspondence from you to various officials at the Department of the Interior. I understand that since that date the Department has responded to two of those pieces of correspondence. Having served in Congress as a staff member and at the Department during previous administrations, I understand the importance of being responsive to Congress. I have ensured that your letter to me has been brought to the attention of the appropriate officials at the Department and urged that those appropriate officials and offices work to provide responses to the additional correspondence referenced in your letter to me.

In addition to letters not responded to by Director Stone-Manning, the Department has failed to respond to the following letter:

- a. Letter to Senior Counselor to the Secretary, Elizabeth Klein, requesting her official calendar (sent on 10/19/2021, follow up on 11/19/2021 and 1/19/2022)
- b. Please provide a date by which the Committee can expect a response for each of the letters.

Response to a and b: My response to this question is addressed in the previous response. It is my understanding that the Department has actively been working to make available the calendar information that you reference.

Question 2: During the hearing, you reiterated Secretary Haaland's position that "oil and gas will be a part of America's energy signature for a while as we move toward a more clean energy economy..." I, and the world's top energy analysts, including the International Energy Agency and Energy Information Administration agree.

- a. How long is "a while?"
- b. Do you agree that *federal* oil and gas leasing and development will be around for "a while?"

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Response to a and b: My statement is consistent with that of the Secretary that oil and gas will continue to be a part of America's energy sources for many years to come. As discussed in the *Report on the Federal Oil and Gas Leasing Program* that the Department issued in response to the direction in Executive Order 14008, federal onshore production accounts for approximately 7 percent of domestic oil and 8 percent of domestic natural gas production. The most recent reports show that almost 53 percent of onshore acres under lease are non-producing, and there are a significant number of unused permits to drill onshore. Offshore, production from the Outer Continental Shelf accounts for 15 percent of oil production and 2 percent of natural gas production in the United States. Seventy-two percent of the lease acreage offshore is non-producing, either at an earlier stage of development or being held for speculative reasons. So when it comes to oil and gas development from federal lands, the outstanding inventory of leased acreage, both on- and offshore alone, will sustain development for years to come.

Question 3: I am very concerned that the Bureau of Land Management continues to take every opportunity to delay onshore oil and gas lease sales. The work had all been done for a first quarter lease sale in Wyoming. Yet you chose to start the work from scratch – which, by design, delayed the lease sale. On top of that, you cut available parcels from 264 to 195. Wyoming still hasn't had a lease sale in over a year – and the moratorium is still in place. **Please explain why you took these actions when the court ordered the Department to resume leasing, not curtail and slow roll it?**

Response: We are consulting with the Department of Justice as we determine available options following the recent preliminary injunction issued by the court in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), which impacts the program. That ruling prevents agencies from using the Interagency Working Group on the Social Cost of Greenhouse Gases interim estimates to monetize the value of changes to GHG emissions resulting from a rulemaking or other agency action in advance of final estimates yet to be issued by the Working Group. The order also prevents agencies from using any other estimate of the social cost of greenhouse gas emissions that is based on the global effects of emissions or does not utilize discount rates of 3 and 7 percent or otherwise deviates from the guidance of Circular A-4. The injunction creates impediments for actions that the Department was taking to comply with an injunction in the other *Louisiana v. Biden* case, 2:21-cv-00778 (W.D. La.). It is necessary that we comply with all of our legal obligations, which are sometimes conflicting, and important that we get the process right for lease sales, because many previous sales have been invalidated or overturned by courts and returned to the Department for additional actions or analyses. Those judicial decisions necessarily factor into any future leasing program activities. If confirmed, I am committed to following the law and ensuring that the appropriate processes are followed in order to provide the most certainty possible, to all involved.

Question 4: During the hearing, you did not answer Senator Daines when he asked you to confirm that BLM would hold onshore oil and gas lease sales this quarter.

- a. Will BLM fulfill its statutory obligation under the Mineral Leasing Act to hold onshore oil and gas lease sales this quarter? And in the second quarter?**

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

b. Has BLM started the process for holding a second quarter lease sale in 2022?

c. Scoping for a second quarter lease sale typically starts in November or December of the previous year –has BLM started scoping for Q2?

Response to a-c: During my confirmation hearing I responded to this question to the best of my abilities given the current status of these matters at the Department. As I indicated in response to the previous question, we are consulting with the Department of Justice to determine available options for the program following the recent preliminary injunction issued by the court in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), which impacts the program. The preliminary injunction prevents agencies from using the Interagency Working Group on the Social Cost of Greenhouse Gases interim estimates to monetize the value of changes to GHG emissions resulting from rulemaking or other agency action, in advance of final estimates yet to be issued by the Working Group. The order also prevents agencies from using any other estimate of the social cost of greenhouse gas emissions that is based on the global effects of emissions or does not utilize discount rates of 3 and 7 percent or otherwise deviates from the guidance of Circular A-4. The injunction creates impediments for actions that the Department was considering as a result of an injunction in the other *Louisiana v. Biden* case, 2:21-cv-00778 (W.D. La.), and the court ruling in *Friends of the Earth v. Haaland*, 21-cv-02317 (D.D.C.). Following the law and the process is critically important in a program that has been the frequent subject of litigation resulting in the remand and even vacatur of lease sales.

Question 5: The Department released its Interim Report on the Federal oil and gas leasing program the day after Thanksgiving – six months after you said it would be released. The Report recommended that the BLM increase royalty rates, minimum bids, and other fees for oil and gas lease sales. One week later, on December 3, 2021, BLM issued a press release requesting public input on a proposal to “pause” collection of rents and fees for wind and solar projects on federal land. The press release encouraged the public to, “concentrate its review and comment on BLM’s proposed reductions to rents and fee rates.” **How would simultaneously increasing royalty rates, minimum bids, and other fees on oil and gas production on federal lands while pausing and otherwise reducing rents and other fees on wind and solar production on federal lands provide a fair return to the taxpayer?**

Response: Renewable energy development that uses land area to derive energy from wind, solar, or geothermal energy is by nature quite different and distinct from energy development that extracts a finite resource that belongs to the public. Moreover, providing a fair return to taxpayers for wind and solar generation on public lands requires an environmentally and economically sound strategy that takes into appropriate consideration the impacts of development, including the climate mitigating benefits of carbon-free power generation. The matter of providing a fair return to the public from the development of oil and gas resources, including its potential for impacts on federal revenue and production, was discussed in detail in the Oil and Gas Report that you reference in your question.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 6: The Outer Continental Shelf Lands Act requires the Secretary of the Interior to prepare and maintain a 5-year leasing program. Under current regulations, the Bureau of Ocean Energy Management (BOEM) would presumably have had to initiate public outreach well before now, in order to have a new Five Year Program in place by the time the current Program expires. We are past this deadline, so there will be a gap between the current and new program. **Now that DOI has completed its Review of Federal Leasing, please explain why BOEM has not taken steps to develop a new Five Year Program in time to prevent a gap in Programs.**

Response: The last administration published a Draft Proposed National Outer Continental Shelf (OCS) Oil and Gas Leasing Program in January 2018, but it did not take any further action. The next step in the process is publication of a Proposed Program and Draft Programmatic Environmental Impact Statement. BOEM is working expeditiously on these documents, consistent with the requirements of the OCS Lands Act and recommendations made in the Department's report on oil and gas programs released in November.

Question 7: The DOI had previously proposed a 2019-2024 Draft Proposed OCS Leasing Program and issued a Notice of Intent to prepare a Programmatic Environmental Impact Statement. The next required step is the publication of a Proposed Program and Draft PEIS based on the prior proposal. **Will BOEM utilize and advance the work done on the 2019-2024 Program to ensure that offshore oil and gas lease sales are held between 2022 and 2024?**

Response: As I noted in the previous response, while the last administration published a Draft Proposed National OCS Oil and Gas Leasing Program in January 2018, it did not take any further action on that document. BOEM is building on this previous work to advance to the next step in the process, the publication of a Proposed Program and Draft Programmatic Environmental Impact Statement. The Department is also consulting with the Department of Justice to determine the available options following the recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), which impacts the 5-year program. As we move ahead with this process, we will do so in compliance with court decisions, in a manner consistent with the requirements of the OCS Lands Act, and recommendations made in the Department's Oil and Gas Report released in November 2021.

Question 8: Two weeks ago, the DC District Court vacated offshore oil and gas Lease Sale 257. You personally signed the Record of Decision (ROD) for this sale, and certified that you *"have also concluded that GOM Lease Sale 257, as described in this ROD and in the forthcoming Final Notice of Sale, is subject to adequate environmental safeguards and is consistent with the maintenance of competition and the meeting of national energy needs."*

- a. Since the decision was issued, have you participated in any conversations at the Department about appealing the decision, or curing the environmental review deficiency?

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

- b. Will you defend your personal certification that the sale is “subject to adequate environmental safeguards,” by personally pushing the Department to appeal the decision?**

Response to a and b: As I said at the hearing, this matter is in active litigation and the Department has been reviewing the District Court decision and the vacatur of Lease Sale 257, in coordination with our Solicitor’s Office and the Department of Justice. On Monday, February 28, the Department of Justice confirmed that the United States will not be appealing the decision.

Question 9: Regardless of whether the Department appeals the DC District Court decision, what steps will you personally take to ensure the environmental review deficiency is cured, and the remaining offshore oil and gas lease sales are held, prior to the expiration of the current Five Year program on June 30, 2022?

Response: As indicated in the previous response, on Monday, February 28 the Department of Justice confirmed that the United States will not be appealing the decision. With regard to the remaining lease sales in the current 5-year program, the Department is consulting with the Department of Justice to determine the available options following the recent decision in *Friends of the Earth v. Haaland*, 1:21-cv-02317 (D.D.C.), and the recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.).

Question 10: U.S. energy is one of the most critical geo-political tools available to us. Today, political tensions and unrest threaten to upend entire nations and regions. In the case of Russia’s imminent invasion and occupation of Ukraine, energy supply can be at the core of a conflict.

- a. Do you believe that Federal oil and gas, is a key component of our domestic energy supply?**
- b. Do you believe that Federal oil and gas is a critical geopolitical tool that we can use to protect our allies, and to provide them with an alternative to energy imports from antagonistic countries?**

Response to a and b: Oil and gas, including oil and gas from federal lands, is a significant component of our current domestic energy supply. I am not closely involved in foreign policy matters, nor is the Department, but I know that the President and his Administration and the appropriate officials in other relevant Departments and agencies take these matters very seriously. As a factual matter, I am aware that liquified natural gas exports from the United States are at historically high levels. If confirmed, I would work to ensure that I am following the law and the Administration’s policy direction when it comes to energy issues on public lands and waters that fall under the Department’s jurisdiction.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 11: Please list one critical mineral mining project on Federal land in the United States that the Administration and Department is actively supporting and advancing.

Response: The President has made clear that the responsible development and production of critical minerals is a key priority for this Administration. Just this week, he announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. The Department is also working with other agencies to promote critical mineral development on federal lands while adhering to the highest environmental, labor, and sustainability standards. It is my understanding that there are a number of proposed mining projects, including for critical minerals, in varying stages of the permitting process. If confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 12: It is important that the entire Administration take a coordinated and constructive approach in advancing natural resource development, particularly in the mining sector. The Department of Energy's (DOE) Loan Program Office has expanded eligibility to critical mineral projects across the country. Nevada's Rhyolite-Ridge Lithium-Boron project is under consideration for a DOE loan. The proposed mine site, like many critical mineral projects, is located on Federal land. It needs authorizations from both Bureau of Land Management and Fish & Wildlife Service to proceed.

- a. How is the Department of the Interior ensuring *inter-departmental* coordination, between DOI and DOE, to ensure that mining projects eligible for DOE LPO loans are permitted by DOI in a timely manner?
- b. How is DOI ensuring *inter-agency* coordination between BLM and FWS to advance the project?

Response to a and b: The President understands the importance of critical minerals for our economy and our nation. This Administration is taking an all of government approach to ensure that we proceed on this important priority in an effective and efficient manner. As I noted in my response to the previous question, the President just announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. As I mentioned at the hearing, work at the Department includes developing an understanding of where the resources are and where the best opportunities are for lower conflict areas and to ensure states, local communities, and Tribal Nations are included in the process. The Department's goal is to ensure development is undertaken in the right ways in support of the President's vision. Multi-agency coordination is also critical to address and ensure critical mineral supply chains are robust. Examples of Department efforts in this regard include collaboration between the Department and Department of Agriculture to address permitting and processing improvements as required by the Bipartisan Infrastructure Law. The BLM and the U.S. Fish and Wildlife Service meet on a regular basis to discuss issues and logistics associated with the Rhyolite Ridge project and will continue to do so in consideration of the proposed project.

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Question 13: The U.S. Geological Survey annually reports increasing reliance on foreign mineral imports. This Administration issued the America's Supply Chain Executive Order 14017 recognizing the importance of developing our natural resources in response to this increasing reliance. In fact, long standing federal law recognizes the multiple use mandate of federal lands to "promote an adequate and stable supply of materials necessary to maintain national security, economic wellbeing and industrial production with appropriate attention to long-term balance between resource production, energy use, a health environment, natural resources conservation, and social needs". (30 USC 1601 et seq).

The Duluth Complex in northeastern Minnesota holds the world's second largest copper deposit, second largest platinum-group metals deposit, and third largest nickel deposit. Platinum has long been on the Department's critical minerals list, and the U.S. is 79% import reliant. Recently the USGS has proposed to add nickel to the critical mineral list of which the U.S. is 50% import reliant. In fact, the U.S. is nearly 40% import reliant for even copper. Demand for new minerals and metals will only increase. The Department recently decided to withdraw the leases of the Twin Metals Project originally issued in 1966.

- a. How is the cancellation of these leases consistent with Executive Order 14017?
- b. How does the Department's action make the U.S. less reliant for foreign mineral imports?

Response to a and b: As I said in response to the previous question, President Biden understands the importance of critical minerals for our economy and our nation and he just announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. This Administration is taking an all of government approach to ensure that we proceed on this important priority in an effective and efficient manner. As I mentioned at the hearing, work at the Department includes developing an understanding of where the resources are and where the best opportunities are for lower conflict areas and to ensure states, local communities, and Tribal Nations are included in the process. The Department's goal is to ensure development is undertaken in the right ways in support of the President's vision. In this instance, as the Department announced last month, a careful review of the leases held by Twin Metals Mining, a subsidiary of the Chilean company Antofagasta, found that the leases were improperly renewed in violation of applicable statutes and regulations.

Question 14: The Office of Surface Mining Reclamation and Enforcement's (OSMRE) authority to collect the Abandoned Mine Land (AML) reclamation fee expired on September 30, 2021. On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58) was enacted. IIJA extended OSMRE's authority to collect the AML fee through 2034. On December 21, 2021, OSMRE issued a Notice of Reauthorization of Fee Collection Authority (Notice) through 2034. The Notice noted that companies were required to pay fees for all coal sold, transferred, or used for the entire fourth quarter of 2021, including for the period from October 1, 2021, the date of expiration of OSMRE's fee collection authority, to November 15, 2021, the date of reauthorization of OSMRE's fee collection authority. The Notice noted that filings for the fourth quarter of 2021 were due on January 30, 2022. On January 25, 2022, several Members of the House of

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Representatives sent you a letter (January 25, 2021 Letter) noting that the Notice did not provide the legal basis for OSMRE's authority to collect the fee for all coal sold, transferred, or used during the period from October 1, 2021 to November 15, 2021. The January 25, 2021 Letter noted that OSMRE had previously notified stakeholders by email of the expiration of its authority to collect the fee.

- a. Please provide the source(s) of OSMRE's fee collection authority during the period from October 1, 2021 to November 15, 2021.
- b. Please fully and completely explain the legal basis for OSMRE's fee collection authority during the period from October 1, 2021 to November 15, 2021.

Response to a and b: The source of authority for the collection of the Abandoned Mine Land Reclamation Fee collection between October 1, 2021, and November 15, 2021, is the Surface Mining Control and Reclamation Act (SMCRA) of 1977, as amended by the Bipartisan Infrastructure Law (BIL). Among other things, the 2021 amendments extended the Department's fee collection authority under section 402(b) through September 30, 2034. The BIL was signed into law on November 15, 2021, before the end of the quarter when fees are collected. As such, there was no interruption in this authority.

Question 15: Grazing of private livestock on BLM lands generally is allowed under statutory principles of multiple use and sustained yield. Of the 244 million acres of BLM land, 139 million were used for livestock grazing in FY2019. BLM issues grazing permits and leases that specify the terms and conditions for grazing. Permits and leases generally cover a 10-year period and may be renewed. BLM charges fees for grazing under a fee formula established in the Public Rangelands Improvement Act of 1978 and continued administratively. BLM charged a 2021 grazing fee of \$1.35 per animal unit month for grazing on agency lands. Livestock producers who use federal lands, among others, generally want to keep fees low to sustain ranching and rural economies. **What factors are considered in determining the livestock grazing fee?**

Response: I understand that the factors used in calculating the grazing fee include current private grazing land lease rates, beef cattle prices, and the cost of livestock production. In this manner, the fee rises, falls, or stays the same based on market conditions. I also understand that the base value of \$1.23 per animal unit month for grazing on public lands was established in 1966, and that, under a 1986 presidential Executive Order, the grazing fee cannot fall below \$1.35 per animal unit month and any increase or decrease cannot exceed 25 percent of the previous year's level.

Question 16: The Wild Free-Roaming Horses and Burros Act of 1971 provides for management and protection of wild horses and burros by the BLM (and U.S. Forest Service). Under the Act, BLM is to inventory horse and burro populations periodically to determine appropriate management levels (AMLs) on its lands. The agency is authorized to remove animals exceeding the range's carrying capacity to achieve AML. Achieving and maintaining the number of wild horses and burros at the national AML has challenged BLM for decades. Currently, BLM has set the upper limit for AML for all wild horse and burro herds on its lands at 26,785. As of March 2021, the number of animals on BLM lands was more than triple the AML—86,189. Thousands of

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

additional animals—50,030 as of June 2021—are being managed by BLM off-range. Costs of off-range holding comprise about two-thirds of total BLM expenditures for wild horse and burro management. The 1971 act requires certain actions to be taken when the Secretary of the Interior determines that an overpopulation exists on the range and that it is necessary to remove excess animals. Actions include destruction of old, sick, or lame animals; removal of healthy animals for private adoption; and destruction of excess animals. However, since 1982, BLM has not destroyed healthy animals, and the FY2021 appropriations law prohibited the use of funds for this purpose. Over the decades, laws have provided BLM with additional authorities to reduce excess animals, such as authority to sell certain excess animals without limitations. Research has been underway for decades to develop longer lasting and alternative methods of fertility control.

a. Is BLM expanding fertility control to slow reproduction rates of horse herds, and why or why not?

Response: Working with the BLM, we are committed to developing better, longer-lasting fertility control methods that can be used to effectively slow growth in more herds. The BLM continues to expand the use of safe fertility control methods where they are effective in slowing herd growth. In Fiscal Year 2021, the BLM completed more fertility control than has ever been completed in a year, and the agency plans to double the number of treatments in Fiscal Year 2022.

b. Why does the government use expensive federal holding facilities rather than work with third parties that have demonstrated that they can provide large scale cost-effective holding?

Response: The BLM manages 28 off-range corrals and 42 off-range pastures in partnership with private third-party stakeholders across several States with the capacity to care for 72,825 animals. That is significant. BLM acquires private off-range facilities through a competitive solicitation process that invites proposals from all parties that can meet the bureau's holding requirements. The BLM also adds additional pastures, or expands capacity at existing pastures, regularly. In 2021, the BLM issued a solicitation for facilities that can hold and care for upwards 10,000 animals per contract. We are working hard to manage this difficult issue, which raises strong feelings on both sides.

Question 17: On September 17, 2021, Secretary Haaland announced plans to move the BLM headquarters from Grand Junction, CO to Washington D.C. and establish a "western headquarters."

a. What factors did the Department review in making this decision?

b. How will business operations change as a result of the headquarters moving from Grand Junction, CO to Washington, DC?

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

- c. How is the Department ensuring that BLM employees are not adversely impacted by the decision to move from Grand Junction, CO to Washington D.C.?**
- d. Why is it preferable to have BLM headquarters thousands of miles away from the majority of lands under BLM management?**

Response to a-d: Since the Secretary's announcement, the BLM has been working to re-establish its headquarters in Washington, D.C., while maintaining a Western Headquarters presence in Grand Junction. Reestablishing the D.C. Headquarters is necessary for the BLM to have the appropriate structure to support long-standing functions and allow for better engagement with the Department, Congress, other federal agencies, Tribes, and many stakeholders. The BLM's Western Headquarters will be an important operation, providing leadership for programs such as outdoor recreation, conservation, clean energy, youth engagement, community outreach, cultural heritage, scientific missions, and Tribal consultation. As noted in the U.S. Government Accountability Office's November Report (GAO-22-104247), the previous administration's relocation and organizational changes to the BLM had negative impacts on the bureau and its staff, resulted in increasing vacancies by 169%, creating significant delays in operations, and leading to a loss of experienced staff, institutional knowledge, and decreased representation of employees of some races and ethnicities, with African American employees suffering a disproportionate impact. We are committed to addressing these negative impacts in a thoughtful and deliberate way. As we move to rebuild Headquarters in Washington, D.C., one of our key goals is to ensure that the lives and careers of employees and their families are not unduly disrupted through this transition. The BLM has conducted several listening sessions and employee surveys to incorporate their insights about the structure of the bureau and its functions, and recently convened an employee advisory group to provide recommendations on the location and organizational structure of the BLM including the National and Western Headquarters, and ensure employee perspectives and interests are represented as the process moves forward.

Question 18: BLM is responsible for managing resources efficiently and delivering services effectively. This responsibility raises a number of fiscal issues. **What do you see as opportunities to increase revenues, including through improved management of resources and programs? What are some challenges related to those opportunities?**

Response: I am always open to discussing ways to improve our internal processes. Improving efficiency in the way that we implement programs and manage our public lands and resources should be the goal of every land manager and government official. Our aim is to look at all of our processes to ensure streamlined, but effective, implementation and that we are engaging in smarter planning from the beginning in order to avoid conflicts and slowdowns. With regard to revenue from the public lands, the Department's Oil and Gas Report includes important recommendations designed to ensure a fair return to the taxpayers from development of oil and gas on their public lands. I look forward to working with the Committee to ensure that we are meeting our obligation to the American people in the management of our public resources, if confirmed.

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Question 19: In 2011, the Government Accountability Office (GAO) analyzed the extent to which BLM (and other agencies) collected over 100 data elements related to lands and resources, revenues, and land use designations. At that time, BLM collected about half of the data elements. Some data were kept in a centralized electronic system maintained at an agency-wide level. Other data, such as acres managed within each state, were kept in BLM state offices or in other formats, such as electronic spreadsheets or hard copy. Concerns about the accuracy and completeness of the BLM (and other agency) data and internal controls on data quality contributed to GAO's assessment that some data were "potentially unreliable." The agency reemphasized an earlier conclusion that "without accurate and complete data, managers cannot make fully informed decisions and effectively manage and evaluate agency activities."

- a. How might deficiencies in collection, storage, and reliability of data affect BLM decision making?
- b. How could BLM make progress in collecting, storing, and increasing the reliability of data?

Response to a and b: Increased efficiency in the collection, storage, and reliability of data allows the BLM, and the Department, to make more informed, efficient, and consistent decisions with greater transparency. The BLM continues to address matters like this by updating legacy systems and developing applications that modernize and facilitate data collection and management practices. New data collection technologies allow data to be seamlessly integrated into corporate databases, avoiding past issues related to data being stored on individual computers or in documents rather than databases. If I am confirmed I will continue to make the collection of accurate, reliable, and unbiased information a priority for the BLM and other bureaus that I will be working with.

Question 20: Are you aware of any "success stories" or streamlined environmental review procedures implemented by other agencies that could be duplicated in DOI programs (or in one DOI program that could be duplicated in another DOI program)?

Response: The Desert Renewable Energy Conservation Plan (DRECP), in southern California, comes to mind as a success story for its collaborative approach that allows a clear path for timely decision-making and permitting. This landscape-level plan targets the key areas for renewable energy development while conserving unique and valuable desert ecosystems and providing outdoor recreation opportunities. Partner agencies recognized the need for an approach to improve timelines in siting and reviewing utility-scale renewable energy projects and associated transmission lines, and in a programmatic review process changed land use allocations and management prescriptions to ensure renewable energy projects were able to be expedited in high potential, low conflict areas and that a pathway to future transmission capacity planning can be more easily integrated into the overall transmission system by using existing corridors and areas with anticipated system upgrades.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 21: What are the factors that slow or complicate BLM environmental reviews, particularly among proposals initiated by non-federal entities?

Response: Like other agencies in the Department, the BLM continually looks for ways to efficiently complete high quality and defensible environmental reviews for the actions that it takes. Many factors can complicate these reviews. In recent years, the decline in staffing caused by the relocation of the BLM Headquarters led to a number of vacancies in positions that perform this important work. In response, the Department is focused on rebuilding bureau staff levels and training capacity to better meet the bureau's obligations and requirements. Other factors that can impact these processes include changes to a proposal by an applicant after submission; the size and complexity of a particular project; on-the-ground conditions and seasonal timeframes, if the project proponent has not fully planned for them; and judicial decisions.

Question 22: BLM manages approximately 37.6 million acres of forest and woodlands. The vast majority are public domain forests, managed under the principles of multiple use and sustained yield as established by the Federal Land Policy and Management Act. The 2.6 million acres of Oregon & California (O&C) Railroad Lands and Coos Bay Wagon Road (CBWR) lands in western Oregon, however, are managed under a statutory direction for permanent forest production, as well as watershed protection, recreation, and contribution to the economic stability of local communities and industries. In FY2020, approximately 239 million board feet of timber was harvested from BLM lands, at a value of \$59 million.

a. What level of timber harvesting on BLM, O&C, and CBWR lands might be appropriate?

Response: The management of O&C lands and public domain forests, including timber harvest from those lands, is governed by a number of statutory requirements. These include the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the O&C Lands Act, the Federal Land Policy and Management Act, and relevant implementing regulations and management plans. The BLM manages these lands under this framework on a sustained-yield basis for forest production in order to achieve myriad purposes. The Resource Management Planning process is used to establish a sustained-yield of timber harvest that includes relevant factors, such as forest health, fire risk, species habitat needs, and expected appropriations available for timber harvest projects. Any specific number would necessarily be based on these many factors and criteria.

b. How should BLM balance rural economic prosperity, forest health, fish and wildlife, and other concerns when managing its timber program?

Response: The O&C Act requires sustained yield timber harvest and revenue sharing, which contributes to the economic stability of local communities – including rural communities – and industries. It also provides that the management achieve a permanent source of timber supply, protect watersheds, regulate stream flow, and provide recreational facilities. If I am confirmed I will be committed to managing these lands in accordance with the law to support local economies and to keep families employed, while also conserving and restoring our shared public lands.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

c. How should BLM approach timber harvesting on the O&C and CBWR lands given their unique statutory mandates?

Response: Under the O&C Act, the BLM manages on a sustained yield basis for the purpose of providing a permanent supply of timber and other purposes. By statute, the Act provides for the determination of an Allowable Sale Quantity, as well as for the sale of timber. As noted in a response to a previous question, the management of O&C lands and public domain forests is also governed by a number of statutory requirements, and Federal court decisions may also change how the BLM weighs the effects the various laws have on O&C and CBWR timber management.

d. Does or should BLM consider current and future payment programs in planning timber harvesting on BLM, O&C, and CBWR lands? If so, how?

Response: I understand that future payment programs, such as payments made pursuant to the Secure Rural Schools and Community Self-determination Act, are one of many factors taken into consideration in planning timber harvest. In addition, timber harvest planning efforts balance many factors including forest health and productivity, fire risk, species habitat needs, the ASQ on O&C lands, and available funding.

Question 23: A number of states, especially in the West, have sought more state and local control over lands and resources, including through transfer of lands to states. **To what extent should Congress authorize such transfers? Are there ways in which BLM or Congress should provide states with more control over federal lands within their state borders?**

Response: The Department and its land managing bureaus, including the BLM on the public lands, is charged with ensuring that it manages the many resources found on the public lands in a balanced way that enables sustainability of those resources for future generations. As part of that mission, BLM works with states and other stakeholders to ensure that our public lands are managed responsibly for the benefit of all the public. If confirmed, I will seek to help the BLM achieve this multiple use mission in a smart way that provides a fair return for taxpayers and the greatest benefit to the American public.

Question 24: There are extensive BLM lands along or near U.S. borders. Federal lands along the southwestern border face a range of issues, including illegal immigration, smuggling, and damage to resources. Also, the extent to which federal and other lands along the southwestern border should be used for the construction of barriers to deter illegal immigration and other illegal activity has been a focus.

a. Along the southwest border, how do BLM law enforcement officials work with the U.S. Border Patrol and other federal agencies to secure borders on agency lands?

b. What additional actions would you take to strengthen security at federal lands along the southwest border?

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

c. What if any new authorities are needed to enhance protection of Federal lands and resources along the southwest border?

Response to a-c: Supporting BLM law enforcement and ensuring they have the resources necessary to do their jobs is very important to me in my current role at the Department. The BLM's law enforcement personnel work collaboratively with other federal law enforcement staff, both within and outside the Department, as well as with state and local agencies to protect resources, provide safety, and confront illegal activities, including on public lands along the southern border. While Administration policies on international border security matters would be under the jurisdiction of other Departments and agencies, if I am confirmed I would work with BLM leadership, and with the leaders of other Departments and agencies, as appropriate, to ensure that law enforcement on the public lands is working cooperative and efficiently to protect the public, our lands, and resources.

Question 25: BLM manages more than 3,600 developed recreation sites and areas and administers more than 4,700 permits for commercial, competitive, and organized group activities. Of these 4,700 permits, BLM issues roughly 4,000 specifically for commercial use, the majority of which are for guide and outfitting purposes. BLM typically authorizes the use of agency lands by commercial guides and outfitters through the use of special recreation permits under the authority provided in FLREA. Other BLM land uses are permitted under other authorities and processes.

- a. What is the proper balance between commercial recreational use of BLM lands and individual recreational use by visitors?**
- b. What resources does BLM need in order to ensure timely and efficient processing of new and existing special recreation permits for commercial guides and outfitters to operate on agency lands?**
- c. Are there opportunities to streamline or improve the permitting process?**

Response to a-c: Achieving the right balance of uses on BLM-managed lands is one of the bureau's most important responsibilities. The BLM considers this balance of commercial and individual use of its lands through the land use planning process, based on public input on recreation needs, demands for these recreational services, and resource concerns. As I said in response to a previous question, improving efficiency in how we implement programs and manage our public lands and resources should be the goal of every land manager and government official. I am aware that the BLM has been taking significant steps to develop and improve online access to recreation information and permits. If I am confirmed I would look forward to continuing to meet this challenge and to working with Congress to ensure that the BLM's programs and staff have the tools and resources they need to ensure timely and efficient processing of special recreation permits.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 26: The federal government's wildland firefighting workforce consists predominantly of seasonal hires, many of whom serve in temporary positions filled annually. This has led to concerns about efficiency and the recruitment and retention of firefighters, particularly when compared with employment opportunities at the state level or in the private sector.

- a. **In FY2021, DOI requested funding to examine converting some seasonal positions into a full-time, permanent, year-round workforce. In what ways would a full-time, permanent, year-round workforce improve BLM's wildland fire management capabilities?**

Response: The challenges associated with today's increased wildfire activity require increasing suppression capacity and accelerating hazardous fuels work on a year-round basis. The Administration's plan is intended to build a more stable, permanent professional fire workforce to meet the challenges of the prolonged fire seasons that we now experience and to expand the mitigation activities that are necessary, both before and after a fire. As we have said before, these career appointments also reduce recruitment, on-boarding, and training costs, among other things. If confirmed, I am committed to ensuring that the BLM, and the Department, have the resources and structure needed to reduce wildfire risk on the public lands and protect firefighters, communities, and the public from the impacts of wildfires.

- b. **Many of the entry-level federal wildland firefighting positions are compensated at the lower end of the federal pay range. The positions for most federal wildland firefighters generally are classified by the Office of Personnel Management (OPM) as Forestry Technicians or Range Technicians, though some may be classified as Fire Management Specialists. OPM has the authority to establish new occupational series. Would you support establishing a new occupational series for Federal wildland firefighters and/or for other positions related to the prevention, preparedness, control, suppression, or management activities of wildland firefighters? What would be some of the challenges and opportunities for BLM to establish a new occupational series?**

Response: I understand that the Department is collaborating with the USDA Forest Service and the Office of Personnel Management (OPM) in the development of such an occupational series, as required by the Bipartisan Infrastructure Law. This will more accurately reflect the actual work that is performed by wildland firefighters. If confirmed, I am committed to ensuring that this work continues and that wildland firefighters are recognized for the challenging work that they perform.

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Question 27: Ensuring the American public is well-informed of the day-to-day activities of top Department officials is important to all citizens who utilize our public lands and whose livelihoods depend on them.

- a. Will you commit to providing a copy of your calendar that details you official activities for the Department of the Interior to this Committee by February 22, 2022?
- b. Please provide a list of all political appointees under your supervision and their portfolios.

Response to a and b: As with other requests seeking calendar information that the Department is actively working to provide, I will work with the appropriate officials at the Department to ensure that the Committee has the information that it needs with regard to my nomination. With respect to appointees under my supervision, as Principal Deputy Assistant Secretary for Land and Minerals Management, I am responsible for overseeing the BLM, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. The BLM is led by Director Tracy Stone-Manning, who was nominated by the President and confirmed by the Senate in September 2021; OSMRE, which is also headed by a Senate-confirmed Director, has not yet had a nominee for that position. BOEM is led by an appointed Director, Amanda Lefton, and BSEE is also led by an appointed Director, but has not yet had a Director appointed. The Deputy Assistant Secretary for Land and Minerals Management is Dr. Steve Feldgus.

Question 28: On March 30, 2021, USGS published “Range-wide Greater Sage-Grouse Hierarchical Monitoring Framework: Implications for Defining Population Boundaries, Trend Estimation, and a Targeted Annual Warning System” (Open-File Report 2020-1154). The report relies on questionable assumptions regarding sage-grouse populations. **In your BLM oversight role, will you direct BLM to undertake an independent assessment of prepared by USGS, to re-evaluate the assumptions in the USGS modeling? The independent review should include convening a diverse set of experts to conduct the review.**

Response: President Biden has made a return to scientific integrity a cornerstone of this Administration, and I, and the Department’s leadership, are committed to ensuring that strong and sound science inform the decisions that we make. The BLM considers the best available science to inform its management decisions, including consideration of peer-reviewed publications. I understand that the USGS study was prepared in cooperation with the Western Association of Fish and Wildlife Agencies and the BLM, was peer-reviewed, received a supervisory review, and final clearance by a Bureau-approving official to ensure that all related USGS and federal policies were followed. If confirmed, I will continue to ensure scientific information is considered and used appropriately for Departmental decision-making.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 29: To the extent BLM proposes expanded protections for sage grouse, beyond those in the currently applicable resource management plans, will you confirm that the expansions, if any, will have demonstrable benefit to the sage grouse while maintaining the current multiple use of federal lands?

Response: The BLM is actively collaborating with researchers at the USGS, U.S. Fish and Wildlife Service, USDA Forest Service, Natural Resources Conservation Service, Western Association of Fish and Wildlife Agencies, state fish and game agencies, and universities as it works through this evidence-based process. Any changes to management decisions in approved BLM land use plans that result from this effort will consider the necessary steps to best support sage-grouse conservation and work toward sustainable and balanced management of sagebrush habitats to benefit the species, as well as local economies. I am committed to ensuring that the process follows the law; that the BLM works closely with the states, Tribal governments, and others; and is informed by science.

Question 30: Your BLM oversight role allows you to direct BLM to address sage grouse issues on an individual state basis rather than an umbrella or regional approach.

- a. Are you committed to an individual review for each state that seriously considers existing state efforts?
- b. Will the process include early consultation with each state's Governor and wildlife agency?

Response to a and b: 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, Tribal governments, and many others who have worked collaboratively toward sustainable and balanced land management of sagebrush habitat.

Question 31: The Bureau of Land Management's November 22 *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements* requests comment on the development of mineral resources and that of renewable energy resources and infrastructure in sage grouse habitat. As to mineral resources, the Notice of Intent asks for comment on "The leasing and development of mineral resources in Greater Sage Grouse and sagebrush habitat, including how to appropriately prioritize and manage such use of the public's resources and how to consider the use of waivers, exceptions, and modifications as related to development of mineral resources." However, the following section discussing renewable energy development in or near sage grouse habitat does not mention the same need for waivers, exceptions, or modifications contained in the previous section. This suggests that the BLM does not plan to make renewable energy projects in sage grouse habitat go through the same regulatory process as mineral resource projects. This unequal treatment runs contrary to the BLM's multiple-use mission. Any new permitting requirements for projects in sage grouse habitat should also be as streamlined and as workable for all proponents as possible, no matter which type of energy they produce. If a mining or other mineral project would be required to obtain waivers, exceptions, or modifications for disturbance to sage grouse populations or habitat in order to be permitted, so too should any renewable project that BLM would permit in those same areas.

- a. Please explain why the BLM is subjecting projects to this unequal treatment?

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

b. Will you ensure the BLM treats both conventional and renewable projects equally under its land use plan?

Response to a and b: The BLM adheres to a wide variety of laws and regulations for different types of appropriate land uses, including mineral exploration and production and renewable energy development. The November 22, 2021, notice referenced in the question sought public input not only on the topics you mention but on more than two dozen issues related to land use planning and sage grouse conservation. And as noted in that document, the BLM expects to refine the preliminary purpose and need presented in the notice following review of any comments or data received and further review of its own resource information. If I am confirmed, the BLM will continue to follow the law and applicable regulations with equal rigor whether a project proposes conventional or renewable energy development.

Question 32: *I ask the following questions on behalf of Senator Sullivan: While you worked at the National Wildlife Federation (NWF), as Chief of Policy and Advocacy, what was your involvement in planning, coordinating, and implementing NWF's policies and campaigns to stop legislation to open the 1002 Area in the 2017 Tax Cuts and Jobs Act, and subsequent policies and campaigns by NWF to reverse the 1002 Area lease sale?*

Response: In my previous role at NWF, I was involved in a variety of policy areas and, while we here in Washington may not always agree on policies, our goal is always to do what we believe is in the best interest of the public. Like many appointees, from both sides of the aisle, who leave private or nonprofit sector positions to take a position at the Department, I take my role here and in the public's service very seriously and understand that these are very different positions. Moreover, in my current role, I take my ethics requirements related to any past employment and any potential conflicts of interest seriously. Secretary Haaland has made this a priority and I will follow the appropriate law and guidance from the Department's Ethics Office.

Question 33: *I ask the following questions on behalf of Senator Sullivan: While you worked at the National Wildlife Federation as Chief of Policy and Advocacy, what was your involvement in planning, coordinating and implementing NWF's policies and advocacy campaign to invalidate the NPR-A 2020 Integrated Activity Plan?*

Response: As noted in the previous response, in my previous role at NWF, I was involved in a variety of policy areas and, while we here in Washington may not always agree on policies, our goal is always to do what we believe is in the best interest of the public. Like many appointees, from both sides of the aisle, who leave private or nonprofit sector positions to take a position at the Department, I take my role here and in the public's service very seriously and understand that these are very different positions. Moreover, in my current role, I take my ethics requirements related to any past employment and any potential conflicts of interest seriously. Secretary Haaland has also made this a priority, and I will follow the appropriate law and guidance from the Department's Ethics Office.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 34: *I ask the following questions on behalf of Senator Sullivan: Since, joining the Department of Interior (DOI) as Deputy Assistant Secretary for Land and Mineral Management, have you attended any meetings, provided any written or signed any analysis or policy decision-making documents, advocated to the Secretary and Deputy Secretary, or directed DOI solicitors to provide analysis for decision makers on supporting canceling the existing 1002 Area valid leases that was included in the Build Back Better plan?*

Response: As I said in the previous response, while we here in Washington may not always agree on policies, our goal is always to do what we believe is in the best interest of the public. All of the work that I do in my current position at the Department of the Interior is consistent with this Administration's policy and in compliance with the law.

Question 35: *I ask the following questions on behalf of Senator Sullivan: Since, joining the DOI as Deputy Assistant Secretary for Land and Mineral Management, have you attended any meetings, provided any written or signed any analysis or policy decision-making documents, advocated to the Secretary and Deputy Secretary, or directed DOI solicitors to provide analysis for decision makers on supporting the roll back of the NPR-A 2020 Integrated Activity Plan, announced January 10, 2022?*

Response: As I said in the previous responses, while we here in Washington may not always agree on policies, our goal is always to do what we believe is in the best interest of the public. All of the work that I do in my current position at the Department of the Interior is consistent with this Administration's policy and in compliance with the law.

Question 36: *I ask the following questions on behalf of Senator Sullivan: Since, joining the DOI as Deputy Assistant Secretary for Land and Mineral Management at any time have you taken meetings with staff of the National Wildlife Federation?*

Response: No, I have not.

Question 37: *I ask the following questions on behalf of Senator Sullivan: Please explain how the BLM under your leadership has provided opportunities for meaningful and timely consultation with tribes.*

Response: Under the leadership of President Biden and Secretary Haaland, we have made strong Tribal consultation a priority in order to uphold our trust and treaty responsibilities to Tribes. As I testified at my hearing, I believe that ensuring that consultation process is done early and effectively is important to ensuring good decisions that can hold up to scrutiny and give the opportunity to deconflict various uses when it comes to potential activities on public lands and waters.

I have participated in a number of Tribal consultations directly and, since I have been at the Department, the BLM has also been involved in a number of Tribal consultations. Upcoming and past Tribal consultations can be viewed on the Department's website, along with information about the Tribal consultation that the Department conducted on improving the Tribal consultation process itself. That information is available here:

**Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022**

<https://www.doi.gov/priorities/tribal-consultation>. If confirmed, I would continue to make Tribal consultation a priority.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Questions from Senator Risch

Question 1: Since the 30x30 or “America the Beautiful” initiative was rolled out in January 2021, it has continued to remain unclear what counts as “conserved.”

- a. Can you tell us what percentage of lands and waters the Administration currently considers as qualifying toward the 30x30 goal?

Response: The Administration is in the process of taking public comment and considering that input as it develops the American Conservation and Stewardship Atlas (Atlas) to determine the baseline level of conservation and restoration for lands and waters. On January 3, 2022, the Department announced, in coordination with the Departments of Agriculture and Commerce and the Council on Environmental Quality, the beginning of a 60-day public comment period and announced listening sessions regarding the development of the Atlas.

- b. What factors were used to determine that percentage?

Response: As announced on January 3, 2022, there is an interagency working group, co-led by the Department’s U.S. Geological Survey, the Department of Agriculture, and the Department of Commerce’s National Oceanic and Atmospheric Administration, which will use the feedback from the public, states, Tribal Nations, scientists, and a wide range of stakeholders to inform development of the Atlas with a goal to release a beta version of the Atlas by the end of the year.

Question 2: We already have a documented deferred maintenance issue on our public lands. **Has the Department of the Interior considered or calculated the budgetary impact of increasing the acreage in its management portfolio under protective status? If so, would you share those figures with us?**

Response: Any decision by the Department to acquire lands is made after a careful analysis of the benefits and costs of such acquisition for the Federal government, in accordance with the law. Enhancing visitor access and protecting resources are important considerations in such an acquisition, as are the costs of acquiring and maintaining the acquired property. These determinations are made by each separate bureau based on the unique nature of each specific property.

Question 3: The Department of the Interior recently announced the “American Conservation and Stewardship Atlas” to take stock of lands considered conserved or restored. Modern environmental laws have strong requirements for reclamation and restoration of mine lands, and restored mine sites provide for wildlife habitat and recreation. This administration has stated that its conservation initiatives will be measured on real conservation benefits and outcomes. **If confirmed, you will be overseeing aspects of this process. Will you commit to including restored mine lands in the American Conservation and Stewardship Atlas?**

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Response: The reclamation and restoration of mine lands, particularly abandoned mine lands, is an important focus of this Administration and I and others at the Department are working hard to implement provisions in the Bipartisan Infrastructure Law that will advance these goals. With regard to the content of the Atlas, as noted in a response to a previous question, the Atlas is intended to be an accessible, updated, and comprehensive tool through which to measure the progress of conservation, stewardship, and restoration efforts across the United States in a manner that reflects the goals and principles of the *America the Beautiful* initiative. Through March 4, 2022, members of the public have an opportunity through a public comment period to inform how the Atlas can reflect a continuum of conservation actions, recognizing that many uses of lands and waters can be consistent with the long-term health of natural systems and contribute to addressing climate change and environmental injustices.

Question 4: The Federal Lands Policy Management Act (FLPMA) of 1976 contains a multiple-use mandate that requires the balancing of many competing uses in land use planning on Bureau of Land Management (BLM) lands. The executive order creating the 30x30 initiative makes little, if any, mention of current law requiring the consideration and balancing of the variety of uses – multiple uses of federal land. Without copper, lithium, cobalt, nickel, silver, and many other minerals, many green technologies like solar panels and electric vehicles are not possible. In the United States, these minerals come mostly from federal lands.

- a. **Will the nation's mineral needs and mineral deposits on federal lands be considered in the evaluation of lands for the American Conservation and Stewardship Atlas?**

Response: The Atlas is intended to be an accessible, updated, and comprehensive tool through which to measure the progress of conservation, stewardship, and restoration efforts across the United States in a manner that reflects the goals and principles of the *America the Beautiful* initiative. With regard to critical minerals, specifically, the President has made clear that the responsible development and production of critical minerals is a key priority for this Administration. The Department is working with other agencies to promote critical mineral development on federal lands while adhering to the highest environmental, labor, and sustainability standards.

Question 5: My home state of Idaho is full of rich mineral deposits including a number of rare-earth and critical minerals. We have deposits that, if developed, could provide domestic supplies of antimony, cobalt, and other minerals essential to our economy and national defense - minerals we are currently reliant on foreign countries and supply chains for. Now more than ever, I hope we can all understand how important it is that we shore up our domestic supply chains to the greatest degree possible.

- a. **Yes or no: Should the U.S. be producing its own critical minerals such as antimony and cobalt?**
- b. **If yes, how do you intend to ensure these critical minerals on the public lands you would oversee can be developed, if confirmed?**

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
for Land and Minerals Management
February 8, 2022

Response to a and b: As I stated at my hearing, the President recognizes the importance of critical minerals to clean energy technologies and has made it clear that responsible development and production of critical minerals is a priority for the country. Just this week, he announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. The Administration is working together in an all-of-government approach to identify sites where critical minerals could be responsibly produced and processed in the United States. We are collaborating with the private sector, states, Tribes, and stakeholders to expand sustainable, responsible critical minerals production and processing in the United States. If confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 6: Geothermal is an important source of firm, flexible, baseload power generation. But realizing geothermal's full potential depends on streamlined permitting on federal lands. The Energy Act of 2020 requires the Secretary of the Interior to establish a Renewable Energy Coordination Office to expedite the federal permitting process, including for geothermal. Additionally, I have introduced the Enhancing Geothermal Production on Federal Lands Act, which would create a limited, categorical exclusion for some geothermal exploration. **If confirmed, how do you plan to execute congressional direction to expedite geothermal permitting on federal lands?**

Response: As mandated in the Energy Act of 2020, the BLM is creating Renewable Energy Coordination Offices and 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, the Public Land Renewable Energy Development Act of 2021, to expedite permitting of renewable energy in the most suitable places on Federal lands. In addition, the BLM has 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 in accordance with all laws.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Questions from Senator Daines

Question 1: Ms. Daniel-Davis, do you believe the Secretary has the authority under existing law to designate more acres as Wilderness Study Areas? If so, do you believe the Secretary should use that authority to designate more acres as Wilderness Study Areas?

Response: As I mentioned at my hearing, I am aware that several senators have urged Secretary Haaland to utilize authorities under the Federal Land Policy and Management Act to designate additional Wilderness Study Areas on BLM lands. I would have to defer to the attorney staff in the Department's Office of the Solicitor for guidance on legal questions and matters of statutory interpretation, and if confirmed, I will continue to seek the guidance of the Office of the Solicitor to ensure that the Secretary has full and complete information regarding issues related to management of the public lands, including this one.

Question 2: Ms. Daniel-Davis, the Department of the Interior recently opened a public comment on a proposal to establish an Atlas intended to reflect conservation. **How would you define conservation and do you believe that conservation and development are mutually exclusive?**

Response: The Atlas referenced in your question is the American Conservation and Stewardship Atlas, which will determine the baseline level of conservation and restoration for lands and waters. The 60-day comment period was announced by the Department, in coordination with the Departments of Agriculture and Commerce and the Council on Environmental Quality. We also announced listening sessions regarding the development of the Atlas. An interagency working group, co-led by the U.S. Geological Survey, the Department of Agriculture, and the Department of Commerce's National Oceanic and Atmospheric Administration, will then use the feedback from the public, states, Tribal Nations, and other stakeholders to inform development of the Atlas, with a goal to release a beta version of the Atlas by the end of the year. I agree with the Secretary that conservation and responsible development on the public lands are not mutually exclusive, and that we can strike the right balance between environmental protection and responsible resource development.

Question 3: Ms. Daniel-Davis, if confirmed, what steps will you take to ensure land owners, including states, consent to the public disclosure of and agree with the depiction of conservation occurring on lands?

Response: Since the beginning, we have been clear that the *America the Beautiful* initiative is a locally led and voluntary nationwide effort that aims to conserve, connect, and restore 30 percent of America's lands and waters by 2030. As noted in response to the previous question, the Administration is in the process of taking public comment and considering that input as it develops the American Conservation and Stewardship Atlas to determine the baseline level of conservation and restoration for lands and waters. Through March 4, 2022, members of the public have an opportunity through a public comment period to inform how the Atlas can reflect a continuum of conservation actions, recognizing that many uses of lands and waters can be consistent with the long-term health of natural systems and contribute to addressing climate change and environmental injustices.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 4: Ms. Daniel-Davis, in a response to Committee last September, you stated that you would ensure that the Bureau of Land Management advances sage grouse conservation in coordination with states. **Will you commit to only move forward with any sage-grouse plan amendments with the support of the respective state?**

Response: I continue to 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, Tribal governments, and many others who have worked collaboratively toward sustainable and balanced land management of sagebrush habitat.

Question 5: Ms. Daniel-Davis, the Department of the Interior provided testimony to Congress on my legislation to codify the 2004 Supreme Court ruling that a completed, finalized Resource Management Plan is a completed federal action. The testimony cited “concerns” but did not elaborate on those concerns. **My office requested a briefing to better understand these concerns over four months ago without response. Can you commit to facilitating a meeting with my office on this matter within one week?**

Response: Along with the Assistant Secretary of the Interior for Fish and Wildlife and Parks, Shannon Estenoz, I am committed to working with the Department of Agriculture’s U.S. Forest Service to ensure that the appropriate Department officials provide a briefing on our progress following that hearing as close to the timeline you reference as scheduling allows. Department officials are currently coordinating with your staff and hope to schedule the requested briefing shortly.

Question 6: Ms. Daniel-Davis, Congress has provided the Department of the Interior with unprecedented funding to restore forestlands and mitigate wildfire risk. Unfortunately, the Administration has not provided details into how funding will be allocated. **If confirmed, what factors will you take into consideration when determining how best to allocate new Good Neighbor Authority funds?**

Response: I, along with the Department’s leadership, truly appreciate this Committee’s bipartisan work to provide \$1.5 billion in the Bipartisan Infrastructure Law for wildfire resilience work at the Department of the Interior. I am aware that Department has provided the Committee with several briefings on implementation of this and other aspects of the Bipartisan Infrastructure Law. With regard to the wildfire provisions, the Department’s Office of Wildland Fire, in the Office of Policy, Management and Budget, and the BLM are taking the lead in implementation, working in coordination with the USDA Forest Service. This funding will allow us to dramatically expand efforts to reduce wildfire risk, prepare for and respond to harmful wildfires, and support post-fire recovery. In 2022 alone, the Department will invest an additional \$407 million in wildland fire management.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 7: Ms. Daniel-Davis, if confirmed, how will you prioritize forested landscapes in the West in determining how best to utilize infrastructure funds to mitigate wildfire risk?

Response: In addition to the information provided in response to the previous question, I would commit to ensuring that the BLM works directly and collaboratively with the Office of Wildland Fire, under the Assistant Secretary for Policy, Management and Budget, and other agency partners like the USDA Forest Service to allocate these important resources in the most efficient and cost-effective way to provide the most public safety and landscape benefits.

Question 8: Ms. Daniel-Davis, do you believe that the Department of the Interior has the ability to raise federal oil and gas royalty rates without a formal public comment period?

Response: While I would have to defer to the attorney staff in the Department's Office of the Solicitor for guidance on legal questions and matters of statutory interpretation, I commit to always following the law when making decisions affecting the public lands. If confirmed, I am committed to carefully considering the impacts of any decisions regarding royalty rates, including the factor raised in your question.

Question 9: Ms. Daniel-Davis, will you commit to holding a formal comment period if BLM chooses to raise the royalty rate for onshore oil and gas production?

Response: As I said in the previous question, I commit to always following the law when making decisions affecting the public lands. If confirmed I am committed to carefully considering the impacts of any decisions regarding royalty rates, including the factor raised in your question.

Question 10: Ms. Daniel-Davis, a Federal royalty rate of over 18% is higher than the state equivalent in many oil and gas producing states, including Montana. **Taking into consideration the cost and length of permitting federal oil and gas wells, do you believe that a federal royalty rate that is higher than a state equivalent, will disincentivize production on federal lands?**

Response: The matter of providing a fair return to the public from the development of oil and gas resources, including its potential for impacts on federal revenue and production, was discussed in detail in the Oil and Gas Report that the Department released in November 2021. I would note that state royalty rates vary, but in many Rocky Mountain States it is between 16.67 percent and 18.75 percent, and it is 25 percent in Texas. Many factors go into private sector decision making when it comes to pursuing any kind of resource development, and the ongoing permit applications for drilling on federal lands indicates that the commercial interest in federal lands continues. If confirmed, I am committed to carefully considering the impacts of any decisions regarding royalty rates, including the factors raised in your question.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Question 11: Ms. Daniel-Davis, do you believe that energy and mineral production is part of the BLMs multiple use mission?

Response: Yes.

Question 12: Ms. Daniel-Davis, do you believe that BLM or Congress should create royalty rates and fees for renewable energy production on federal lands that are at the same level as those in place for oil and gas development?

Response: I am not aware that the Administration has reviewed or taken specific policy positions on this specific question, but I do believe that taxpayers should receive a fair value for the use of public lands and waters and the development of the resources that the public owns. And as noted in response to a previous question, renewable energy development that uses land area to derive energy from wind, solar, or geothermal energy is by nature quite different and distinct from development that extracts a finite resource that belongs to the public. If confirmed, I will continue to find ways to improve the delivery of our programs and to ensure that the public is getting fair value for the resources it owns.

Question 13: Ms. Daniel-Davis, the Department of the Interior has justified raising costs and fees for oil and gas development on federal lands by stating the program “fails to provide a fair return to taxpayers.” **Do you believe that wind and solar generation on public lands “provides a fair return to taxpayers?”**

Response: Providing a fair return to the taxpayers for wind and solar generation on public lands requires an environmentally and economically sound strategy that takes into consideration the impacts of development, including the climate mitigating benefits of carbon-free power generation. The Department and the BLM are actively involved in developing guidance to enhance financial certainty for responsible onshore solar and wind energy development on the public lands. 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 if renewable energy production on the public lands generated royalty revenue, like oil and gas production.

Question 14: Ms. Daniel-Davis, in a recent statement, White House Press Secretary Psaki suggested that oil companies are not “maximizing” their efforts to produce oil in the United States. However, at the same time the Administration has stopped leasing, suggested raising royalty rates and fees, proposed new methane fees and reporting, canceled the Keystone XL Pipeline and made numerous other efforts to prohibit development of oil in the United States. **Do you agree that oil companies should produce more on federal lands and do you believe that the efforts by the Administration create uncertainty and make it more costly and difficult to produce oil on federal lands?**

Response: As discussed in the November 2021 *Report on the Federal Oil and Gas Leasing Program* that the Department issued in response to the direction in Executive Order 14008, federal onshore production accounts for approximately 7 percent of domestic oil and 8 percent of domestic natural gas production. The most recent

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

reports show that almost 53 percent of onshore acres under lease are non-producing, and there are a significant number of unused permits to drill onshore. Offshore, production from the Outer Continental Shelf accounts for 15 percent of oil production and 2 percent of natural gas production in the United States. Seventy-two percent of the lease acreage offshore is non-producing, either at an earlier stage of development or being held for speculative reasons. So when it comes to oil and gas development from federal lands, there is a lot of opportunity for production on federal lands that is going unused by industry.

Question 15: Ms. Daniel-Davis, if confirmed will you commit to holding all four required quarterly oil and gas lease sales in Montana in CY2022?

Response: During my confirmation hearing I responded to this question to the best of my abilities given the current status of these matters at the Department. We are consulting with the Department of Justice as we determine the available options following the recent preliminary injunction issued by the court in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), which impacts the program. Following the law and the process is critically important in a program that has been the frequent subject of litigation resulting in the remand and even vacatur of lease sales.

Question 16: Ms. Daniel-Davis, increasing the cost to produce oil and gas will inevitably increase the consumers cost for finished products like gasoline, home heating, and electricity. **With energy prices already high, do you believe that it is the right time to increase production costs, like royalty rates and associated production fees, that will further drive up energy costs for consumers?**

Response: The matter of providing a fair return to the public from the development of oil and gas resources, including its potential for impacts on federal revenue and production, was discussed in detail in the Oil and Gas Report that the Department released in November. The recommendation regarding royalty rates is consistent with the goal of ensuring that the public, which owns the resources, receives a fair return from development of its resources. The federal royalty rate has remained unchanged for many decades, while many states have higher royalties, including Montana, which has a state royalty rate of 16.67 percent.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

Questions from Senator Murkowski

Question 1: Federal Law currently requires the Secretary to conduct a second lease sale in the 1002 Area of the Coastal Plain by December 22, 2024.

A. What is the current status of that lease sale and what actions has DOI taken to ensure that the Department is in compliance with current law?

Response: The Department is committed to following all of the laws applicable to the Arctic National Wildlife Refuge, including the Tax Cuts and Jobs Act of 2017. Currently, the BLM has completed the scoping for a Supplemental Environmental Impact Statement (SEIS) related to the Coastal Plain Oil and Gas Leasing Program and is proceeding to complete this environmental analysis required by law. We are also consulting with the Department of Justice to determine whether the recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), affects this SEIS process.

B. Section 4 of Executive Order 13990 states: *(a) In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.*

- a. **Ms. Daniel-Davis, given your previous experience at the highest levels of the Department, you are well aware of the Department and the Administration's obligations and to uphold the federal trust responsibility. Do you believe that proper and robust consultation is at the core of that trust responsibility?**
- b. **To your knowledge did the Department conduct a proper and robust consultation ahead of the President's Executive order 13990 which directly affected Alaska Natives?**

Response: The President, not the Department, issues Executive Orders. I understand that the United States has a trust and treaty responsibility to Tribal Nations, and I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations' priorities and recommendations. If confirmed, I will continue to implement the Department's policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
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 February 8, 2022

- C. Section 3 of Secretary Order No. 3401 states: *My review of the Coastal Plain Oil and Gas Leasing Program (Program) as directed by EO 13990 has identified multiple legal deficiencies in the underlying record supporting the leases, including, but not limited to: (1) insufficient analysis under the National Environmental Policy Act (NEPA), including failure to adequately analyze a reasonable range of alternatives in the environmental impact statement (EIS); and (2) failure in the August 17, 2020, Record of Decision (ROD) to properly interpret Section 20001 of Public Law 115-97 (Tax Act).*
- a. Department of Interior's Departmental Manual 512 DM 4.4 states that is the policy of DOI to "consult with tribes on a government-to-government bases whenever DOI plans or actions have tribal implications."
 - i. **Since the Secretary thoroughly reviewed the August 17, 2020 Record of Decision, the Department would have known the significant tribal interest in the Coastal Plain Oil and Gas Program and that any actions taken by her or the Department would have major tribal implications.**
 - ii. **Please provide information related to how the Department satisfied the consultation procedures described in 512 DM 5.5 prior to enacting SO 3401.**

Response: As I said in response to the previous question, I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations' priorities and recommendations. If confirmed, I will continue to implement the Department's policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

Question 2: The report on the Federal Oil and Gas Leasing Program (the report) totaled 18 pages (with 4 pages of endnotes) and took 11 months to complete, spent considerable time comparing the federal royalty rate with state royalty rates and reached an unsupported conclusion that the federal royalty rate should be increased.

- A. **Did the Department weigh any additional factors such as procedural or timeline differences between state and federal permitting agencies that can account for differences in royalty rate?**
- B. **The report makes the claim: "The fiscal components of the onshore federal oil and gas program are particularly outdated, with royalty rates that have not been raised for 100 years."**
 - a. **How does a royalty that is tied to a specific percentage become outdated with time?**
- C. **BLM recently published a 'pre-decisional' press release (that has since been removed) announcing an increase to the federal royalty rate to 18.75%. Has DOI undertaken any economic analysis on how this royalty rate change would affect taxpayers, including production and gas prices?**

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
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February 8, 2022

Response: As I stated at my hearing, the Department conducted an extensive review of oil and gas development on public lands and waters and conducted extensive engagement with stakeholders and formal tribal consultation to complete the Oil and Gas Report. The Report recommended that the BLM consider establishing a higher minimum royalty for onshore oil and gas leases, in order that the public, which owns the resources, receives a fair return for development of those resources. It should be noted that no final decisions have been made regarding royalty rates for future onshore sales.

Question 3: Next Friday, February 18, 2022, should have marked the one-year anniversary of the Opening Order in Public Land Order No. 7899 in Alaska, which the Department delayed and has continued to take no action on. The “60-day extension” order bears your signature as “Senior Advisor to the Secretary, Exercising the Delegated Authority of the Assistant Secretary of Land and Minerals Management.”

- A. Do you recall signing that amended opening order?**
- B. Did you or the Department conduct any consultation with Alaska Natives or ANCs prior to issuing it?**
- C. Do you recall signing an additional amended opening order dated April 16, 2021 that further delayed the opening of PLO 7899 for an additional two years?**
- D. What impact did your actions with these PLO’s have on Alaska Native veterans who are seeking allotments in areas that are still protected by these antiquated (d)(1) withdrawals?**
 - a. For both of these instances, please explain (as thoroughly as possible) the steps you took to ensure your actions were in compliance with 512 DM 4.**

Response: Yes, I signed both of the orders referenced in your question. The Department took the first step in order to appropriately consider the impacts of significant actions taken in the final days of the previous administration after hearing from stakeholders, including Alaska Native Tribes and Alaska Native Corporations. The opening of the lands was delayed in order to address the legal defects in the decision-making process for those orders. In July 2021, the BLM initiated a process to open lands to selection by Alaska Native Vietnam-era veterans under Section 1119 of the Dingell Act that includes consultation with affected Alaska Native Tribes and Alaska Native Corporations. In the coming weeks, the BLM expects to announce more details on public involvement and Tribal consultation for both the analysis of opening lands to selection by Native Veterans and for the process to address the legal defects identified in the decision-making process for PLOs 7899-7903. In the meantime, the BLM is processing the more than 120 allotment applications already received from Alaska Native Veterans and finalized the first federal land allotments under the Alaska Native Vietnam-era Veteran Land Allotment Program in November 2021.

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
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February 8, 2022

Question 4: In the defendants' brief in response to court's order filed on October 5, 2020 in *Bullock v Bureau of Land Management*, the Department of Justice argues on page 6: *When a statute or regulation vests authority in one official to take an action, and this authority may not be redelegated, the statute or regulation states that limitation expressly. For example, the Secretary has the authority to "make, modify, extend, or revoke withdrawals" of land under 43 U.S.C. § 1714. Yet Congress expressly limited the range of officials who, beyond the Secretary, can perform this function: "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) (emphasis added). 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.

A. At the time you signed the amended opening orders published in the federal register on February 18, 2021 and April 16, 2021, you were not 'an individual appointed by the President with Senate Confirmation'. Please provide the relevant statute, regulation, or departmental manual, or delegation of authority memorandum that would have provided you the authority to make changes to a public lands opening order.

B. Was the DOJ mistaken in their October 2020 brief to the U.S. District Court just four months prior to your actions?

Response: As the Department of Justice explains in its October 26, 2021, and January 14, 2022, briefs in support of the United States' motion to dismiss the State's case challenging the Department's February 18 and April 16, 2021, Federal Register notices (86 FR 10131, 86 FR 20193), deferring the opening order did not "make, modify, extend, or revoke" a withdrawal under 43 U.S.C. 1714. Thus, the restriction on re-delegation in 43 U.S.C. 1714 does not apply, and I was properly delegated the requisite authority under 209 DM 7.3.

Question 5: The Ambler Access Project, as you know, was initiated in 2015 while you were in the Department during the Obama administration. This project is supported by a number of local Alaska Native communities, the Northwest Arctic Borough, and NANA Regional Corporation.

Despite a lengthy record of public meetings, hearings, consultations, a 90-day public comment period that was extended to a total of 330 days, and an FEIS/Joint Record of Decision that cost taxpayers nearly \$5 million dollars to complete, the Department has thrown a wrench into the process by requesting a 60-day stay and then another 30-day stay to allow for additional consultation.

A. Please provide a full list of groups, tribes, and tribal organizations the Department as consulted with as a result of the 60 day stay?

B. Are transcripts of those consultations available online or anywhere else?

Senate Committee on Energy and Natural Resources
 Questions for the Record Submitted to Ms. Laura Daniel-Davis
 Nominee to be Assistant Secretary of the Interior
 for Land and Minerals Management
 February 8, 2022

- C. If a tribe or an Alaska Native Corporation has to request a meeting with the Department, does that satisfy the Department's consultation obligations as they relate to 512 DM 4?
- a. Did the Department invite NANA Regional Corporation to a government to government consultation after the 60 day stay or the additional 30 day stay?
- i. If not, please explain why.

D. Why is an additional 30-day stay now being requested?

Response: As I said in response to a previous question, I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations' priorities and recommendations. As part of this recent process, the Department has met with NANA Regional Corporation, the Northwest Arctic Borough Tribes, including Shungnak and Kobuk, and the Tanana Chiefs Conference, among others. If confirmed, I will continue to implement the Department's policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

Question 6: The administration has repeatedly referenced the need to rebuild our supply chains. The President issued an Executive Order on this subject, and the administration's 100-Day report highlights both our dependence and the expected "surge" in demand in coming decades. Yet, when I look out at the administration's actual policies, I see the Departments of Energy and Defense focused on this issue, and the Department of the Interior undermining it. That incoherence is hardly going to solve the problem.

- A. USGS recently reported the U.S. is at least 50% import percent on 47 mineral commodities and 100% import dependent on 17 of them. How do delays for key projects like Ambler Access Project help address our foreign dependence?
- a. What specific actions can you point to, from DOI, in this administration, that does?
- b. Any in Alaska, not currently under some form of 'pause and review'?
- B. Congress has now provided substantial new authorities and funding for mineral-related projects through the infrastructure law. Can you provide a status update on what actions, if any, DOI is taking to implement them?
- C. Some of the new authorities and directives relate the notoriously-slow federal permitting process. Do you agree that process could be improved, especially in terms of its timeliness, and will you work to achieve that?

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
Nominee to be Assistant Secretary of the Interior
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February 8, 2022

Response: President Biden has made clear that the responsible development and production of critical minerals is a key priority for this Administration, and that means it is a priority with Secretary Haaland and with me. Just this week, the President announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. The Department is working with other agencies to promote critical mineral development on federal lands while adhering to the highest environmental, labor, and sustainability standards. These federal agencies also collaborate with the private sector, states, Tribes, and other stakeholders to expand sustainable and responsible critical minerals production and processing in the United States.

It is also my understanding that there are a number of proposed mining projects, including for critical minerals, in varying stages of the permitting process. Finally, improving efficiency in the way that we implement programs and manage our public lands and resources should be the goal of every land manager and government official. Our aim is to look at all of our processes to ensure streamlined, but effective, implementation and that we are engaging in smarter planning from the beginning in order to avoid conflicts and slowdowns. The Department is engaged with the Department of Agriculture to address permitting and processing improvements for critical minerals as required by the Bipartisan Infrastructure Law. If confirmed, I will continue to work to achieve the President's vision and direction for critical minerals development.

Question 7: In the Draft SEIS for the Cook Inlet Lease Sale #258, for the first time, BOEM uses economics-based models to examine the lifecycle GHG emissions associated with OCS oil and gas development. As a result of this analysis, [on page 46] BOEM found that "under the No Action Alternative oil prices would be expected to be slightly higher due to the lower energy supply relative to the proposed action." It also goes further to state that increases in natural gas prices will result in an additional demand for coal.

- A. Do you agree with this analysis?**
- B. Do you agree that if the Department chooses the No Action alternative, you will be enacting a policy that you know will result in increased energy prices for Alaskans?**
- C. If BOEM is correct in their No Action Alternative analysis that the "absence of LS 258 production, oil prices will be slightly higher than they would be under the Proposed Action," would the same analysis apply to the lease sales that the Department failed to uphold over the course of 2021?**
 - a. If the Department chooses not to appeal the court's actions on lease sale 257, does the department concede that oil prices will be slightly higher than they would if lease sale 257 were producing?**

Response: We are consulting with the Department of Justice to determine how a recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), affects the 5-year program. With regard to this matter, specifically, no final decisions have been made about the selection of one or another of the alternatives regarding lease sale 258. But against the backdrop of recent litigation and invalidation of leasing decisions by

Senate Committee on Energy and Natural Resources
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for Land and Minerals Management
February 8, 2022

courts, it is critically important that the Department comply with the law, enhance analyses to address deficiencies identified by the courts, and follow the established process and protocols for developing compliance environmental reviews, such as the Draft EIS, on which the Cook Inlet Lease Sale 258 would rely. On Monday, February 28, the Department of Justice confirmed that the United States will not be appealing the court's decision on lease sale 257, but as I mentioned at my hearing, when it comes to oil and gas development from federal lands, the outstanding inventory of leased acreage alone, both on- and offshore, will sustain development for years to come.

Senate Committee on Energy and Natural Resources
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Questions from Senator Lankford

Question 1: Ms. Daniel-Davis, is it the policy of DOI to end oil and gas development on federal lands and in federal waters?

Response: As I said at the hearing, oil and gas will continue to be a part of America's energy sources for many years to come. As discussed in the November 2021 *Report on the Federal Oil and Gas Leasing Program* that the Department issued in response to the direction in Executive Order 14008, federal onshore production accounts for approximately 7 percent of domestic oil and 8 percent of domestic natural gas production. The most recent reports show that almost 53 percent of onshore acres under lease are non-producing, and there are a significant number of unused permits to drill onshore. Offshore, production from the Outer Continental Shelf accounts for 15 percent of oil production and 2 percent of natural gas production in the United States. Seventy-two percent of the lease acreage offshore is non-producing, either at an earlier stage of development or being held for speculative reasons. So when it comes to oil and gas development from federal lands, the outstanding inventory of leased acreage alone, both on- and offshore, will sustain development for years to come.

Question 2: Ms. Daniel-Davis, as you know, the 5-year plan for offshore oil and gas leasing expires June of this year. The statute governing offshore leasing requires DOI to, quote, "prepare and periodically revise, and maintain an oil and gas leasing program." I have not seen a proposal to update the plan in the last year.

1. Is it the intention of DOI to issue a new 5-year leasing plan?
2. If so, has DOI taken any steps to update the 5-year plan?
 - a. If so, what specifically has the agency done to move a new plan forward?
 - b. When do you expect a new 5-year plan to be in place? I understand it may be hard to provide an exact date, but please provide a ballpark.

Response: As I noted in a previous response, while the last administration published a Draft Proposed National OCS Oil and Gas Leasing Program in January 2018, it did not take any further action on that document. BOEM is building on this previous work to advance to the next step in the process, the publication of a Proposed Program and Draft Programmatic Environmental Impact Statement. The Department is also consulting with the Department of Justice to determine the available options following the recent preliminary injunction in *Louisiana v. Biden*, [2:21-cv-01074-JDC-KK \(W.D. La.\)](#), that impacts the 5-year program. As we move ahead with this process, we will do so in compliance with court decisions, and in a manner consistent with the requirements of the OCS Lands Act and the recommendations made in the Department's Oil and Gas Report released in November 2021. Due to the deliberative nature of the process and the Secretary's decision-making authority, I am not able to provide a timeline.

Senate Committee on Energy and Natural Resources
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Question 3: Ms. Daniel-Davis, as you are well aware, our allies are living through anxieties caused by energy insecurity. We are in a position to provide some help because over the last few years the government signaled to industry that we must be energy dominant.

1. Do you believe that being energy dominant is a national security imperative?
 - a. Do you believe this dominance can be an incredibly valuable geopolitical tool?

Response: I am not closely involved in foreign policy matters, nor is the Department, but I know that the President and his Administration and the appropriate officials in other relevant Departments and agencies take these matters very seriously. As a factual matter, I am aware that liquified natural gas exports from the United States are at historically high levels. If confirmed, I would work to ensure that I am following the law and the Administration's policy direction when it comes to energy issues on public lands and waters that fall under the Department's jurisdiction.

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Question from Senator Cortez Masto

Question: Nevada is a leader in geothermal energy – an energy source that provides critical jobs and revenues for the state, as well as carbon-free power. An increased focus on geothermal energy will be critical to reaching the *Energy Act of 2020*'s goal of 25 Gigawatts (GW) of renewable energy on public lands by 2025.

Today, however, the permitting process for geothermal is more prone to delays than other renewables resources. It is critical that each Department pursue common sense reforms to the permitting process for geothermal.

a. What reforms could be made to improve the deployment of geothermal energy production on federal lands?

Response: On January 12, 2022, the U.S. Departments of the Interior, Agriculture, Defense, Energy and the Environmental Protection Agency announced a Memorandum of Understanding (MOU) to improve federal agency coordination and streamline reviews for clean energy projects, including geothermal energy, located on public lands managed by the Departments of the Interior and Agriculture. The purpose of the MOU is to prioritize and expedite federal agency reviews by establishing interagency coordination teams with qualified staff to facilitate preparation of environmental reviews, accelerate renewable energy decision-making, and coordinate all environmental and other agency reviews.

This MOU supports the Administration's clean energy goals and is consistent with Congress' direction in the Energy Act of 2020 to permit 25 gigawatts of solar, wind and geothermal production on public lands no later than 2025. This MOU builds on President Biden's Executive Order (EO) 14008 (Sec. 207), which prioritized improved permitting for the increased deployment of clean energy on public lands. The participating agencies engaged in extensive collaboration to develop the MOU, which may later be amended to add signatories, like Tribes and states, or otherwise as needed. If confirmed, I will continue to work to ensure that the Department implements this EO and MOU effectively and to consider ways to improve the deployment of geothermal energy on public lands.

Senate Committee on Energy and Natural Resources
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 for Land and Minerals Management
 February 8, 2022

Question from Senator Hickenlooper

Question: A large majority of our treasured landscapes in the Western U.S. – including 8.3 million acres in Colorado – are managed by the Bureau of Land Management. These lands not only provide opportunities for outdoor recreation, livestock grazing, and renewable and traditional energy development, but often support crucial wildlife habitat and have cultural significance for indigenous communities. Managing these lands for multiple uses is a worthy responsibility and a complex task. **How will you ensure that Western landscapes are managed with today’s various users in mind while ensuring that our resources remain available and intact for future generations to come?**

Response: As I testified at my confirmation hearing, I believe in and support the BLM’s multiple use mission, which makes it uniquely important for our resource development, for recreation, and to provide economic opportunities to working families as it manages the vast federal acreage under its jurisdiction. To achieve this mission, I believe in early and active engagement when it comes to significant projects in order to deconflict as much as possible between stakeholders. In this manner, decisions will incorporate critical input and ensure BLM is balancing the interests of users. If confirmed, I will continue to oversee BLM’s implementation of its multiple use mission in a way that considers science, the law, and our trust responsibilities, and seeks out collaboration and partnerships with all stakeholders whenever possible.

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:

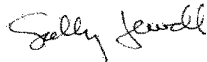
Please accept this letter of support for Laura Daniel-Davis, President Biden's nominee to be Assistant Secretary for Land and Minerals Management in the Department of the Interior.

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,



Sally Jewell
U.S. Secretary of the Interior, 2013-17