

**PENDING LEGISLATION**

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

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

ON

**S. 3112**  
**S. 3152**  
**S. 3915**  
**S. 3957**  
**S. 3978**  
**S. 4420**

**S. 4424**  
**S. 4515**  
**S. 4542**  
**S. 4579**  
**S. 4651**  
**S. 4732**

**S. 4860**  
**S. 4995**  
**S. 5129**  
**S. J. Res 62**  
**S. \_\_\_\_\_**

DECEMBER 1, 2022

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The text for each of the bills addressed in this hearing can be found on the Committee's website at: <https://www.energy.senate.gov/hearings/2022/12/full-committee-hearing-to-consider-pending-legislation>



## PENDING LEGISLATION

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THURSDAY, DECEMBER 1, 2022

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

The Committee met, pursuant to notice, at 10:00 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. The Committee will come to order.

Before we turn to the Committee business, I want to take a minute to point out the beautiful Christmas tree that was delivered to our committee room this week. I appreciate the National Park Foundation for securing a generous donor, Larry Smith, who drove the tree up from his Christmas tree farm in Newland, North Carolina this week. Thank you very much, Mr. Smith. I appreciate it. It will make for a cheery backdrop for our work today, which is both a business meeting for three nominations and a legislative hearing.

The three nominations are David Crane, to be Under Secretary of Energy for Infrastructure, Jeffrey Marootian, to be Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, and Gene Rodrigues, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability. We are going to turn to that as soon as we get a quorum.

But today we also have three witnesses before us to provide expert testimony on 15 bills, one resolution, and a discussion draft of the Nuclear Waste Administration Act. There have been huge strides made in the 117th Congress to support both continued operation and to expand deployment of nuclear energy, but what to do with our nuclear waste is a nut that we have yet to crack. It falls to this Committee to address the back-end of the fuel cycle. We are responsible for finding an equitable, consent-based solution to storing and disposing of our nuclear waste. What has occurred to me after 35 years of stalemate is that a new approach is needed. The Nuclear Waste Administration Act forms an entity that is properly funded and has the mission of working with communities and states to site, construct, and operate nuclear waste facilities. It opens up possibilities for us to move forward and find an environmentally and socially responsible solution to deal with our nuclear waste. This is a solvable problem, and I hope my colleagues will

join me in working on it as we move forward, and I look forward to Dr. Huff's testimony on this draft.

Secondly, I would like to highlight Senator Casey's and Senator Braun's STREAM Act, which would ensure that abandoned mine land grants from the Bipartisan Infrastructure Law can be utilized in the same way as grants allocated from the traditional AML Trust Fund to address the acid mine drainage. For generations, West Virginians in coal communities around the country have done the heavy lifting that made us the world leader that we are today. These communities still bear the scars of those sacrifices. I am proud to co-sponsor this bill because it will be a huge help in repairing the nearly 1,500 miles of AML-impaired streams in my State of West Virginia alone. With the advancements that WVU has made in our ability to extract rare earth elements from acid mine drainage, cleaning up watersheds impacted by pollution from abandoned mines will not only make our communities safer, it is also going to provide a unique opportunity to onshore our supply chain for critical minerals. It is truly a win-win situation.

Another way we can strengthen our domestic supply chain is by ensuring that we have a skilled workforce in the mining field for years to come. That is why I am also pleased that we will be discussing a bill that I have been very focused on with Ranking Member Barrasso—the Mining Schools Act. By providing targeted support for the mining and geological programs at our colleges and universities, this important bill will help ensure that the next generation is prepared to design and operate all of the new mines that are needed to meet the supply chain challenge that we have.

We also have a handful of public lands bills on today's agenda. The Committee has processed several dozen public lands and water bills this Congress, and I remain hopeful that, working with Senator Barrasso, we will be able to reach bipartisan agreement on a lands package. While our subcommittees typically hold hearings on land and water bills, given the late date, we have included these bills on the agenda today so that we can get the Administration's input and potentially have these bills available if we are able to reach an agreement on the package.

With that, I am going to turn to Senator Barrasso for his opening remarks.

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

Senator BARRASSO. Well, thanks so much, Mr. Chairman.

You know, if confirmed, Mr. Crane would oversee more than \$70 billion in appropriations. He would have authority to loan another \$250 billion. It is an extraordinary amount of the American people's money. In the wrong hands it could create an enormous liability for American taxpayers. Mr. Crane is a former CEO who got fired for his poor investment strategy. He is an activist who has called for bullying other companies that do not subscribe to his self-described "green dream." That dream is an ideology that would kill traditional energy, such as natural gas and coal, without a reliable, affordable, and secure replacement. He is in lockstep with President Biden's goal of shutting coal plants down all across America, and I must oppose his nomination.

Mr. Rodrigues has a wealth of experience in the electricity sector. For the past eight years, he has served as Vice President in the Energy Environment and Infrastructure Practice Group of ICF, a consulting firm. For 24 years before that, he served as an attorney, manager, and director at Southern California Edison, one of the nation's largest electric utilities. He served on the boards on the American Council on Energy Efficient Economy and the California Efficiency Demand and Management Council. He understands that baseload sources of energy, such as natural gas, play a critical role in providing consumers with secure, reliable, and affordable energy. Mr. Rodrigues is well qualified to lead the Office of Electricity and I will support his nomination.

I commend Mr. Marootian for his public service. Unlike Mr. Rodrigues, Mr. Marootian's background and experience have little to do with the organization for which he has been nominated to lead. His skills and expertise may be appropriate for the Department of Transportation, but they do not qualify him to lead the largest applied energy office at the Department of Energy. I therefore cannot support his nomination.

I will now turn, Mr. Chairman, to the hearing statement as we look forward to hearing from a number of special people today who will testify, and I am going to limit my remarks to the five bills that I have introduced or co-sponsored with you and with other members of this Committee. The first is S.3152. This bill would prohibit entities that have defaulted on a Department of Energy loan or loan guarantee in the past from receiving a new loan or a new loan guarantee. This summer, Congressional Democrats increased the Department's lending authority from \$40 billion to \$290 billion. They also provided more than \$11 billion to cover the cost of serving those loans, a cost that applicants typically have paid in the past. That means the Department has a greater chance of wasting taxpayer dollars on projects that do not deserve support. We all remember Solyndra and the many other bad loans that the Obama administration made. It is basic good governance to ensure that an entity that has failed to repay a federal loan in the past is not rewarded with another taxpayer-backed loan.

The next bill is one that you mentioned, Mr. Chairman, S. 3915, the Mining Schools Act of 2022, which both of us have so far introduced and co-sponsored. This bill would establish a grant program to help mining schools recruit students. According to the American Exploration and Mining Association, a large portion of the workforce in the U.S. mining industry is nearing retirement age, heightening the need for qualified, well-educated college graduates to enter the workplace soon. I believe our legislation, Mr. Chairman, will help address that need.

The next is S. 3978, the NO RUSSIA Act of 2022. This summer, we considered my bills to eliminate imports of Russian uranium and accelerate the domestic availability of high-assay low-enriched uranium for advanced reactors. Today, we are considering my bill to ensure a domestic supply of low-enriched uranium for existing reactors. Together, these three bills provide the comprehensive solution needed to eliminate our reliance on Russian uranium. Since these bills have been introduced, I have worked closely with you, Mr. Chairman, as well as Senator Risch, to develop a comprehen-

sive solution to these issues. Congress needs to act to ensure this solution is enacted into law by the end of the year. We need to stop funding Putin's war machine immediately and need to restore our domestic supply chain for nuclear fuel.

I also introduced S.4651, a bill to prohibit the Department from selling crude oil from the Strategic Petroleum Reserve to rogue states. Earlier this summer, the Department sold our emergency oil reserves to Unipet. Now, that is a subsidiary of China's state-owned oil company, Sinopec. My bill would eliminate sales to countries, like China, that violate religious freedom. It would also bar the sale to entities that purchase oil from sanctioned nations, such as Russia and Iran.

The last bill, Mr. Chairman, that I plan to discuss is S.4579, the Colorado River Basin Conservation Act. This bill would provide incentives to farmers and ranchers to use techniques that conserve water to help address the declining levels of Lake Mead and Lake Powell. In June, Camille Touton, the Commissioner of the Bureau of Reclamation, called for additional action from the Basin states to generate two- to four-million acre-feet per year of additional water in the Colorado River system. In response, the Upper Basin states developed a five-point plan. In July, Senator Hickenlooper and I introduced legislation reauthorizing the System Conservation Pilot Program, a key plank of that plan. The Committee already passed that bill as an amendment. We are considering it today as a stand-alone measure. Reauthorizing this program is an important step that we can take to help answer the Bureau's call for these historic water reductions.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Before we go to our witnesses, and as we accumulate our quorum, I have a few of our Senators who want to speak to their bills. We will start with Senator Wyden and then we will go to Senator Heinrich.

**OPENING STATEMENT OF HON. RON WYDEN,  
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you very much, Mr. Chairman, and I will be brief.

Mr. Chairman, I thank you for giving us a chance to discuss a groundbreaking piece of legislation—the Owyhee Act, which will put us in a position to protect some of America's most special places, their environmental treasures, their agricultural way of life, and new economic opportunities for a region hungry for them. The Malheur CEO Act has multiple benefits across Malheur County in Eastern Oregon, and this legislation was developed in years of negotiation that I personally led. It was all about building trust and understanding with our local ranchers, our small businesses, our tribes, environmental groups, and hunters and all of those who make their living in the backcountry. And reflecting the importance of this bill, I am very pleased that Diane Teeman, Chairwoman of the Burns Paiute Tribe, with whom we have been working to restore indigenous lands in this bill, is here and I just wanted to close my opening remarks by recognizing her.

I thank you again, Mr. Chairman. It's supposed to be the post-election time, and things were thought to be a little quieter, but the Finance Committee has got a couple things that we are talking to colleagues about. Thank you.

The CHAIRMAN. If the Senators who are going to speak on their bills can give us the time to do our business right now, since we have the quorum, I would like to move to that.

[RECESS TO BUSINESS MEETING]

The CHAIRMAN. We will now resume the hearing, and we will turn to Senator Heinrich.

**OPENING STATEMENT OF HON. MARTIN HEINRICH,  
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Thank you, Chairman.

Chairman Manchin, Ranking Member Barrasso, I want to thank you both for holding this hearing and for including S.4995, the Continental Divide Trail Completion Act. I introduced this legislation with Senator Daines to improve the safety, accessibility, and quality of this trail that connects Americans to incredible landscapes and ecosystems across five states. Public lands and trails serve a vital role in conserving natural resources and providing space for diverse communities to experience the outdoors. The Continental Divide National Scenic Trail spans 3,100 miles from the deserts of New Mexico to the peaks of the Northern Rockies, passing through some of the nation's most scenic terrain and most treasured natural and historical and cultural sites. It provides vital opportunities for both recreation and economic development to 20 official CDT gateway communities and to numerous others located along its expansive route.

Today, the gaps in the trail add up to over 160 miles currently, requiring hikers to reroute onto roadways and highways. Another 600 miles of the trail route inadequately fulfill the designated purposes of the trail because of their distance from the Continental Divide, their scenic quality, or their topography. These gaps and needed relocation significantly impact trail safety and enjoyment for visitors, detracting from the trail's purpose of recreation and conservation along the Continental Divide. S.4995 would create a joint Forest Service and Bureau of Land Management Trail Completion Team to facilitate the completion of the Continental Divide Trail by its 50th anniversary in 2028. The bill directs the federal completion team to collaborate closely with states, with local governments, with landowners, with Native American communities and others who live, work, and recreate along this trail. And in passing this legislation, we can ensure that the natural, cultural, and economic value of this incomparable trail will be conserved for generations to come.

Thank you to the Committee for your consideration of my legislation. I yield back the remainder of my time.

The CHAIRMAN. Thank you, Senator.

Now we will turn to Senator Cantwell.

**OPENING STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. Thanks for holding this important hearing on Senate bill 4420, the CREST Act, which Senator Collins and I introduced last June, and I would also like to thank Committee members, Senators Cassidy and King, for also agreeing to co-sponsor this legislation.

According to a new report from the world's top scientists, removing carbon dioxide from the atmosphere is essential to blunting the impacts of climate change. In other words, just reducing future emissions is no longer enough. So we need to figure out how to remove and trap carbon pollution from the atmosphere in order to avoid the more frequent and intense extreme weather that we are seeing across the United States. An example from the Pacific Northwest—my colleague from Oregon just left, but I am sure he will never forget when his hometown of Portland hit 114°, shattering century-old records and corresponding with wildfires that raged across the Northwest. A new study found that in 2021, heat was not just some black swan event. It would be virtually impossible in the 1950s, but today, because of multiple trends driven by climate change, heatwaves like these will occur about once every 200 years, but if we allow global warming to reach 2° Celsius, and we are on track to exceed that level, the Pacific Northwest will suffer from devastating heatwaves.

That is why it is so important to advance promising tools of carbon removal. Most of us on the Committee know and have supported this in the past—the first comprehensive federal carbon removal R&D program in the Energy bill of 2020, and \$3.6 billion directed at direct-air capture in the Bipartisan Infrastructure bill, and again, the game-changing expansion of the 45Q tax credit in the Inflation Reduction Act. What the CREST Act brings to the table is a focus on promising the leveraging of natural carbon removal processes—solutions such as reforestation, algae cultivation, advanced geological mineralization, and direct ocean capture. The bill also provides support for entities that are figuring out how to quantify emissions reductions from capturing carbon, and the CREST Act creates a five-year pilot carbon removal purchase program in order to spur and support private-sector efforts in this area as well.

So I will look forward to asking Dr. Huff about this, but thank you, Mr. Chairman, and thank you to my colleagues on the Committee, also Senators Cassidy and King, who are co-sponsors of this legislation.

The CHAIRMAN. Thank you, Senator.

And now we have the presence of our dear friend, Senator Michael Bennet, who would like to make a statement on his piece of legislation.

**OPENING STATEMENT OF HON. MICHAEL BENNET,  
U.S. SENATOR FROM COLORADO**

Senator BENNET. Thank you. Chairman Manchin, thank you so much for having me back to the Committee, and Ranking Member Barrasso, I thank you and the members of the Committee. I really appreciate the chance to speak about my bill with Senator

Hickenlooper. He had to go chair a Subcommittee, so he said I am carrying the weight for both of us. I am happy to do that on the Dolores River National Conservation Area, a special management area act. I want to spend a minute on why this bill matters to Colorado and why it deserves this Committee's bipartisan support.

The Dolores River is vital to Southwest Colorado. The canyon carved by the Dolores is renowned, not just in our state, but across the country for its majestic red rock walls that tower over the Ponderosa Pines. I hope all of you have the chance to visit one day. The Dolores River is not only a critical source of water for Southwest Colorado, it is central to the region's farming, ranching, outdoor recreation, and way of life. But as with any river, over the years, different groups have had different priorities for its long-term management. While some wanted stronger federal action to protect the river and its native fish, others worried these steps would go too far and restrict local water uses. In another place, these disagreements often result in perpetual conflict and stalemate, but in Colorado, all sides came together to find a middle ground to secure the future of the Dolores River. They understood that uncertainty over the river's long-term management was unacceptable, so they spent nearly two decades debating how best to manage the river for the next generation over literally hundreds of meetings. And the result is a thoughtful compromise bill, written on the ground in Colorado, by Coloradans.

It enjoys the support of Republican and Democratic officials in three counties in Southwest Colorado—Dolores, Montezuma, and San Miguel Counties, along with the Ute Mountain Ute Tribe, local agricultural and ranching interests, and conservation groups. The bill would protect over 68,000 acres of public lands in Colorado and designate a national conservation area and a special management area for a portion of the Dolores River that runs through the three counties. The bill includes a range of designations that reflect the range of interests in the Dolores River to conserve native fish, honor water rights, and protect existing uses for farmers, ranchers, communities, and outdoor recreation. This bill represents a balanced, sensible way forward to resolve many of the longstanding disagreements, protect the river for all parties, and provide long-term certainty for generations.

It is why the bill enjoys bipartisan support, not only in Colorado, but in Congress. Earlier this year, every Republican in the Colorado delegation introduced an identical version of this bill, and this morning, I have come with letters and testimony from counties, tribal leaders, conservation groups, sportsmen, water districts, and community leaders across Southwest Colorado, all supporting this bill. Mr. Chairman, I ask unanimous consent that these letters be entered into the hearing record.

The CHAIRMAN. Without objection.

[Letters of support for S. 4542 follow:]

July 11, 2022

The Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, D.C. 20510

Re: Support for Dolores River Canyon National Conservation Area Legislation

Dear Senator Bennet:

We the undersigned organizations are writing to express our support for your legislation to establish a Dolores River National Conservation Area (NCA) and Dolores River Special Management Area below McPhee Reservoir in Southwest Colorado. We have communicated often with your office over past years, and two of our groups have been participants on the Lower Dolores Working Group and the Legislative Subcommittee, which was tasked in 2011 with crafting a set of legislative recommendations for broader consideration. After more than a decade of dialogue, compromise, and multiple iterations of the proposal, the Ute Mountain Ute Tribe, three county commissions, and numerous other stakeholders have supported the proposal and asked you to introduce legislation. Thank you for carrying this work forward by introducing this bill.

The natural and cultural values of the Dolores River Canyon landscape are well known and beloved by many. Native Nations have called the Dolores River Canyon and surrounding areas home for millennia. Its stunning geology, with soaring sandstone cliffs and entrenched goosenecks rival any landscape in the greater Southwest region. Old growth Ponderosa groves and a unique aquatic ecosystem invite exploration and research. Native fish species, including several who are considered sensitive species by the State of Colorado and the Bureau of Land Management, depend upon Dolores River habitat for spawning and growth. Hiking, mountain biking, fishing, birding, and rock-climbing opportunities are plentiful. Extending more than 175 miles, the Dolores River is important for wildlife migration and habitat, and also provides some of the West's finest river running experiences. Long-term conservation solutions for this area will protect the natural values as well other cultural and historical uses of the lands for generations to come.

Finding solutions for Dolores River issues has been a complicated endeavor, and this legislation addresses many challenges. The Lower Dolores Working Group and the Legislative Subcommittee consisted of many diverse stakeholders who, throughout the nearly 15 years of discussions, maintained a keen sense of respect for one another's values and perspectives, and brought in sound science to inform the dialogue. Your legislation accurately reflects the recommendations from these years of committed work. We commend you for that and thank

you for incorporating some of the suggestions we made on the draft legislation that are critical for our collective support.

We wish to express our strong support for your Dolores River legislation, pledge to work with you to move it through the congressional process, and look forward to seeing the Dolores River and its canyon landscape protected permanently.

Sincerely,



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**City of Cortez**  
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**Rachel Medina, Mayor**

September 13, 2022

Honorable Michael Bennet  
U.S. Senator  
c/o 835 E. 2<sup>nd</sup> Avenue, #206  
Durango, Colorado 81301

RE: Dolores River National Conservation Area and Special Management Area

Dear Senator Bennet,

The City of Cortez would like to express support for the Dolores River National Conservation Area and Special Management Area Act. The Act, being the result of many local diverse interests coming together to study the issues of the Dolores River corridor, ensures protection and management for the natural resources and the area that align with the views and needs of the City of Cortez.

Cortez is a diverse community that relies on the Dolores River and surrounding landscape for water, agriculture, recreation, industry, and tourism, and is the largest municipality located in Montezuma County. The City would greatly benefit from the designations proposed by the legislation in regard to maintaining the desired lifestyle of our residents and the future growth and development of our region. Given the strong community desire for protections for the Dolores River landscape and the bi-partisan nature of the proposal, we support the bill moving quickly through the congressional process.

We appreciate all the time and effort you and our local working groups have spent over the years helping to develop this proposal that will protect the Dolores River and its users. Please let us know how we can help further this legislation.

Respectfully,

Rachel Medina  
Mayor, City of Cortez



September 12, 2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: [John\\_Whitney@bennet.senate.gov](mailto:John_Whitney@bennet.senate.gov)

Dear Senator Bennet,

On behalf of the Town of Dolores, we are expressing support for the legislation you and Senator Hickenlooper introduced last month that would help conserve lands around the Dolores River in Montezuma, Dolores, and San Miguel Counties. The "Dolores River National Conservation Area and Special Management Area Act" is an exemplary piece of locally crafted legislation that would pave the way for better management of the River just downstream from our community.

The Town of Dolores benefits from the Dolores River in many ways: our culture is very much centered around benefits including river recreation, land-based non-motorized and motorized recreation, agriculture, and industry. Importantly, the National Conservation Area would protect all of these important uses, while increasing the management resources available to ensure their collective longevity.

The process of designating a National Conservation Area and Special Management Area is also very inclusive, as the legislation would create an Advisory Council to help create the Bureau of Land Management Resource Management Plan.

We believe that the designations in this bill will help better manage an increase in recreation. While the Town of Dolores benefits from recreation-based tourism, we also know that increased management tools and resources need to be implemented soon, so these lands that are the centerpiece of southwest Colorado are preserved for future generations.

Lastly, we want to thank the Senator for your steadfast support on this lengthy process, and ability to work with and support bi-partisan and diverse conservation efforts. We believe this bill should continue through the congressional process this year and are excited to help as we can.

Respectfully,

A handwritten signature in black ink, appearing to read "Leigh Reeves", is written over the word "Respectfully,".

Leigh Reeves  
Mayor, Town of Dolores

420 Central Ave, P O Box 630 Dolores, CO. 81323  
Ph. 970-882-7720 fax. 970-882-7466  
<https://townofdolores.colorado.gov>

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

The Town of Dove Creek would like to express support of the Dolores River National Conservation Area and Special Management Area Act introduced in both the Senate and House last month. The lands surrounding the Dolores River are very important for the community of Dove Creek for the economy, agriculture, recreation, and culture.

Community members and visitors alike depend on the lands included in the legislation for hunting, fishing, and motorized and non-motorized recreation. It is common that people living in Dove Creek will drive to the river to fish and drive ORV's up the road adjacent to the river with their families.

As you know, this legislation offers truly bi-partisan support from the county level, and was created with diverse interests that came to the table with good faith. Dolores County worked with Montezuma and San Miguel Counties and the Ute Mountain Ute Tribe, as well as other groups and individuals representing agriculture and the environment for over ten years to seek a proposal that works for everyone. This process and ensuing legislation illustrates why local solutions rather than top-down federal decisions are necessary to ensure the best decisions and management actions are taken.

The management prescriptions and land designations in the bill would allow certain activities to continue, while other actions would ensure lands be conserved. Further, the Advisory Council that would be created would provide equal and diverse representation through the processes of creating a Resource Management Plan with the Bureau of Land Management.

Thank you for your strong support for public lands and appreciate the time and effort it took to get this bill to protect the Dolores River introduced. Please let us know if we can help further this legislation.

Sincerely,

*David Mack, Mayor of Dove Creek on  
behalf of the Board of Trustees*

9/6/22

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

Jagged Edge Mountain Gear would like to enthusiastically express support for the homegrown Dolores River National Conservation Area and Special Management Area Act you and Senator Hickenlooper introduced in the U.S. Senate last month. Jagged Edge, is located in Telluride, Colorado and would greatly benefit from the designations proposed in the legislation.

Telluride and San Miguel County is a diverse community that relies on the Dolores River and surrounding landscape for agriculture, recreation, industry, and tourism. The areas that are included in the bill are important for fishing, whitewater rafting and motorized recreation, as well as some small-scale industry and grazing. The region also brings in visitors from other parts of the state, which help many small businesses like ours located in Telluride and around San Miguel County. Also, the area is one of the most magnificent and ecologically significant areas in southwest Colorado. These lands support a variety of fish, wildlife, and birds that our communities enjoy and take pride in.

This proposal was developed by local stakeholders based on consensus, collaboration and a desire to see this area preserved for all sorts of users. We commend you for respecting this process in drafting the bill and introducing it in the Senate.

Given the strong community desire for protections for the Dolores River landscape and the bi-partisan nature of the proposal, we support the bill moving quickly through the congressional process.

Thank you for your strong support for the lands in Southwest Colorado, and we appreciate the time and effort it took to get this bill to protect the Dolores River introduced. Please let us know if we can help further this legislation.

Respectfully,

Erik Dalton  
Owner, Jagged Edge Mountain Gear  
223 E Colorado Ave  
Telluride, CO



The Nature Conservancy in Colorado  
2424 Spruce Street  
Boulder, CO 80302

tel [303] 444-2950  
fax [303] 444-2985  
nature.org/colorado

August 23, 2022

The Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, D.C. 20510

Re: Support for the Dolores River Canyon National Conservation Area and Special Management Area Act (S.4542)

Dear Senator Bennet:

I am writing to express The Nature Conservancy's (TNC) support for the Dolores River Canyon National Conservation Area and Special Management Area Act (S.4542).

TNC is a global conservation organization with over 1 million members and 30,000 members in Colorado. TNC has long recognized the rich natural values of southwest Colorado and the importance of conserving lands and waters to ensure that nature and the local communities thrive. In southwest Colorado, TNC owns and manages preserves, conservation easements, and continues to work to secure stream flows, healthy riparian areas and robust local communities.

TNC has participated in the discussions about the creation of a Dolores National Conservation Area for many years. We are extremely pleased that you have introduced legislation at the request of stakeholders, including the Ute Mountain Ute Tribe and three county commissions. Additionally, we strongly support the provisions in the act that address the management of stream flows and annual reporting on progress with respect to the conservation, protection, and enhancement of native fish. TNC was engaged in the creation of the Native Fish Monitoring and Recommendation Team and supports their on-going work to protect and manage the fishery downstream of McPhee Reservoir.

Again, we greatly appreciate your work with stakeholders to develop and introduce this legislation. Please let us know how we can assist in moving this proposal forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Fernandez".

Carlos Fernandez  
Colorado State Director  
The Nature Conservancy  
[cfernandez@tnc.org](mailto:cfernandez@tnc.org)



Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

We are writing on behalf of the Colorado Chapter of Backcountry Hunters & Anglers in support of the Dolores River National Conservation Area and Special Management Area Act introduced in the United States Senate in July by yourself and Senator Hickenlooper. Lands this legislation would help protect in Dolores, Montezuma, and San Miguel Counties are critical to supporting healthy wildlife populations and our hunting and angling heritage in this region of Southwest Colorado.

BHA's mission is ensuring North America's outdoor heritage of hunting and fishing in a natural setting through education and work on behalf of public lands, waters, and wildlife. The landscapes this bill would help to conserve are wild, arid, and rugged – and very susceptible to the impacts of climate change and development. A wide array of wildlife and aquatic species depend on this landscape including desert bighorn sheep, turkey, waterfowl, upland birds, mule deer, elk, and numerous native fish species.

The Dolores River and surrounding landscapes of the Colorado Plateau in this region offer stunning vistas and provide unparalleled desert backcountry hunting and angling opportunities in Colorado. With the strong community desire for protections for the Dolores River landscape and the bi-partisan backing of the proposal, we hope that the bill is able to move quickly through the congressional process.

Thank you for your strong support for public lands, waters, and wildlife and appreciate the time and effort it took to get this bill to protect the Dolores River introduced. Please let us know if we can help further this legislation.

Respectfully,

David Lien, Co-Chair  
Don Holmstrom, Co-Chair  
Colorado Backcountry Hunters & Anglers



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[WWW.BACKCOUNTRYHUNTERS.ORG/COLORADO\\_BHA](http://WWW.BACKCOUNTRYHUNTERS.ORG/COLORADO_BHA)  
[COLORADO@BACKCOUNTRYHUNTERS.ORG](mailto:COLORADO@BACKCOUNTRYHUNTERS.ORG)



Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510

Dear Senator Bennet,

As a group of Colorado-based businesses and organizations, we would like to express our enthusiastic support for the *Dolores River National Conservation Area and Special Management Area Act* that you and Senator Hickenlooper introduced in the US Senate last month. As a business alliance and representatives of the outdoor recreation community working to advance land and water conservation, we know first-hand the importance of preserving intact landscapes and working towards designations that provide better management for our nation's special public lands.

The Dolores River is a vast and diverse region. With elevations ranging from over 8,000 feet down to 4,000 feet, there is important habitat for a wide variety of wildlife. These undeveloped and remote lands need to be preserved to help combat climate change and preserve plant and animal species.

These lands also support excellent recreational opportunities including world-class whitewater rafting, kayaking, and canoeing when flows allow. There are also numerous remote backcountry hiking and backpacking opportunities, as well as destinations for climbing and mountain biking. The Dolores River will undoubtedly become more popular in the years ahead, and additional resources will help manage this increased demand.

Not only will a National Conservation Area designation help to protect the landscape, but the creation of a diverse advisory committee will be invaluable in ensuring local voices are heard as management plans are developed for the area. Formalizing the Native Fish Monitoring and Recommendation Team will also help ensure their collaborative research on the river below McPhee Reservoir will inform the decisions of water managers during years where the reservoir fills. The legislation's assurance that the area will be protected from water development that would impact the area's values, including recreation, is significant and important.

The Dolores River is an incredibly deserving area for this legislative proposal, and we are happy to express the support of our businesses and organizations. And we are not alone. A recent poll by the Center for Western Priorities found a staggering 82% of respondents supported protecting the Dolores River. The local and bi-partisan involvement in the development of this legislation has undoubtedly contributed to the broad support the proposal now enjoys. We thank you for introducing the *Dolores River National Conservation Area and Special Management Area Act*, and we urge you to continue making protection of this amazing area of Colorado canyon country a priority.

Respectfully,

Shoren Brown  
Interim Executive Director, The Conservation Alliance  
Bend, OR

Louis Geltman  
Policy Director, Outdoor Alliance  
Washington, DC

Richard W. Harper, Jr.  
Director of Government Affairs, Outdoor Industry  
Association (OIA)  
Boulder, CO

Julie Evans  
CEO, Verde Brand Communications  
Durango, CO

Bill Gamber  
President & Co-Founder, Big Agnes Inc.  
Steamboat Springs, CO

Brian Holcombe  
General Manager, rygr  
Carbondale/Denver, CO

Tim Koehler  
CFO, Backpacker's Pantry  
Boulder, CO

Ryan Mayo  
Owner, Last Exit Goods  
Steamboat Springs, CO

Penn Newhard  
President, Backbone Media  
Carbondale/Denver, CO

Eric Raymond  
Director of Advocacy, The North Face  
Denver, CO

Keith Reis  
President, Sanitas Sales Group  
Denver, CO



**Board of County Commissioners**

P O Box 608  
Dove Creek, CO 81324

Phone: (970) 677 2383 Fax: (970) 677-2815

[dcdolocnty@fone.net](mailto:dcdolocnty@fone.net)

NCA Letter – Dolores County

July 11, 2022

The Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Bennet:

We are writing to you about the locally developed National Conservation Area proposal for a portion of the Dolores River Canyon below McPhee Reservoir. The proposal spans the entire west end of our County along the Dolores River. Dolores County strongly supports this proposal and asks that you continue to take the lead in moving the proposal forward legislatively.

This proposal is the result of over a decade’s worth of dialogue and compromise by a diverse group of stakeholders including water users, agricultural interests, local governments, OHV users, conservation groups, and recreationists. The NCA proposal we have crafted has benefits for all these interests.

Several key issues have raised concerns in local communities about future management of Dolores River below McPhee Reservoir. The “suitability” finding under the Wild and Scenic Rivers Act is one concern due to the federal reserved water right that would come with a designation. Additionally, populations of three native fish species that exist in the river have declined throughout the Colorado River Basin and there is a potential that they could be listed under the Endangered Species Act. We feel that there is a lot of uncertainty regarding management on the Dolores River below McPhee because of existing or potential federal actions. The NCA proposal in large part addresses these uncertainties.

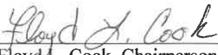
We believe the proposal will protect the river corridor and benefits the fish populations while respecting private water rights and McPhee Project contract obligations. This is of great importance to our agriculture-based communities. The proposal also protects the private property rights.

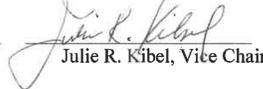
After years of working together cooperatively, we and our partners believe that the time is right to adopt legislation reflecting the NCA proposal that this diverse group has put together. It will benefit the river, the fish, water users, and our agricultural heritage. The lands affected are in Dolores and San Miquel Counties. We have worked closely with San Miquel County to create this proposal.

We respectfully ask you to continue supporting the NCA legislation.

Sincerely,

The Dolores County Board of County Commissioners

  
Floyd A. Cook, Chairperson

  
Julie R. Kibel, Vice Chair

  
Steve Garchar

July 12, 2022

The Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Bennet:

I am writing this letter in support of the Dolores River NCA legislation. I have worked continuously on this proposal since 2008. I believe local participation in the management of the area will provide better benefits for the native fish, scenic area, recreation, permitted federal land uses, private land values and water rights than a wild and scenic designation. I have ranching and farming operations in all three counties involved.

I appreciate your continued support and hope this can go forward in the bipartisan way we have shown is possible with the diverse local groups that put this proposal together.

Sincerely,



Al Heaton



ACCOUNTABILITY · INTEGRITY · RESPECT

Board of County Commissioners,  
Matt Salka, Chair  
Marsha Porter-Norton, Vice Chair  
Clyde Church, Commissioner

1101 East 2nd Ave  
Durango, CO 81301  
(970)382-6219

August 23, 2022

Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, DC 20510

Re: Lower Dolores River National Conservation Area

Dear Senator Bennet:

The La Plata County Board of County Commissioners enthusiastically supports the proposal for a National Conservation Area (NCA) for over 68,000 acres of public lands along the lower Dolores River. The proposal is the result of a nearly two-decades-long collaborative effort to protect the Dolores River and the interests of the various stakeholders that it serves, including: water users, agricultural entities, local governments, Tribal governments, OHV users, conservation groups and recreationalists.

The main purpose of the Dolores NCA continues to be protection of all identified Outstandingly Remarkable Values (ORVs) while respecting and protecting private property rights, water rights and the Dolores Project/McPhee Reservoir and its allocations. The updated proposed NCA also protects historic uses and develops a locally-crafted alternative to a potential federally designated Wild & Scenic River.

We are confident that this NCA proposal protects the conservation, recreation and scientific resources of the Dolores River corridor and maintains water rights and other uses important to the regional community. Key provisions include prohibition on new road construction, emphasis on native fish protection and protection of the Dolores River corridor included in the NCA, while also preserving water rights and continued operations in support of those water rights, private property rights, agricultural opportunities and the MCPhee Reservoir operations and contracts.

We appreciate your support of the Dolores River collaborations to date, including the active participation of your outstanding staff.

Thank you for introducing this legislation and being a true champion for public lands in Colorado.

Sincerely,

LA PLATA COUNTY  
BOARD OF COUNTY COMMISSIONERS

  
Matt Salka  
Chair

  
Marsha Porter-Norton  
Vice Chair

  
Clyde Church  
Commissioner



**TOWN OF NORWOOD**

*P.O. Box 528  
1670 Naturita Street  
Norwood, Colorado 81423  
[www.norwoodtown.com](http://www.norwoodtown.com)*

September 7, 2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

The Norwood Board of Trustees would like to express support for the homegrown Dolores River National Conservation Area and Special Management Area Act you and Senator Hickenlooper introduced in the U.S. Senate last month. The Town of Norwood, is located in Southwestern Colorado and would greatly benefit from the designations proposed in the legislation.

The Town of Norwood is a diverse community that relies on the Dolores River and surrounding landscape for agriculture, recreation, industry, and tourism. The areas that are included in the bill are important for fishing, whitewater rafting and motorized recreation, as well as some small-scale industry and grazing. The region also brings in visitors from other parts of the state, which help many small businesses located in Norwood and around San Miguel County. Also, the area is one of the most magnificent and ecologically significant areas in southwest Colorado. These lands support a variety of fish, wildlife, and birds that our communities enjoy and take pride in.

This proposal was developed by local stakeholders based on consensus, collaboration and a desire to see this area preserved for all sorts of users. We commend you for respecting this process in drafting the bill and introducing it in the Senate.

Given the strong community desire for protections for the Dolores River landscape and the bi-partisan nature of the proposal, we support the bill moving quickly through the congressional process.

Thank you for your strong support for the lands in Southwest Colorado, and we appreciate the time and effort it took to get this bill to protect the Dolores River introduced. Please let us know if we can help further this legislation.

Respectfully,  
  
Candy A. Meehan, Mayor  
Town of Norwood



## BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

June 24, 2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

We are writing to you to enthusiastically update our support for the proposed Dolores National Conservation Area. San Miguel County has been actively participating in the stakeholder team working on the Draft legislation and Map released for comment by your office in September 2021. We feel that the latest proposed Draft even more adequately reflects the substantial stakeholder collaboration representing a wide variety of interests around the Dolores River. These include local and tribal governments, water users, agricultural interests, conservation groups and recreationists.

We welcome Montezuma County, who is now in support of the bill including the boundary extension into their county, and join our neighbors and colleagues in Dolores County in our unified support for the updated Dolores NCA. We also welcome the support of our Ute Mountain Ute partners. Their support and participation in crafting the language of this bill is especially important to San Miguel County as we recognize and honor their historic use of these lands and deep knowledge of the natural resources. The partnership of San Miguel, Dolores, Montezuma Counties and the Ute Mountain Ute Tribe is one that we celebrate locally and reflects the broad support for this proposal across Southwest Colorado.

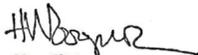
The main purpose of the Dolores NCA continues to be protection of all identified Outstandingly Remarkable Values (ORVs) while respecting and protecting private property rights, water rights and the Dolores Project/McPhee Reservoir and its allocations. The updated proposed NCA also protects historic uses and develops a locally crafted alternative to a potential federally designated Wild & Scenic River. We are confident that this NCA proposal protects the conservation, recreation and scientific resources of the Dolores River Corridor and maintains water rights and other uses important to the regional community. Key provisions include prohibition on new road construction, emphasis on native fish protection and protection of the Dolores River corridor included in the NCA, while also preserving water rights and continued operations in support of those water rights, private property rights, agricultural opportunities and the McPhee Reservoir operations and contracts.

P.O. BOX 1170 • Telluride, Colorado 81435 • (970) 728-3844 • [www.sanmiguelcountyco.gov](http://www.sanmiguelcountyco.gov)

Thank you for being a true champion for public lands in Colorado. We appreciate your support of the Dolores River collaborations to date, including the active participation of your staff. We look forward to working diligently with you and your staff as we move this important legislation forward.

Sincerely,  
San Miguel County  
Board of County Commissioners

  
Chair

  
Vice Chair

  
Commissioner

9/6/2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov



Dear Senator Bennet,

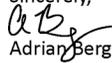
The San Miguel Watershed Coalition would like to enthusiastically express support for the homegrown Dolores River National Conservation Area and Special Management Area Act you and Senator Hickenlooper introduced in the U.S. Senate last month. The San Miguel Watershed is the largest tributary of the Dolores and the greater watershed would greatly benefit from the designations proposed in the legislation.

The San Miguel Watershed is a diverse community within the greater Dolores Watershed that relies on the river and surrounding landscape for agriculture, recreation, industry, and tourism. Many of our ranching stakeholders work lands in both the Dolores and San Miguel Watersheds. The native warmwater fish population of the San Miguel also depends on the lower Dolores for habitat connectivity. The areas that are included in the bill are important for fishing, whitewater rafting and motorized recreation, as well as some small-scale industry and grazing. The region also brings in visitors from other parts of the state, which help many small businesses located in Montrose and San Miguel County, where the San Miguel Watershed resides. Also, the area is one of the most magnificent and ecologically significant areas in southwest Colorado. These lands support a variety of fish, wildlife, and birds that our communities enjoy and take pride in.

The stakeholder collaboration that led to the NCA proposal is exactly the type of cooperation needed across Colorado's watersheds and landscapes to meet future water and land use needs. We commend you for respecting this process in drafting the bill and introducing it in the Senate.

Given the strong community desire for protections for the Dolores River landscape and the bi-partisan nature of the proposal, we support the bill moving quickly through the congressional process.

Thank you for your strong support for the lands in Southwest Colorado, and we appreciate the time and effort it took to get this bill to protect the Dolores River introduced. Please let us know if we can help further this legislation.

Sincerely,  
  
Adrianna Bergere  
Executive Director  
San Miguel Watershed Coalition



**BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO**

---

P.O. Box 1507 / 398 Lewis Street / Pagosa Springs, Colorado 81147  
Tel (970) 264-8300

July 5, 2022

Honorable Michael Bennet  
Southwest Office  
1309 East 3<sup>rd</sup> Avenue, Suite 101  
Durango, CO 81301

RE: Lower Dolores River National Conservation Area

Dear Senator Bennet,

The Archuleta County Board of County Commissioners fully supports the proposal for a National Conservation Area (NCA) along the lower Dolores River. The proposal is the result of a long-standing collaborative effort to protect the Dolores River and the interests of the various stakeholders that it services, including water users, agricultural entities, local governments, OHV users, conservation groups and recreationalists.

The creators of the NCA proposal sought to address a myriad of concerns, including those arising from the finding that the Dolores River is "suitable" for designation under the Wild and Scenic Rivers Act. It is our position, as well as other southwest Colorado counties, that designating the Dolores River as Wild and Scenic would result in significant consequences for water users and other groups seeking to access natural resources along the river corridor.

By supporting the proposal for an NCA, it is Archuleta County's intent to ensure that portions of the lower Dolores River that run through Montezuma, Dolores and San Miguel counties will not be designated as Wild and Scenic, and it is our position that the NCA proposal sets forth an acceptable compromise between the various stakeholders interested in utilizing water and land resources in and along the Dolores River.

We appreciate the time and effort that working groups have spent developing the current NCA proposal. Archuleta County supports Montezuma, Dolores and San Miguel County's request that you introduce legislation reflecting the recommendations contained in the NCA proposal and hope that your office will see such legislation enacted into law.

Sincerely,

  
Alvin Schaaf, Chairman



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**

Developing and Conserving the Waters in the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
**West Building – 841 East Second Avenue**  
**DURANGO, COLORADO 81301**  
(970) 247-1302

November 29, 2022

Honorable Michael Bennet  
U.S. Senator  
261 Russell Senate Office Building  
Washington, DC 20510

RE: Dolores River National Conservation Area and Special Management Area

Senator Bennet:

The Southwestern Water Conservation District (SWCD) was created on April 16, 1941 by the Colorado General Assembly. SWCD is comprised of all or part of nine counties in southwestern Colorado: Archuleta, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Montrose, San Juan, and San Miguel. SWCD's statutory authority is to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins for the welfare of the SWCD, and safeguard for Colorado all waters to which the state is entitled. Following this mandate, SWCD has assumed a broad strategic role on behalf of its diverse constituents for more than 80 years.

The SWCD Board of Directors has voted to support the Dolores River National Conservation Area legislation. The proposal is the result of a long-standing collaborative effort to protect the Dolores River and the multiple interests of the various stakeholders that it serves. The resulting legislation enshrines a compromise that removes the segment of the Lower Dolores from any further consideration as a Wild and Scenic River while still providing protections for the natural, recreational, agricultural and other current uses of the Dolores River Canyon as a National Conservation Area/Special Management Area.

We appreciate the time and effort that working groups have spent developing the current proposal. We are also grateful for your ongoing efforts to support the management of water resources in southwestern Colorado.

Respectfully,

Steve Wolff  
General Manager



September 6, 2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, DC 20510  
Attn: John\_Whitney@bennet.senate.gov

Dear Senator Bennet,

On behalf of Trout Unlimited, I am writing to support the *Dolores River National Conservation Area and Special Management Area Act* (S. 4542) that you and Senator Hickenlooper introduced in the United States Senate on July 15, 2022.

Trout Unlimited is the nation's largest coldwater conservation organization with more than 350,000 members, supporters, volunteers and advocates. Our mission is to bring together diverse interests to care for and recover rivers and streams so that our children can experience the joy of wild and native trout and salmon.

Following the construction of the federal Dolores Project in the 1980s, a strong coldwater fishery was created below McPhee Dam. The river was popular with anglers and important for local outfitters. However, the past 20 years of climate change and extreme water shortages have drastically reduced the quality of coldwater habitat and both trout and native fish populations have declined. Much of the fishery is increasingly unable to sustainably support trout fishing anymore.

If your legislation passes, additional resources for land and water management agencies have the potential to improve the health of the lower Dolores and ensure more diverse interests are able to provide input on management decisions. Trout Unlimited is a member of the Dolores River Native Fish Monitoring and Recommendation Team, which your legislation would formalize. We have seen firsthand the value of this group in terms of collaboration, sharing of resources, and ability to manage the downstream environment more effectively.

Furthermore, as the Dolores River becomes a more popular recreation destination, it is important to plan ahead for increasing use, for both land and water-based activities. This legislation provides the framework and resources to do that.

We urge you and Senator Hickenlooper to do as much as possible to support the Dolores River and move this bill to committee.

Sincerely,

(Signed)  
Stephen J. Kandell,  
Director, Trout Unlimited

(Signed)  
Brad Waltman  
President, Dolores River Anglers,  
Trout Unlimited

*Ute Mountain Ute Tribe*  
*Office of the Chairman*

*Mr. Manuel Heart*  
P.O. Box JJ  
Towaoc, CO 81334

July 7, 2022

The Honorable Michael Bennet  
261 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Bennet,

I am writing to express the support of the Ute Mountain Ute Tribe for the three county Dolores River Canyon National Conservation Area legislation, as it has been modified since the draft was released last fall.

As you know, water from the Dolores Project is a centerpiece of the Ute Mountain Ute portion of the Colorado Ute Indian Water Rights Settlement. Project allocations provided, first time ever, clean drinking water for the community of Towaoc, water for the economic development that has resulted, as well as water to irrigate the 7,700 acre Ute Mountain Ute Farm and Ranch Enterprise.

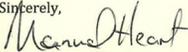
The Tribe is intent on protecting our Dolores Project allocations. We believe the proposed NCA legislation supports this goal by legislatively addressing the potentially conflicting authorities of Reclamation over Dolores Project contracts and the jurisdiction of the Forest Service and BLM below McPhee Reservoir.

The legislation also protects Tribal cultural rights and practices within the NCA and provides for a Ute Mountain Ute representative on the Resource Advisory Council that will be involved in developing a Resource Management Plan for the NCA.

One area of particular interest to the Tribe are the provisions involving coordination and cooperation with the lower Dolores Native Fish Monitoring and Recommendation Team (M&R Team). The Tribe has been impacted multiple times by the Endangered Species Act, and we have learned that being well informed, collaborative and proactive with regard to potentially listed species leads to more constructive and workable outcomes. The M&R Team is broadly representative of community, conservation and agency interests thus providing an informative and collaborative context for Tribal participation.

This legislation has been in the works for many years, involving careful consideration compromise of the needs of every involved interest. The Ute Mountain Ute Tribe believes that now is the time to move this legislation forward.

Sincerely,

  
Manuel Heart, Chairman  
Ute Mountain Ute Tribe

Telephone: 970-564-5606

*Chief Jack House, Last Traditional Chief 1896-1972*

Fax: 970-564-5709



**County Commissioners:**  
Jim Candelaria  
Kent Lindsay  
Gerald Koppenhafer  
**County Administrator:**  
Shalako L. Powers

**Board of County Commissioners**

109 West Main, Room 260  
Cortez, CO 81321  
(970) 565-8317  
(970) 565-3420 Fax

June 7, 2022

Honorable Michael Bennet  
U.S. Senator  
c/o 835 E. 2nd Ave. #206  
Durango, CO 81301

RE: Lower Dolores River National Conservation Area

Dear Senator Bennet,

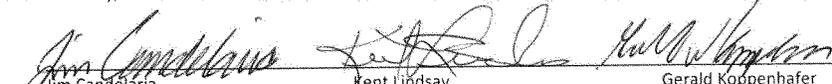
We are writing to show support for the proposal for a National Conservation Area (NCA) along the lower Dolores River. The proposal is the result of a long-standing collaborative effort to protect the Dolores River and the interests of the various stakeholders that it serves, including water users, agricultural entities, local governments, OHV users, conservation groups, and recreationalists.

In crafting the NCA proposal, Montezuma County, San Miguel County, Dolores County, and other partners sought to address a myriad of concerns, including those arising from the finding that the Dolores River is "suitable" for designation under the Wild and Scenic Rivers Act. It is the position of Montezuma County that designating the Dolores River as Wild and Scenic would result in significant consequences for water users and other groups seeking to access natural resources along the river corridor.

By supporting the proposal for an NCA, it is Montezuma County's intent to ensure that portions of the lower Dolores River that run through Montezuma, Dolores, and San Miguel counties will not be designated as Wild and Scenic, and it is our position that the NCA proposal sets forth an acceptable compromise between the various stakeholders interested in utilizing water and land resources in and along the Dolores River.

We appreciate the time and effort that working groups have spent developing the current NCA proposal. Montezuma County joins with Dolores County and San Miguel County in asking that you introduce legislation reflecting the recommendations contained in the NCA proposal and we stand ready to work with your office to see such legislation enacted into law.

Sincerely,

  
Jim Candelaria                      Kent Lindsay                      Gerald Koppenhafer

Senator BENNET. But let me just end by saying how grateful I am to this Committee for considering this bill, Mr. Chairman, and honoring Colorado's decades of hard work. I hope that once you have the opportunity to look at it more closely, it will earn a strong, bipartisan vote in the Committee.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator.

We have one question from a fellow Westerner, Senator Heinrich.

Senator HEINRICH. Senator, I wanted to ask you what the best way to navigate Snaggletooth Rapid is on the Dolores?

[Laughter.]

Senator BENNET. Come anytime. We'll do it together. That will be fun.

Senator HEINRICH. I look forward to it.

The CHAIRMAN. Thank you, Senator. We appreciate it very much.

Now we are going to turn to our witnesses for today's hearing, and we have Hon. Dr. Kathryn Huff, Assistant Secretary for Nuclear Energy at the Department of Energy.

We have Ms. Nada Culver, who is the Deputy Director of Policy and Programs at the Bureau of Land Management within the Department of the Interior.

And we have Mr. Doug MacIntyre, Deputy Director for the Office of Petroleum Reserves at the U.S. Department of Energy.

We thank all of you for being here.

Dr. Huff, we will start with you.

**STATEMENT OF HON. KATHRYN HUFF, ASSISTANT SECRETARY FOR NUCLEAR ENERGY, U.S. DEPARTMENT OF ENERGY**

Dr. HUFF. Thank you, Chairman Manchin, Ranking Member Barrasso, and distinguished members of the Committee. It is an honor to appear before you representing the Department of Energy along with my colleagues to discuss the various energy bills under your consideration. To meet our ambitious carbon reduction goals and rebuild U.S. leadership globally, the Biden-Harris Administration is prioritizing activities that keep the existing nuclear fleet operating, deploy advanced reactor technologies, secure and sustain the nuclear fuel supply, and expand international nuclear energy cooperation. New nuclear reactor deployments also have the potential to decarbonize many industrial sectors in the United States and abroad. Ensuring this future for our nation and our allies must include a secure source of fuel for today's nuclear power plants and those of tomorrow. To support the existing fleet of nuclear reactors, DOE recently announced initial certification decisions for the Civilian Nuclear Credit Program, authorized and funded by the Bipartisan Infrastructure Law. We are also working hard to publish guidance outlining certification criteria for the second round of the program.

The Russian Federation's invasion of Ukraine has demonstrated the grave threat to global energy security posed by dependents on Russian-supplied fuels. Russia, the largest global enricher of uranium, currently supplies a significant fraction of the nuclear fuel used by the United States and our allies and partners. In particular, conversion and enrichment services from trusted sources are not sufficient to replace current imports from Russia, and with-

out expansion of domestic fuel cycle capacity, the United States cannot securely support the low-enriched uranium needs of today's reactor fleet or make high-assay low-enriched uranium available for advanced reactors, research reactors, and medical isotope production.

With regard to the NO RUSSIA Act of 2022, America's dependence on Russian uranium threatens our energy security. Energy security is national security, and untrustworthy, state-sponsored programs have no place in our energy policy. However, any ban on uranium imports from the Russian Federation should be accompanied by strategic investments that strengthen our domestic nuclear fuel supply chain. S. 3978 recognizes the need to eliminate reliance on Russia and establish secure domestic sources of nuclear fuel materials, proposing a national strategic uranium reserve. The reserve would contain uranium produced and converted in the United States to be used in the event of a supply disruption. Further, the legislation seeks to allow for the expansion and refilling of the American Assured Fuel Supply, which will be helpful to mitigate any future supply disruptions.

With regard to the Nuclear Waste Administration Act, and looking forward, the promise of new, advanced reactors can most responsibly be realized in conjunction with progress on the management of their spent nuclear fuel. The draft bill, the Nuclear Waste Administration Act—NWAA—aims to support the future of U.S. nuclear energy by addressing the back-end of the fuel cycle, which is an ongoing concern that the Department is working on to address in partnership with Congress. The bill recognizes that a consent-based siting process should be used for developing interim storage and disposal options, and in September of this year, DOE issued a \$16 million funding opportunity announcement to provide resources for communities and other stakeholders interested in learning more about consent-based siting and the management of spent nuclear fuel, as well as interim storage facility siting considerations. We expect to make those awards in 2023. DOE looks forward to working with Congress to develop the draft Nuclear Waste Administration Act.

With regard to other bills, on behalf of my colleagues across the Department, I would also like to briefly touch on other legislation considered today. With regard to the Mining Schools Act of 2022, it would authorize the Secretary of Energy to establish a program to strengthen domestic mining education to recruit and educate the next generation of mining engineers and other qualified professionals to meet the future energy and mineral needs of the United States. DOE looks forward to working with the Committee on this legislation.

S. 4420, the CREST Act, supports the advancement of carbon dioxide removal research and development, which has a critical role in helping the United States achieve net-zero emissions by 2050. Many of the activities authorized in the CREST Act align with DOE's existing work on the Carbon Negative Shot. DOE looks forward to working with Congress on the continued development and deployment of CDR technologies.

Regarding DOE's Loan Program Office, S. 3152 would prohibit DOE from making a loan guarantee if a borrower has previously

defaulted on an obligation guaranteed under the Title 17 Loan Guarantee Program, or if the borrower has previously defaulted on an obligation under the Advanced Technology Vehicles Manufacturing Loan program. We are committed to working with Congress to ensure transparency in the LPO project portfolio, its due diligence and risk management processes, and oversight of the programs.

S.3112, the Hydrogen Technologies for Heavy Industry Grant Program, would authorize the Department to provide grants to commercial-scale demonstration projects that demonstrate industrial end-use applications of hydrogen. The Department's H2@Scale initiative, by demonstrating hydrogen's versatility to decarbonize heavy industry at a commercial scale, would be supported by this.

Thank you for the opportunity to appear before the Committee today. I am happy to take your questions.

[The written testimony of Dr. Huff and Mr. MacIntyre was submitted as one document. It appears following Mr. MacIntyre's opening statement on page 57.]

The CHAIRMAN. Thank you, Doctor.

Now, we have Ms. Culver, Deputy Director of Policy and Programs at the Bureau of Land Management.

**STATEMENT OF NADA WOLFF CULVER, DEPUTY DIRECTOR,  
POLICY AND PROGRAMS, BUREAU OF LAND MANAGEMENT,  
U.S. DEPARTMENT OF THE INTERIOR**

Ms. CULVER. Chairman Manchin, Ranking Member Barrasso, and members of the Committee, good morning. Thanks for having me. As mentioned, I am Nada Wolff Culver, the Bureau of Land Management's Principal Deputy Director. Thank you for the opportunity to discuss the bills of interest to the BLM on today's agenda. Several of these measures include provisions which align with important Administration priorities, and we look forward to continuing to work with the sponsors and the Committee on them.

The BLM manages approximately 240 million acres of surface land located primarily in 12 western states, as well as 30 percent of the nation's onshore mineral resources across 700 million subsurface acres under the Federal Land Policy and Management Act, or FLPMA. FLPMA sets forth the BLM's diverse mission of multiple use and sustained yield. The BLM's mission advances the President's priorities of protecting and sustaining public lands and the wildlife, natural resources, and ecosystems they encompass for current and future generations while also emphasizing the importance of these lands to the nation's economy and the lives and livelihoods of millions of people across the country. Respecting the ties that communities have to public lands and welcoming and valuing diverse views is vital to managing resilient, working public lands. The bills on the agenda today exemplify this commitment. I will briefly touch on the four bills affecting the BLM as well as those for which the Department has submitted statements for the record.

S.4424, the Recreation and Public Purposes Tribal Parity Act, would amend the Recreation and Public Purposes Act to add Indian tribes to the list of entities, along with state and local governments and non-profits to which land can be sold or leased for recreational or other public purposes. The Department supports amending the

act to add tribal eligibility. It is long overdue and brings parity to tribes under this act.

S. 4542, the Dolores River National Conservation Area and Special Management Area Act, establishes the Dolores River NCA on approximately 45,000 acres of BLM-managed public lands in southwestern Colorado. S. 4542 continues Colorado's long tradition of locally driven conservation efforts guided by the people who live and recreate in Western Colorado to protect these special places for future generations. The BLM supports the bill, as it aligns with the Administration's conservation goals, and we look forward to working with the sponsor on some technical modifications.

S. 4860, the Malheur Community Empowerment for the Owyhee Act, would designate approximately 1.1 million acres of wilderness while providing for increased grazing flexibility on certain public lands in Malheur County, Oregon. It would also release approximately 200,000 acres of wilderness study areas and transfer about 32,000 acres to be held in trust for the Burns Paiute Tribe. The BLM supports S. 4860, as it aligns with the Administration's conservation goals through its wilderness designations as well as its approach to improving the ecological health of working lands and restoring tribal homelands to tribal ownership. We look forward to continuing to work with the sponsor on this measure.

S. 4995, the Continental Divide Trail Completion Act, directs the Secretaries of Agriculture and Interior to complete the 3,100-mile Continental Divide National Scenic Trail by November 10, 2028, the 50th anniversary of the trail's designation. The Department supports S. 4995, as it aligns with our priorities to provide safe and equitable access to outdoor recreation opportunities for all Americans.

Additionally, the Office of Surface Mining, Reclamation, and Enforcement has submitted a statement for the record on S. 3957, the Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act, which would authorize states and tribes receiving Bipartisan Infrastructure Law grants to deposit up to 30 percent of their annual grant funding into a state or tribal fund to address acid mine drainage. The Department appreciates the opportunity this would provide to states and tribes for the mitigation of legacy water pollution now and in the future.

Finally, the Bureau of Reclamation has provided a statement for the record in support of S. 4579, the Colorado River Basin Conservation Act, and the National Park Service has provided statements for the record in support of S. 4732, the Enslaved Voyages Memorial Act, and in support of Senate Joint Resolution 62, approving the location of a memorial honoring journalists who sacrificed their lives in service.

The Department again looks forward to continuing to work with the Committee and Congress on the important public land issues addressed in these bills. Thank you again for the opportunity to be here today, and I look forward to your questions.

[The prepared statement of Ms. Culver follows:]

**Statement of  
Nada Wolff Culver  
Principal Deputy Director  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources**

**S. 4424, Recreation and Public Purposes Tribal Parity Act**

**December 1, 2022**

**Introduction**

Thank you for the opportunity to testify on S. 4424, the Recreation and Public Purposes Tribal Parity Act. S. 4424 would amend the Recreation and Public Purposes (R&PP) Act, to make Indian Tribes eligible to obtain Federal lands for certain recreation and public purposes.

The bill under consideration aligns with the Administration’s efforts to strengthen opportunities for Tribal engagement in the management of Federal lands. In January 2021, President Biden established his commitment to strengthen nation-to-nation relationships in his Presidential *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*. Consultation and collaboration are essential for Tribal governments to shape decisions for the protection of sacred sites and traditional cultural properties, conservation of native plants and wildlife, recreation, and other uses and values.

Furthermore, President Biden built upon this commitment in announcing that the Departments of the Interior (Department) and Agriculture created the “Tribal Homelands Initiative.” Through joint Secretarial Order 3403, the two Departments codified a policy to facilitate agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters. Moreover, the Departments have also entered into the multi-agency *Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights*, which will increase collaboration with Tribes to ensure stewardship and access to sites, and invite Indigenous Knowledge into management, treatment, and protection procedures. The Administration recognizes and affirms that the United States’ trust and treaty obligations are an integral part of each Department’s responsibilities for managing Federal lands.

**Recreation & Public Purposes Act**

In 1976, the passage of the Federal Land Policy and Management Act (FLPMA) gave the BLM its mission to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Under FLPMA, the BLM retains management of most public lands; however, Section 203 of FLPMA also authorizes the sale of certain public lands when the sales are in the public interest and consistent with publicly approved land use plans. Land sales conducted under FLPMA occur at the discretion of the Secretary and are made at fair market value in accordance with Federal law.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the

provisions of the R&PP Act to help States, local communities, and nonprofit organizations obtain lands at no or low cost. The R&PP Act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. The amount of land an applicant can purchase is set by the R&PP Act. Any State, State agency, or political subdivision of a state may purchase for recreation purposes up to 6,400 acres annually. In addition, any State, State agency, or political subdivision of a State may acquire 640 acres annually for each public purpose program other than recreation. Because these public purpose lands are conveyed at far below market value, R&PP Act conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for the intended public purposes or revert to the Federal government.

**S. 4424, Recreation and Public Purposes Tribal Parity Act**

S. 4424, the Recreation and Public Purposes Tribal Parity Act, would amend the R&PP Act to add Indian Tribes to the list of entities to which land can be sold or leased for recreational and other public purposes. Under S. 4424, Federally recognized Indian Tribes would be eligible for conveyances of up to 6,400 acres a year for recreational purposes or 640 acres a year for other public purposes.

***Analysis***

The Department supports amending the R&PP Act to increase Tribal eligibility in public land laws. The transfer of public land under the R&PP Act helps States, local communities, and nonprofit organizations obtain lands, at no or low cost, for important public purposes such as parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works. Including Tribes as one of the entities eligible under the R&PP Act is long overdue, bringing parity to Tribes, and the Department supports this provision.

The Department further acknowledges that S. 4421, the Advancing Tribal Parity on Public Lands Act, also amends the R&PP Act to include Tribal entities as part of a broader effort to give the Department more flexibility in responding to Tribal requests and considerations for land tenure adjustments. We appreciate Congress's attention to these issues, as they align with our commitment to collaborate with Federally recognized Tribes in the management of Federal lands and waters.

**Conclusion**

Thank you for the opportunity to provide this testimony in support of S. 4424.

**Statement of  
Nada Wolff Culver  
Principal Deputy Director  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources**

**S. 4542, Dolores River National Conservation Area & Special Management Area Act**

**December 1, 2022**

Thank you for the opportunity to testify on S. 4542, the Dolores River National Conservation Area and Special Management Area Act. S. 4542 establishes the Dolores River National Conservation Area (NCA) on approximately 45,455 acres of public lands managed by the Bureau of Land Management (BLM) and the Dolores River Special Management Area (SMA) on approximately 15,664 acres of National Forest System lands managed by the U.S. Department of Agriculture Forest Service (Forest Service) across Dolores, Montezuma, and San Miguel Counties in southwest Colorado. The bill also generally withdraws these newly designated areas from the public land and mining laws, subject to valid existing rights. Finally, the bill provides for the Bureau of Reclamation's (Reclamation) continued operation of the Dolores Project and McPhee Reservoir in cooperation with the Dolores Water Conservancy District.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and ensure balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration's America the Beautiful initiative calls for collaborative, locally led conservation efforts of diverse landscapes that provide habitat for fish and wildlife, and supports Tribally led conservation and restoration priorities. The Department welcomes the Sponsor's efforts to support designations to improve conservation and appreciation of our nation's public lands, and we support S. 4542.

The Department notes the bill states that all provisions of the bill, including the withdrawal, are subject to valid existing rights, which means that nothing in its provisions affects uranium leases issued by the Department of Energy. The Department defers to the Department of Energy and Forest Service concerning the bill's provisions which pertain exclusively to the jurisdictions of their agencies.

**Background**

The Dolores River originates near San Miguel Peak in Colorado and runs approximately 241 miles before it flows into the Colorado River in Grand County, Utah. The Dolores River is a popular recreation destination for hiking, camping, hunting, fishing, wildlife viewing, off-highway vehicle use, and other outdoor activities. The technical rapids of the river are well known among whitewater rafting enthusiasts. Additionally, the proposed NCA supports a variety of wildlife and plant species including canyon tree frogs, the Roundtail Chub fish, and Kachina

daisy, among others. Some of these species are particularly sensitive and have suffered population declines throughout their native range.

**S. 4542**

***Dolores River National Conservation Area***

S. 4542 establishes the Dolores River NCA on approximately 45,455 acres of BLM-managed public lands in southwestern Colorado and requires the BLM to develop a management plan for the NCA within three years of the bill's enactment. Under the bill, all Federal land in the NCA, including land acquired within the NCA after the bill's enactment, would be withdrawn from operation of the public land, mining, mineral leasing, geothermal leasing, and mineral materials disposal laws, subject to valid existing rights. The bill also releases portions of the Dolores River and certain tributaries within the NCA from potential designation or study under the Wild and Scenic Rivers Act.

The BLM supports the designation of the NCA as it aligns with the Administration's conservation goals. The designation would enhance the BLM's ability to manage and protect the many existing conservation and recreation values within the area, particularly sensitive native fish species and whitewater rafting opportunities supported by the Dolores River.

The BLM would appreciate the opportunity to work with the Sponsor on some technical aspects of the bill, such as ensuring consistent use of terminology between Departments and modifications to the legislative map referenced in the bill. In addition, the BLM recommends that the bill's definition of public land be expanded to ensure inclusion of lands managed by the Forest Service.

***Dolores River National Conservation Area Advisory Council***

S. 4542 requires the BLM to establish the Dolores River National Conservation Area Advisory Council ("Council") within 180 days of the bill's enactment to advise the BLM on the preparation, implementation, and monitoring of the NCA management plan. Under the bill, the BLM is to appoint thirteen members to the Council, representing agricultural, conservation, and recreation interests, in addition to members representing local counties, Colorado Parks and Wildlife, an owner of private land in immediate proximity to the NCA, a holder of a grazing allotment in the NCA, and a representative of the Ute Mountain Ute Tribe.

The BLM notes that the Southwest District Resource Advisory Council (RAC) is active in the area, and we would appreciate the opportunity to work with the Sponsor to clarify their intent regarding the potentially overlapping roles of the existing RAC and the new Council. The BLM recommends that the Sponsor also include representation on the new Council for additional affiliated Tribes.

***Dolores River National Conservation Area Management***

Section 401 of the bill outlines management direction for the proposed Dolores River NCA. The bill provides for motorized vehicle access within the NCA along designated routes, except in cases where motorized vehicles are needed for administrative purposes or to respond to an emergency. The bill also prohibits the construction of new permanent or temporary roads within

the NCA, except for administrative purposes, protection of public health and safety, or to provide reasonable access to private property. County-managed roads and the Dolores River Road are exempted from the bill's restrictions on use and maintenance, provided that the Federally managed portions of the Dolores River Road are not to be improved beyond its existing primitive condition.

S. 4542 provides for continued grazing in the Dolores River NCA. The bill permits the BLM to take any measures determined necessary to control fire, insects, and diseases in the Dolores River NCA. It also allows the BLM to issue new permits and rights-of-way less than 150 feet wide within the Dolores River NCA for servicing transmission lines in existence on the date of enactment, on the condition that the BLM relocates the right-of-way in a manner that furthers the purposes of the bill. Additionally, the bill permits the installation and maintenance of hydrologic, meteorological, or climatological collection devices in the NCA if essential to public safety, flood warning, flood control, water reservoir operation, or collection of hydrologic data for water resource management. Lastly, S. 4542 allows for the continued use of the lands within the NCA by members of Indian Tribes for traditional ceremonies and as a source of traditional plants and other materials.

The bill requires the BLM to manage the Ponderosa Gorge within the Dolores River NCA in a manner that maintains its wilderness character. To this end, the bill prohibits the construction of new permanent or temporary roads within the Ponderosa Gorge area, as well as the renovation of existing non-system roads. The use of motorized vehicles or equipment are prohibited within the Ponderosa Gorge, except as necessary to meet the minimum requirements for the administration of the land, protection of health and safety, or carrying out ecological restoration activities to improve the aquatic habitat of the Dolores River. Under the bill, commercial timber harvest would not be permitted in the Ponderosa Gorge, other than the harvest of merchantable products that are the byproducts of ecological restoration activities or activities furthering the purposes of the bill. However, the bill exempts the operation, maintenance, or location of an existing utility right-of-way in the Gorge.

The bill's management provisions will enhance the BLM's efforts to protect the remote nature of the area. The BLM would like to work with the Sponsor on some technical modifications to the management section of the bill. The BLM recommends that the Sponsor provide clarification on the term "motorized vehicle," as the BLM and the Forest Service define the term differently. We would like to work with the sponsor on the appropriate terminology to maintain "wilderness character" within the context of an NCA. Additionally, the BLM recommends that the Sponsor clarify whether the construction of temporary roads to respond to wildfire is intended to be included within the allowable measures necessary to control fire, insects, and diseases in the NCA. The BLM also recommends the addition of language allowing for construction and maintenance of motorized routes and parking areas to mitigate potential adverse impacts to natural resources. Finally, the BLM would also like to work with the Sponsor to clarify their intent for the bill's conditions governing rights-of-way serving transmission lines in section 401(j).

***The Dolores Project, McPhee Dam / Reservoir, & Water Management***

Section 402 provides that Reclamation remains the owner and operator of McPhee Reservoir and the Dolores Project (Project), in cooperation with the Dolores Water Conservancy District. The Dolores Project includes one dam, a dike, and nearly two hundred miles of canals, tunnels, pipelines, and laterals and provides water for recreation, fish, wildlife, flood control and production of hydroelectric power. Under this section, the creation of the NCA and SMA would allow for the Project to continue to be operated as it is currently.

Section 402(a) maintains existing operations of the Project pursuant to its authorization and governing agreements. Reclamation's interpretation of this provision is that the establishment of the NCA and the SMA would not change current or future operation of the Project unless such changes would be consistent with current Project authorities and agreements.

Section 402(b) requires Reclamation to continue regular and meaningful consultation and collaboration with interested stakeholders and to prepare an annual report, to be made publicly available, regarding progress on the conservation, protection, and enhancement of native fish in the Dolores River.

Sections 402(c)(1)(A) places restrictions on the Federal government participating in the construction or modification of water resource projects within the NCA or the SMA that could impact the free-flowing character of any stream, or from participating in water resource projects outside the NCA or the SMA that would unreasonably diminish the resource values within those areas.

Reclamation appreciates the work to protect the free-flowing nature of the river within these areas while retaining the use and benefits provided by the Project. Reclamation anticipates that its existing annual report on flow management of the Dolores River would address this annual reporting requirement of Section 402(b). Reclamation would like to work with the bill sponsor and the Committee on technical modifications to ensure the continued operation of the Project and consistency with potential future operations and agreements, and to address concerns by the Dolores Water Conservancy District.

**Conclusion**

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters, and believes the most effective and enduring conservation strategies are those considering the priorities, needs, and perspectives of the families and communities that live and work among the public lands and waters. The Sponsor's efforts to develop S. 4542 follow this approach, and we appreciate the opportunity to testify in support of the bill.

**Statement of  
Nada Wolff Culver  
Principal Deputy Director  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources**

**S. 4860, Malheur Community Empowerment for the Owyhee Act**

**December 1, 2022**

Thank you for the opportunity to testify on S. 4860, the Malheur Community Empowerment for the Owyhee Act. S. 4860 would designate approximately 1.1 million acres of wilderness while providing for increased grazing flexibility intended to improve long term ecological health on certain public lands in Malheur County, Oregon. It would also release approximately 200,000 acres of existing Wilderness Study Areas and direct approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable Bureau of Land Management (BLM) land use plan. Further, the bill would transfer nearly 32,000 acres of BLM-managed, state-owned, and private lands to be held in trust for the Burns Paiute Tribe.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing that multiple use of our lands and waters, including working lands, can be consistent with the long-term health and sustainability of natural systems.

S. 4860 aligns with the Administration's conservation goals through its wilderness designations as well as its approach to improving the ecological health of working lands and restoring Tribal homelands to Tribal ownership. The BLM supports S. 4860 and appreciates the opportunity to continue working with the Sponsor on these critical conservation goals and Tribal conveyances.

**Background**

Malheur County is located in the southeast corner of Oregon. It is the second largest county in the state, spanning 9,874 square miles or 6.3 million acres, and has a population of approximately 31,000 according to the United States Census Bureau. For many years, cattle ranching and agriculture have been the major economic enterprises in the county. Over 70 percent of the county is in public ownership, including 4.4 million acres of public lands managed by the BLM.

The BLM is committed to ensuring the long-term sustainability of healthy and productive lands, consistent with its multiple-use mandate under the Federal Land Policy and Management Act. We believe partnerships and local public involvement are vital to managing sustainable, working

public lands. This means respecting the ties that communities have to public lands, allowing state and local economies to prosper, and welcoming and valuing diverse views into our planning processes. As part of our commitment to healthy and productive landscapes, the BLM is in the process of amending the Resource Management Plan (RMP) for public lands within Southeastern Oregon, including public lands managed by the BLM in Malheur County covered by S. 4860.

**S. 4860**

***Malheur County Grazing Management Program (Sec. 3)***

Section 3 authorizes the Secretary of the Interior (Secretary) to carry out the “Malheur County Grazing Management Program” to provide grazing permittees and leaseholders with increased operational flexibility intended to improve long term ecological health. Under the bill, when renewing a grazing permit or lease under the program, the Secretary would develop and analyze at least one alternative to provide operational flexibility to permittees and leaseholders to address changing conditions on the ground. The proposed operational flexibilities would be developed pursuant to the National Environmental Policy Act (NEPA).

Additionally, the Secretary would be required to develop cooperative rangeland monitoring plans and rangeland health objectives to assess natural resource conditions and identify situations where operational flexibility is appropriate to improve long-term ecological health. Eight years after enactment of the bill, the Secretary would be required to conduct a review of the grazing program to determine whether the objectives of the program are being met. If the Secretary finds the objectives of the grazing program are not being met, the program would need to be modified or terminated by the tenth year following enactment.

Our nation’s rangelands provide and support a variety of goods, services, and values important to all Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, sequester carbon, store and filter water, provide a home for an abundance of wildlife, provide scenic beauty, and are the setting for many forms of outdoor recreation. We appreciate the Sponsor’s effort to provide the BLM with the grazing flexibility outlined in S. 4860 for grazing to restore the ecological health of public lands, and conserve resource values in the face of climate change and extreme drought. Further, the BLM welcomes the opportunity to continue working with the Sponsor to ensure the health of the public lands while still allowing them to be used for grazing, recreation, and other uses.

***Malheur Community for the Empowerment of the Owyhee Group (Sec. 4)***

Section 4 establishes the Malheur Community Empowerment for Owyhee Group (Malheur CEO Group) that includes representatives of the Burns Paiute and Fort McDermott Tribes, ranchers, and other county businesses, conservation organizations, or recreation organizations as voting members. Representatives from Federal, State, and County governments would be included as non-voting members. Under the bill, members of the Malheur CEO Group are to be appointed by the Secretary of the Interior and would review program projects submitted to the BLM and monitoring data, while providing opportunities for interested parties to participate in program project development and implementation. In addition, all meetings of the Malheur CEO Group would be noticed and open to the public.

The BLM notes that the Southeast Oregon Resource Advisory Committee currently provides advice and recommendations on all aspects of public land management to the BLM's Burns and Vale District Offices, including lands in Malheur County. The bill assigns the Malheur CEO Group with a role that is dedicated to the grazing program and not duplicative of the Southeast Oregon Resource Advisory Committee, and as such, the BLM supports the creation of the Malheur CEO Group.

***Wilderness & Land Designations (Sec. 5)***

S. 4860 establishes 1.1 million acres of wilderness and releases approximately 200,000 acres of wilderness study areas from non-impairment management under Section 603 of FLPMA. It also directs approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable BLM land use plans, which is the BLM's current practice. The BLM recognizes that the wide-ranging lands proposed for wilderness designation encompass scenic canyons, volcanic rock formations, and rolling hills that serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, camping, horseback riding, and other forms of outdoor recreation.

Wilderness is a key component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape, not only for practical and scientific values, but also for the beauty, majesty, and solitude it provides. The BLM supports these wilderness designations and would appreciate the opportunity to work further with the sponsor to refine the initial maps referenced in S. 4860.

Additionally, the BLM supports the bill's approach in section 5 that directs lands released from further wilderness study to be managed consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, mineral development, grazing, off-highway vehicle use, hunting, and the consideration of natural values. Further, the BLM uses the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

***Economic Development (Sec. 6)***

Section 6 of the bill directs the Department, the County, and "Travel Oregon" to establish requirements for four loop roads to promote tourism. Safety upgrades, including surfacing and signage, to improve access to recreational opportunities are to be completed within one year of the bill's enactment. The BLM supports these provisions and recommends providing additional time for the completion of environmental analysis under the NEPA and other applicable laws, which could lengthen the time for completing safety upgrades to the loop roads.

Further, the bill requires the Bureau of Reclamation (Reclamation) to carry out a feasibility study in coordination with the Owyhee Irrigation District to improve recreation opportunities on and around the Owyhee Reservoir. The bill authorizes \$1 million to carry out the feasibility study in 180 days. In carrying out this feasibility study, Reclamation notes that different requirements will apply between the multiple jurisdictions. Further, Reclamation notes that certain construction activities would also require Reclamation to complete environmental compliance and dam safety requirements prior to construction. Reclamation appreciates the work to enhance recreation

opportunities around Owyhee Reservoir, and would like to work with the Sponsor and the Committee to address some concerns and propose technical modifications.

*Land Conveyance to the Burns Paiute Tribe (Sec. 7)*

Under Section 7, approximately 21,000 acres of BLM-managed public lands, 6,686 acres of certain private land, and 4,137 acres of State land would be held in trust for the benefit of the Burns Paiute Tribe to protect and conserve cultural and natural values, and to be part of the reservation of the Burns Paiute Tribe. Further, Section 7 specifically directs that any land taken into trust would remain eligible for payments under the Payment in Lieu of Taxes (PILT) program established under chapter 69 of title 31, United States Code.

Both the Departments of the Interior and Agriculture recognize, through Secretarial Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government. The Department supports consolidation of Tribal landholdings within reservations, including Tribal acquisition of Federal lands and private inholdings. The BLM has conducted an initial review of existing land uses on the lands affected by the provision and supports the proposed conveyance of lands to be held in trust for the Burns Paiute Tribe. The BLM would like to work with the Committee and bill Sponsor on technical modifications to the land transfer provisions, and inclusion of standard conveyance language.

Finally, the BLM notes that Federal payments to local government through PILT payments offset losses in property taxes due to the existence of nontaxable Federal lands within their boundaries. In 2022, nearly \$550 million was distributed through the PILT program to help local governments administer firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The Department further notes that as drafted the provision would increase overall PILT acreage due to the inclusion of non-Federal land taken into trust.

**Conclusion**

Thank you again for the opportunity to provide this testimony in support of S. 4860. We look forward to continuing to work with the sponsor and the Committee on these important public land management matters in Malheur County.

**Statement of  
Nada Wolff Culver  
Principal Deputy Director  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources**

**S. 4995, Continental Divide Trail Completion Act**

**December 1, 2022**

Thank you for the opportunity to testify on S. 4995, Continental Divide Trail Completion Act. S. 4995 directs the Secretaries of Agriculture and Interior to complete the 3,100-mile Continental Divide National Scenic Trail (CDNST) by November 10, 2028, – the 50<sup>th</sup> anniversary of the trail’s designation. The bill also establishes a joint U.S. Forest Service (Forest Service) and Bureau of Land Management (BLM) Trail Completion Team to facilitate the voluntary acquisitions, rights-of-ways and conservation easements needed to complete the trail.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President’s directive recognizes the opportunities America’s lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The CDNST provides a place to reconnect with nature by offering high quality hiking, horseback-riding, and other recreational opportunities along the Continental Divide. The Department of the Interior (Department) supports S. 4995 as it aligns with our priorities to provide safe and equitable access to outdoor recreation opportunities for all Americans. We believe the bill has the potential to address some long-standing challenges, and we look forward to working with the sponsors and the Committee on minor modifications. We defer to the Department of Agriculture regarding provisions affecting the management of lands administered by the Forest Service.

**Background**

In 1968, Congress established the National Trails System Act to create trails in both urban and rural settings for people of all ages, interests, skills, and physical abilities. Today, there are 30 congressionally designated National Scenic and Historic Trails, many within an hour’s drive from most urban areas. The lands these trails traverse often have complex jurisdictions, which requires substantial partnering among Federal agencies, non-profit organizations, and dedicated volunteers.

In 1978, Congress added the CDNST to the National Trails System and identified a corridor straddling along the backbone of the North American continent – the Divide – for the future placement of the CDNST. The entire CDNST corridor is approximately 3,100 miles long, extending from the Canadian border in Montana to the border of Mexico in New Mexico. Today, the completed portions of the CDNST traverse approximately 2,100 miles of Forest Service-managed lands, 400 miles of BLM-managed lands, 260 miles of National Park Service-managed lands, 60 miles of State lands, and 2 miles of Tribal lands. The trail was designated for its scenic

significance and is considered the “King of Trails,” more difficult than its sister long distance trails, the Appalachian and Pacific Crest Trails. It navigates dramatically diverse ecosystems through mountain meadows, granite peaks, and high-desert surroundings.

**S. 4995**

S. 4995 requires the Secretaries of Agriculture and the Interior to ensure the completion of the CDNST as a contiguous route, to the maximum extent possible, by November 10, 2028. To complete and optimize the trail, the bill establishes the Trail Completion Team composed of Forest Service and BLM employees. The Trail Completion Team is directed to carry out land and right-of-way acquisitions, easement acquisitions, relocations, and trail construction activities required for completion. Lastly, S. 4995 requires the Secretary of Agriculture to submit a Comprehensive Development Plan to Congress that identifies and plans the elimination of trail gaps, and submit annual reports to Congress.

The Department supports the completion of the CDNST and has consistently worked towards this goal since its designation. Today, only 5 percent of the trail remains incomplete. The Department supports the creation of the Trail Completion Team to resolve long-standing barriers to completing the remainder of the trail. The Department notes that success of achieving the Sponsor’s intent to complete the CDNST, on or before the 50<sup>th</sup> anniversary of its designation, is dependent on strong community-led efforts to work with willing landowners to connect the lands through means such as of a rights-of-ways, access and conservation easements, and acquisition of land. The Department acknowledges the challenges in completing the final portion of the trail given the presence of private lands within the trail corridor and is committed to completing the trail to the maximum extent possible, as provided by the bill.

Finally, the Department defers to the Department of Agriculture on provisions of the bill related to the Comprehensive Development Plan and reporting requirements.

**Conclusion**

The Department supports S.4995, and we would welcome the opportunity to work with the sponsor and the Committee on minor modifications to the bill.

**Statement for the Record**  
**U.S. Department of the Interior**  
**Committee on Energy and Natural Resources Committee**  
**U.S. Senate**  
**December 1, 2022**

**S. 3957, Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (STREAM Act)**

Thank you for the opportunity to provide a written statement on behalf of the Office of Surface Mining Reclamation and Enforcement (OSMRE) on S. 3957, the Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (STREAM Act).

**Background**

Through the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Congress established OSMRE to achieve two basic goals:

- **First**, to ensure that the Nation's coal mines operate in a manner that protects citizens and the environment during mining, and to restore the land affected to a condition capable of supporting the uses that it was capable of supporting prior to any mining, or higher or better uses following mining.
- **Second**, to implement an Abandoned Mine Land (AML) program to address the hazards and environmental degradation resulting from two centuries of coal mining activities that occurred before SMCRA was passed in 1977.

The enactment of the Bipartisan Infrastructure Law (Pub. L. 117-58) (BIL) further advanced these goals with a historic investment of \$11.293 billion to accelerate the restoration of coalfield communities and the extension of OSMRE's authority to collect the AML reclamation fee for an additional 13 years.

**Bipartisan Infrastructure Law Investments and Implementation**

The BIL has provided OSMRE with a new opportunity to invest in the restoration of the Nation's coalfield communities by significantly expanding the AML program and improving OSMRE's ability to support state and Tribal partners, local governments, and stakeholders. Implementing the BIL and delivering meaningful results is a top priority for OSMRE.

The distribution announced on [February 7, 2022](#), was the first of 15 annual installments under the BIL that will provide approximately \$10.87 billion (after directed reductions) to eligible states and Tribes for AML reclamation projects, in addition to funds available under AML-fee based grants.

**S. 3957 – Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (STREAM Act)**

The STREAM Act amends section 40701(c) of the BIL to authorize states and Tribes receiving BIL grants to deposit up to 30 percent of their annual BIL grant funding into a state or Tribal

fund to be used for the abatement and treatment of the effects of acid mine drainage (AMD), as well as the construction, operation, maintenance, and rehabilitation of AMD treatment systems. Unlike the AML fee-based AMD set-aside program established under section 402(g) of SMCRA, 30 U.S.C. § 1232(g), the BIL funds would not be tied to a “qualified hydrologic unit.”

In addition, the STREAM Act requires recipients to update the existing AML inventory maintained by OSMRE to reflect the expenditure of the newly authorized AMD set-aside funds. Grant recipients would be required to include information in their annual grant reports specifying the status and balance of funds in their AMD accounts. Furthermore, the use of the newly authorized AMD set-aside funds would not be subject to any temporal limitations.

***Analysis***

OSMRE appreciates the opportunity this legislation provides to states and Tribes to mitigate legacy water pollution, now and in the future. The Department believes that this legislation will ensure that more waterways in coalfield communities are restored, providing clean, safe drinking water and increased recreation and tourism opportunities. Historically, both state and Tribal AML programs and non-governmental organizations have funded the construction of AMD treatment facilities; however, those programs and organizations have also expressed reservations about building new treatment systems without a reliable source of funds to ensure their continued operation and maintenance. By providing a reliable source of funds, this bill would ensure the long-term viability of AMD treatment systems and benefit coalfield communities.

***Closing***

The Department stands ready to assist with issues related to SMCRA, water improvement and treatment, and improving the environment. OSMRE will continue to work with states and Tribes, the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs, local watershed groups, and other stakeholders to identify opportunities to improve the quality of life for residents of coalfield communities. OSMRE is fully committed to restoring legacy mine lands and waters to productive and safe uses and we welcome the opportunity to work with the Committee on S. 3957. Thank you for the opportunity to provide this statement for the record.

**Statement for the Record  
Bureau of Reclamation  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources**

**S. 4579, Colorado River Basin Conservation Act**

**December 1, 2022**

The Department of the Interior, through the Bureau of Reclamation (Reclamation), appreciates the opportunity to submit this statement for the record on S. 4579, the Colorado River Basin Conservation Act.

S. 4579 would extend the Secretary of the Interior's (Secretary) authority to fund pilot projects to increase Colorado River System water to address effects of historic drought conditions. In practice, the bill would extend Reclamation's Colorado River System Water Through Voluntary Water Conservation and Reductions in Use, Colorado River Basin (Pilot Program). The bill would also extend the reporting deadline, requiring the Secretary to submit a report by 2027 to Congress which evaluates the effectiveness of the Pilot Program projects and recommends to Congress whether the Pilot Program projects should be continued. The Department supports the development of additional system conservation agreements and reauthorization of this important drought conservation program. The Department recommends that the authorization should be expanded to include agreements that are developed after enactment.

Section 206 of the Energy and Water Development and Related Agencies Appropriations Act of 2015 (43 U.S.C. 620 note; Public Law 113–235) authorized the Secretary to fund or participate in pilot projects to increase Colorado River System storage in Lake Mead and the initial units of Colorado River Storage Project (CRSP) reservoirs to address the effects of historic drought conditions. Within the Upper Basin, Section 206 expanded the reservoirs where system conservation water created under the Pilot Program may be stored to include other reservoirs in the initial units of CRSP as well as Lake Powell.

From 2015 to 2018, the Pilot Program tested new approaches that reduced historic water use or losses and helped to determine if compensated, voluntary, and measurable reductions in consumptive use of Colorado River System water constitute a sufficiently cost-effective, robust, and feasible approach to mitigate the impacts of climate change and drought in the Colorado River Basin. Colorado River System water conserved through Pilot Program projects is for the sole purpose of increasing storage levels in Lakes Powell and Mead and will not accrue to the benefit or use of any individual user.

The Colorado River and its tributaries are one of the most important natural resources in the United States. Approximately 1,400 miles long, flowing through the seven western states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and the United Mexican States (Mexico), the Colorado River System provides immeasurable economic and ecological values to the Basin States, Tribal Nations, and Mexico. The Colorado River Basin is

in the 23rd year of a historic drought. Both Lake Powell and Lake Mead – the two largest reservoirs in the United States – are at historically low levels with a combined storage of 26 percent of capacity. While Reclamation and its partners have been successful in conserving water in the Colorado River System reservoirs, significant and additional conservation actions are required to protect the Colorado River system infrastructure and the long-term stability of the system. The system is at a tipping point.

The Inflation Reduction Act includes \$4 billion in funding specifically for water management and conservation efforts in the Colorado River Basin and other areas experiencing similar levels of drought. In October 2022, the Department announced new drought mitigation funding opportunities to improve and protect the long-term sustainability of the Colorado River System. The newly created Lower Colorado River Basin System Conservation and Efficiency Program, funded with an initial allocation through the Inflation Reduction Act, will help increase water conservation, improve water efficiency, and help prevent the System’s reservoirs from falling to critically low elevations that would threaten water deliveries and power production.

The Department supports additional system conservation program activities in the Colorado River Basin that contribute to increased reservoir levels in Lakes Powell and Mead and recommends that such activities be continued, allowing for additional work to be accomplished on existing and future projects. For this reason, the Department appreciates the Committee’s consideration of extending important drought conservation programs through S. 4579, which will provide additional tools for Reclamation to take further actions within the Upper Basin. The widespread interest in system conservation activities and shared Pilot Program experience gained by Reclamation, state agencies, local funding agencies, NGOs, Colorado River water users, and tribes will serve as a platform for future collaboration on system conservation activities to help mitigate drought in the Colorado River Basin.

The Department supports the reauthorization of these drought conservation programs and we look forward to working with the Committee to further refine the language in support of these important programs.

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE CONCERNING S. 4732 AND H.R. 4009, TO AUTHORIZE THE GEORGETOWN AFRICAN AMERICAN HISTORIC LANDMARK PROJECT AND TOUR TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES.**

**DECEMBER 1, 2022**

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Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to provide the Department of the Interior's views on S. 4732 and H.R. 4009, bills to authorize the Georgetown African American Historic Landmark Project and Tour to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

The Department supports this legislation.

S. 4732 and H.R. 4009 authorize the Georgetown African American Historic Landmark Project and Tour to establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the enslaved individuals, whose identities may be known or unknown, who endured the Middle Passage. S. 4732 and H.R. 4009 require compliance with the Commemorative Works Act (40 U.S.C. Chapter 89) (CWA) and prohibit Federal funds from being used to establish the memorial.

The impetus for the proposed commemorative work rises from a long and shameful chapter in history during which 12.5 million Africans were kidnapped, transported to the Americas on ships, and enslaved for labor in the Americas.

The National Capital Memorial Advisory Commission (Commission) reviewed the proposal for this memorial during its October 5, 2021, meeting. The Commission's review was conducted in accordance with the CWA, which states that Congress shall solicit the views of the Commission in considering legislation authorizing commemorative works within the District of Columbia and its environs. During its review, the Commission concluded that the theme of addressing the suffering and trauma endured by individuals who were enslaved and brought against their will across the Atlantic to this country rises to the level of lasting historical significance to the Nation.

Chairman Manchin, this concludes our statement.

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE CONCERNING S. 5129, A BILL TO MODIFY THE BOUNDARY OF MAMMOTH CAVE NATIONAL PARK IN THE STATE OF KENTUCKY, AND FOR OTHER PURPOSES.**

**DECEMBER 1, 2022**

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Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to provide the Department of the Interior's views on S. 5129, a bill to modify the boundary of the Mammoth Cave National Park in the State of Kentucky, and for other purposes.

The Department supports this legislation.

S. 5129 would authorize an expansion of the boundary of Mammoth Cave National Park by 980 acres and remove the statutory ceiling on appropriations for land acquisition for the park which was set at \$350,000 in 1942. The legislation would facilitate the addition of critical cave resources to the park.

Mammoth Cave National Park was established by Congress in 1926 to preserve the cave system, including Mammoth Cave, and the scenic river valleys of the Green and Nolin rivers of south-central Kentucky. This is the longest recorded cave system in the world, with over 426 miles explored and mapped. In 1981, Mammoth Cave National Park was designated a UNESCO World Heritage site in recognition of its place as the most extensive cave system in the world and for its unique examples of cave and karst landscape geology. In addition, Mammoth Cave National Park preserves the habitat of several threatened and endangered species, including multiple bat species.

Two caves outside the southern boundary of Mammoth Cave National Park each have 150,000 – 200,000 hibernating federally endangered gray bats. One of the caves is federally designated as Critical Habitat for the endangered Indiana bat. In 2019, The Nature Conservancy acquired the two caves and approximately 550 acres of forested land on the surface. In 2020, Mammoth Cave National Park and The Nature Conservancy began conversations on the long-term management and ownership of the property. Both parties agreed that bringing the property under the protection of the National Park Service would be the best outcome for the preservation of the caves and bat habitat, and The Nature Conservancy expressed a willingness to sell the lands to the National Park Service. However, the land owned by The Nature Conservancy is outside of the legislatively authorized boundary of Mammoth Cave National Park and would need to be included within the park boundary before the National Park Service could acquire the lands. In addition, the existing statutory ceiling on appropriations would need to be amended to ensure that the statutory ceiling would not impede the purchase of the property by the National Park Service.

S. 5129 would expand the boundary of Mammoth Cave National Park to include the approximately 550 acres of land currently owned by The Nature Conservancy, as well as an additional 430 acres adjoining the park's existing boundary. The additional 430 acres included

within the boundary under this bill would enable the National Park Service to acquire land that would facilitate access to, and management of, the 550 acres at some point in the future should the opportunity arise.

Chairman Manchin, this concludes our statement.

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE CONCERNING S.J.RES. 62, A JOINT RESOLUTION APPROVING THE LOCATION OF A MEMORIAL TO COMMEMORATE THE COMMITMENT OF THE UNITED STATES TO A FREE PRESS BY HONORING JOURNALISTS WHO SACRIFICED THEIR LIVES IN SERVICE TO THAT CAUSE.**

**DECEMBER 1, 2022**

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Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to provide the Department of the Interior's views on S.J.Res. 62, a Joint Resolution approving the location of a memorial to commemorate the commitment of the United States to a free press by honoring journalists who sacrificed their lives in service to that cause.

The Department supports this legislation.

Public Law 116-253, enacted on December 23, 2020, authorized the Fallen Journalists Memorial Foundation (Foundation) to establish a memorial in the District of Columbia to commemorate America's commitment to a free press by honoring journalists who sacrificed their lives in service to that cause, in accordance with the provisions of the Commemorative Works Act (CWA), 40 U.S.C. § 8901 et seq.

The Foundation requested the authority to consider potential memorial locations in Area I, which comprises the central monumental core of the District of Columbia and its environs as defined in the CWA, 40 U.S.C. § 8908(a), depicted on the map entitled "Commemorative Areas Washington, DC and Environs," numbered 869/86501 B, and dated June 24, 2003. The CWA, 40 U.S.C. § 8908(b)(1), provides that the Secretary of the Interior, after consultation with the National Capital Memorial Advisory Commission (Commission), may recommend locating a commemorative work in Area I only if the Secretary determines that the subject of the memorial is of preeminent historical and lasting significance to the Nation. If a determination of preeminence and lasting significance is made, this section further provides that the Secretary shall notify Congress and recommend that the memorial be located in Area I. Following its public meeting on October 5, 2021, the Commission advised the Department that the Fallen Journalists Memorial meets the CWA Area I criteria and recommended that the Foundation receive the authority from Congress to consider a memorial site in Area I.

On September 8, 2022, in accordance with the CWA, Secretary Haaland notified the Senate Energy and Natural Resources Committee and the House Natural Resources Committee that the Department has consulted with the Commission and recommends that the Foundation be authorized to consider appropriately sized locations within Area I as potential sites for the Fallen Journalists Memorial. Secretary Haaland's letter noted that the Foundation should carefully consider the program and scale of the memorial when considering potential sites and should recognize that Area I is most appropriate for new memorials of modest scale. The letter also

noted that Area II may additionally offer sites worthy of consideration, particularly for more expansive memorial designs.

Chairman Manchin, this concludes our statement.

The CHAIRMAN. Thank you so much.  
Now we have Mr. Doug MacIntyre.

**STATEMENT OF DOUG MACINTYRE, DEPUTY DIRECTOR FOR  
THE OFFICE OF PETROLEUM RESERVES, U.S. DEPARTMENT  
OF ENERGY**

Mr. MACINTYRE. Thank you, Chairman Manchin, Ranking Member Barrasso, and distinguished members of the Committee. It is an honor to appear before you and represent the Department of Energy at this hearing. This morning, I will speak to the proposed legislation under my purview as the Deputy Director of DOE's Office of Petroleum Reserves, commonly referred to as OPR.

The energy sector provides critical resources, electricity, and fuel that we all depend on. OPR's role and efforts are instrumental in addressing the continuously evolving risk facing the energy sector today. The mission of the Office of Petroleum Reserves is to protect the United States from severe petroleum supply interruptions through the acquisition, storage, distribution, and management of emergency petroleum stocks and to carry out the U.S. obligations under the International Energy Program. The OPR manages the operational readiness of three emergency stockpiles—the Strategic Petroleum Reserve, often called the SPR, the United States crude oil stockpile; also the Northeast Home Heating Oil Reserve, often referred to a NHHOR; and the Northeast Gasoline Supply Reserve, often referred to as the NGSR. In the event of a natural disaster or other national emergency, the U.S. can rely on these emergency stockpiles to maintain a constant supply of crude oil and other petroleum products. In this way, OPR directly supports the Department of Energy's goal of energy dominance by ensuring energy security for America. Collective preparedness and collective response are at the heart of our work, which is why the Department strengthened the Office of Cybersecurity, Energy Security, and Emergency Response's—or CESER's—role with the addition of the OPR this summer. The transition of OPR to CESER consolidates and streamlines the Department's critical emergency response function. It improves the Department's ability to utilize the Office of Petroleum Reserves as a critical resource during natural disasters and other emergency events.

I will now turn to the two bills under consideration today that relate to the SPR. Senate bill 4651, the Prohibiting Strategic Petroleum Reserve Sales to Rogue States Act, would limit the sale and export of petroleum products from the SPR to countries that are designated as countries of concern for religious freedom under the International Religious Freedom Act of 1998. The legislation would limit the sale of SPR crude oil to state-owned entities subject to a ban or imposition of sanctions. These companies would be required to certify they have not purchased oil from countries subject to U.S. sanctions or bans while they were in effect. If the Department of Energy determines these companies have purchased oil from these countries of concern, they would not be able to bid on SPR oil at auction.

The second piece of legislation, Senate bill 4515, the No Emergency Crude Oil for Foreign Adversaries Act, would require the Secretary of Energy to stipulate as a condition on the sale of SPR

crude oil at auction that the oil cannot be exported to China, Russia, North Korea, or Iran. The proposed legislation also requires a report on the route to destination and place of refinement of SPR crude oil and the ownership of the refinement facilities of all crude oil sold at auction from the SPR since November 23rd, 2021. The SPR currently has no way to track the movement of the crude oil sold after delivery. Custody transfer of crude oil from the SPR takes place at either a pipeline boundary of the SPR site, commercial crude oil storage facility, or at the vessel on which the crude oil is loaded. Once the vessel is loaded, the crude oil on that vessel may be sold multiple times prior to reaching the intended destination.

In closing, thank you for the opportunity to testify today. OPR is and remains committed to protecting our nation's energy security and resilience. I look forward to your questions.

[The jointly prepared statement of Dr. Huff and Mr. MacIntyre follows:]

**Testimony of Dr. Kathryn Huff**  
**Assistant Secretary for Nuclear Energy**  
**and**  
**Douglas MacIntyre**  
**Deputy Director for the Office of Petroleum Reserves**  
**U.S. Department of Energy**  
**Before the**  
**Committee on Energy and Natural Resources**  
**U.S. Senate**  
**December 1, 2022**

**Introduction**

Thank you, Chairman Manchin, Ranking Member Barrasso, and distinguished Members of the Committee. It is an honor for us to appear before you today and represent the Department of Energy (DOE) at this hearing related to the various energy bills under consideration. Our written testimony addresses the Department's view on all the bills under consideration at this hearing. However, this morning we will speak to the legislation under our respective purviews, nuclear energy and the Strategic Petroleum Reserve (SPR), under consideration today by the Committee.

**Nuclear Energy**

To meet our ambitious carbon reduction goals and rebuild U.S. leadership globally, the Biden-Harris Administration is prioritizing activities that keep the existing fleet of nuclear power plants in operation, deploy advanced reactor technologies, secure and sustain the nuclear fuel supply, strengthen nuclear safety, security, and safeguards, and expand international nuclear energy cooperation. Nuclear energy will play a major role in the transition to a carbon-free energy economy by fundamentally underpinning our nation's target for carbon-free electricity as well as non-electric energy markets. New nuclear reactor deployments also have the potential to decarbonize many industrial sectors in the United States and abroad. Ensuring this future for our nation and our allies must include a secure source of fuel for today's nuclear power plants and those of tomorrow. DOE is pleased to announce that initial funding from the Civilian Nuclear Credit Program (CNC), authorized and funded by the Infrastructure Investment and Jobs Act, was awarded on November 21, 2022 and we are working hard to publish guidance outlining certification criteria for the second round of the CNC program which will support additional nuclear reactors that may be at risk of closing. We greatly appreciate the committee's support of this important program and other policies that support the continued deployment of clean energy that nuclear energy provides.

The Russian Federation's full-scale invasion of Ukraine has demonstrated the grave threat to global energy security posed by dependence on Russian-supplied fuels. Russia, the largest global enricher of uranium, currently supplies a significant fraction of the nuclear fuel supply chain to the United States and our international allies and partners. In particular, conversion and enrichment services from trusted sources are insufficient to replace current imports from Russia in the long-term. Without expansion of the domestic fuel cycle capacity, the United States cannot reliably support the low enriched uranium (LEU) needs of today's reactor fleet or make sufficient high-assay LEU (HALEU) available for advanced reactors, research reactors, and medical isotope production.

The Department is working to address these energy security challenges in the face of ongoing global events. As noted, the United States currently purchases a significant amount of uranium from Russia. We cannot continue to infuse the Russian state with this source of income, especially as it engages in reckless strikes that threaten a nuclear incident in Ukraine.

We want to thank this Committee for your leadership in the development of proposed legislation aimed at tackling this very important issue facing our nation and the world.

As you know, there is no quick, easy path to reduce our dependence on Russian-supplied fuels. Expanding our domestic fuel capacity will require a significant strategic investment coupled with import restrictions that protect those investments well into the future.

**S. 3978 - "NO RUSSIA Act of 2022"**

American dependence on Russian uranium threatens our energy security. Energy security is national security and untrustworthy state-sponsored programs have no place in our energy policy. However, any ban on uranium imports from the Russian Federation should be accompanied by strategic investments that strengthen our domestic nuclear fuel supply chain.

The bill recognizes the need to eliminate reliance on Russia and establish secure domestic sources of nuclear fuel materials, proposing a national strategic uranium reserve, similar to what was proposed during the previous administration by the Nuclear Fuel Working Group in 2020. The reserve would contain uranium produced and converted in the United States to be used in the event of a supply disruption. The bill calls for cost recovery based on fair market value and includes the use of revenues to be reinvested by the program. The bill also shifts the efforts previously funded in the National Nuclear Security Administration (\$75 million in FY2021) for uranium and conversion purchases to the Office of Nuclear Energy and authorizes \$150 million/year from FY2023 through FY2032. Further, the legislation seeks to allow for the expansion and refilling of the American Assured Fuel Supply and directs the Secretary to establish a program within 60 days of enactment to ensure the availability of uranium produced, converted, and enriched in the United States.

**Draft bill, Nuclear Waste Administration Act**

The promise of new advanced reactors can most responsibly be realized in conjunction with progress on the management of their spent nuclear fuel. The draft bill "Nuclear Waste Administration Act" (NWAA) aims to support the future of U.S. nuclear energy by addressing

the back end of the fuel cycle – which is an ongoing concern that the Department is working to address in partnership with Congress.

The Department sees merit in a number of the bill’s objectives. The bill recognizes that a consent-based siting process should be used for developing interim storage and disposal options. DOE is making progress on consent-based siting for one or more Federal consolidated interim storage facilities under existing authority. In December 2021, DOE issued a request for information on consent-based siting and received over 200 responses. A summary of those responses was published in September 2022 and is available at [Energy.gov/consentbasedsiting](https://www.energy.gov/consentbasedsiting). The feedback DOE received suggested that funding and technical assistance be provided to enable communities and Tribes to build internal capacities and engage with DOE in a consent-based siting process. In September of this year, DOE issued a \$16 million funding opportunity announcement to provide resources for communities and other stakeholders interested in learning more about consent-based siting, management of spent nuclear fuel, and interim storage facility siting considerations. Applications are due December 19<sup>th</sup>, and we expect to place those awards in 2023.

Authority to pursue consent-based siting for disposal facilities would enable progress toward a final solution for spent nuclear fuel and high-level waste management, as well as reassure communities contemplating hosting federal interim storage facilities that nuclear material stored in their communities has a path to disposal.

DOE has worked with National Laboratory experts and reactor designers to collect data on proposed advanced reactor fuel forms to prepare to manage spent nuclear fuel from those reactors which is both similar to and different from conventional light water reactor spent nuclear fuel. More work in this area will be needed, and DOE welcomes the legislation’s attention to this topic. DOE would be happy to work with Congress to further develop the draft Nuclear Waste Administration Act to enable our current consent-based siting efforts to progress beyond siting and achieve licensing, construction, and operation of one or more federal consolidated interim storage facilities., to be followed by consent-based siting of one or more disposal facilities.

### **Cybersecurity, Energy Security, and Emergency Response**

#### **S. 4651 – “Prohibiting SPR Sales to Rogue States”**

This proposed legislation would limit the sale and exportation of petroleum products from the SPR to countries that are designated as countries of concern for religious freedom under the International Religious Freedom Act of 1998 (currently Burma, China, Iran, Eritrea, DPRK, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan).

The proposed legislation would establish certification requirements and limits on auction sales of SPR products to state-owned entities. Under such circumstances, if the Secretary of Energy determines that the United States has banned, or imposed sanctions with respect to, the purchase of crude oil from one or more countries, a state-owned entity would be required to certify that it has not purchased crude oil from countries subject to a U.S. ban or sanctions while the bans or sanctions were in effect to be eligible to bid in auctions. If the Secretary of Energy determines a

state-owned entity participating in the auctions has purchased crude from such countries, then DOE would be prohibited from selling those entities' products from the SPR.

**S. 4515 – No Emergency Crude Oil for Foreign Adversaries Act**

S. 4515 would require the Secretary of Energy to stipulate, as a condition on the sale at auction of any crude oil from the SPR, that the crude oil not be exported to the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, and the Islamic Republic of Iran.

The proposed legislation would allow the Secretary to waive the prohibition, prior to the date of the applicable auction, if the sale of crude oil to these countries is in the national security interests of the United States.

The proposed legislation also requires the Secretary to submit a report on the route to destination and place of refinement of all crude oil sold at auction from the SPR since November 23, 2021, and on the ownership of the refinement facilities where SPR crude oil sold at auction since November 23, 2021, was refined.

For both S. 4515 and S. 4651, the Department notes that barring exceptions in 42 USC 6212a, the SPR has a limited ability to restrict which countries receive oil, and the Department currently has no way to track the movement of the crude oil after delivery. Custody transfer of crude oil from the SPR takes place at either a pipeline boundary of the SPR site, commercial crude oil storage facility, or at the vessel which the crude oil is loaded. Once the vessel is loaded, the crude oil on that vessel may be sold multiple times prior to reaching the intended destination. After the exchange, the Department does not have visibility on the destination of the crude oil.

**Fossil Energy and Carbon Management**

**S. 3915 – "Technology Grants to Strengthen Domestic Mining Education of 2022 (The Mining Schools Act of 2022)"**

This bill would authorize the Secretary of Energy to establish a program to strengthen domestic mining education under which the Secretary would award competitive grants to mining schools for the purpose of recruiting and educating the next generation of mining engineers and other qualified professionals to meet the future energy and mineral needs of the United States. This bill would allow the Secretary to select recipients for grants to ensure region-specific specialties are developed for region-specific geology.

In addition, the proposed legislation would establish a Mining Professional Development Advisory Board of six members appointed by the Secretary. Board members will be selected no later than 180 days after the date of enactment of this Act. The draft bill would require that three of the six board members will be active mining professionals in the mining industry, and that the other three will have academia implementing experience, as well as having experience operating professional skills training and education programs in the mining sector. The board will evaluate

grant applications, propose the amounts of the grants, and perform oversight to ensure the funds are used in accordance with the statute.

The Department notes there are programs such as the Carbon Ore Processing Program hosted between the Department of Energy’s Office of Fossil Energy and Carbon Management (FECM) and National Energy Technology Laboratory (NETL) that support the mining industry and professions identified in S. 3915 by increasing demand for mined resources through developing products from coal and coal wastes outside of traditional thermal and metallurgical markets.

Similarly, FECM–NETL’s University Training & Research (UTR) Program supports using competitive grants as the programmatic vehicle to support “mining schools.” NETL has observed continued success within the UTR program by waiving the cost-sharing requirement on grants to university partners. This cost share waiver, which is renewed on a multi-year basis, allows for a reduced burden on prospective applicants. This approach ensures that compelling ideas for promising and impactful research compete on an equal playing field.

**S4420 – “Carbon Removal and Emissions Storage Technologies Act of 2022 (CREST Act)”**

Carbon dioxide removal (CDR) has a critical role in helping the United States achieve net-zero emissions by 2050. CDR refers to approaches that capture carbon dioxide (CO<sub>2</sub>) directly from the atmosphere and store it in geological, biobased, and ocean reservoirs or in value-added products to create negative emissions. To reach our global climate goals, gigatons of atmospheric CO<sub>2</sub> must be removed every year by mid-century, alongside aggressive decarbonization.

To advance the development of this emerging and necessary industry, DOE launched Carbon Negative Shot—the U.S. Government’s first major effort in CDR. Carbon Negative Shot is an all-hands-on-deck call for innovation in CDR pathways that will capture CO<sub>2</sub> from the atmosphere and store it at gigaton scales for less than \$100/net metric ton of CO<sub>2</sub>-equivalent.

Many of the activities authorized in the Carbon Removal and Emissions Storage Technologies Act of 2022 (CREST Act) align with DOE’s existing work on the Carbon Negative Shot, and we look forward to working with Congress on the continued development and deployment of CDR technologies.

**Loan Programs Office**

**S. 3152 – Regarding the Loan Programs Office**

This legislation would prohibit DOE from making a loan guarantee if the borrower has previously defaulted on an obligation guaranteed under the Title 17 Innovative Clean Energy Loan Guarantee Program (Title 17); and would prohibit DOE from making a loan if the borrower has previously defaulted on an obligation provided under the Advanced Technology Vehicles Manufacturing Loan Program (ATVM). DOE understands this to mean, in both cases, a default resulting in a loss. However, LPO continuously works to improve program oversight, manage project risk, and achieve its mission of investing in the deployment of innovative technologies

where commercial debt markets cannot or are unwilling to intervene. Despite the amount of risk that is actively managed by LPO, the portfolio is robust and healthy, as indicated in LPO's FY 2021 Annual Portfolio Status Report. LPO is committed to working with Congress to ensure transparency about its project portfolio, its due diligence and risk management processes, and oversight of its programs. Prior to making any loan, LPO conducts rigorous due diligence that is comparable to best practices in the private sector. LPO relies upon professional staff and sophisticated third party legal, technical, market and financial advisors, in line with best diligence and underwriting practices in the private lending markets, to ensure that deals adequately protect the interests of the federal government and support DOE's determination of reasonable prospect of repayment.

### **Energy Efficiency and Renewable Energy**

#### **S. 3112 – “Hydrogen for Industry Act”**

This bill would establish the “Hydrogen Technologies for Heavy Industry Grant Program.” The legislation would authorize the Department to provide grants to commercial-scale demonstration projects that demonstrate industrial end-use applications of hydrogen. The authorization of appropriations covers FY 2022 to FY 2026 and would provide \$1.2B over that time frame, with a limitation of \$400M for any single grant. The program would require a minimum 20 percent non-Federal cost share for demonstration projects and would prioritize projects with the greatest impact on avoiding or reducing GHG emissions. When providing grants, the bill would require the Department to also consider projects with the greatest benefits to low income or disadvantaged communities. The purpose of the Program would be to support the adoption of hydrogen as an emissions reduction technology for heavy industry, including in applications where hydrogen is blended with other fuels or feedstocks. The bill would also require the Secretaries of Energy, Commerce, and Transportation to submit a report on the potential for emissions reductions at industrial facilities through hydrogen applications and address existing challenges to ensuring the safe use and handling of hydrogen and hydrogen-based fuels in industrial systems.

The Hydrogen for Industry Act would support the Department's H2@Scale initiative by demonstrating hydrogen's versatility to decarbonize heavy industry at a commercial-scale. In the industrial and chemical sectors, steel manufacturers, fertilizer producers, and producers of liquid fuels – such as sustainable aviation fuels – are increasingly turning to clean hydrogen as one of the few means to achieve their decarbonization goals. Emissions-free technologies in such industries can also address environmental justice in certain regions of the country, and hydrogen technology deployments can support good paying jobs in new clean energy industries. However, the definition of “low income or disadvantaged community” is not consistent with the Department working definition. The proposed statutory definition within this provision relies solely on income and does not consider environmental hazards, socio-economic vulnerabilities, or other factors. In addition, Section 988 of the Energy Policy Act of 2005 requires a minimum 50 percent cost share for demonstration projects. DOE believes that 50 percent or higher cost share requirements are appropriate for demonstration projects at or near a scale relevant for commercial operations.

**Conclusion**

Thank you for the opportunity to appear before the Committee today. We look forward to working with you to provide American families and businesses with a wider range of energy and mobility options that offer more affordability, reliability, and security of our nation's energy. We look forward to your questions.

The CHAIRMAN. Thank you. Now we will start the questions, and I will begin. It stays with you, Mr. MacIntyre.

We have a bill before us on the Strategic Petroleum Reserve, and I would like to better understand the plans to refill. First of all, you might give us a little bit of a background on when we started the SPR. I think it was after the 1974 oil embargo. A few of us are old enough to remember that. How did we determine 700, almost 800 million barrels? Why did we think we needed 800? Where is the mark now? I think we are down around 400 now or in that neighborhood. And where do you think we need to go?

So if you would give us a little bit of history, it might help the Committee understand what we are trying to achieve, and I am understanding also, in the caverns that we use for this, you cannot be taking oil out and putting it in at the same time. Is that correct?

Mr. MACINTYRE. Yes, sir.

The CHAIRMAN. Okay. Also, if you can tell me if any of our caverns have been damaged—we have had one collapse as I am understanding. We have lost one, correct?

Mr. MACINTYRE. No, sir.

The CHAIRMAN. We haven't? I thought we had. Yes, we know we had damage to one, and we thought that was because of how we were managing it, but I could be wrong. Anyway, explain that—the shape that we are in. What is our total capacity to store oil, and where do you think we need to be? And give us a little bit of background, if you will.

Mr. MACINTYRE. Thank you, Senator, for the question.

I wasn't old enough to be buying gasoline during the Arab oil embargo, but I was old enough to be in my dad's car while he was waiting in line.

The CHAIRMAN. While he was raising Cain and cussing. I remember those days.

Mr. MACINTYRE. So yes, sir. So, as you said, the SPR was created as part of the Energy Policy and Conservation Act, and was created in 1977–78 as a result of the Arab oil embargo. It took several years for us to build up the reserves.

The CHAIRMAN. Did you have a target? What was it? How did you set a target of where you had to get and how much we had to have in the United States?

Mr. MACINTYRE. So initially the target was set at 500 million barrels.

The CHAIRMAN. I got you.

Mr. MACINTYRE. It was then increased to a billion barrels. We eventually got to 715 million barrels of capacity. We reached that capacity in around 2013–2014. We had about 700 million barrels in 2017, when we started the Congressionally mandated sales. A number of laws have mandated us to sell since 2017.

The CHAIRMAN. Mandated the sales—your evaluation of the sales that were mandated by Congress—was it to stabilize pricing or fill a void?

Mr. MACINTYRE. No, sir, it was for deficit reduction, providing funding for those bills for—

The CHAIRMAN. Pay-fors.

Mr. MACINTYRE. Absolutely.

The CHAIRMAN. We understand those.

Mr. MACINTYRE. Yes, sir.

The CHAIRMAN. We have a verbal over here—awful.

[Laughter.]

Mr. MACINTYRE. Yes, so since we were at 700 million barrels, we sold a number of Congressionally mandated sales. We had 180 million barrels of emergency sales this year as a result of Putin's invasion of Ukraine. So right now, we are sitting at around 400 million barrels. Currently, we have a study underway. It wasn't requested by Congress. It was something that we started on our own. It is under administration review that would look at various levels of the SPR and determine what kind of disruption that would mitigate against. In other words, if you consider the SPR as insurance, what are you getting with the—

The CHAIRMAN. Do we have legislative mandatory sales coming up?

Mr. MACINTYRE. Yes, sir. We have—

The CHAIRMAN. Starting when?

Mr. MACINTYRE. So we have been doing it from 2017 and we have got them through 2031. We have got the key—

The CHAIRMAN. Does that fulfill the pay-fors that we—

Mr. MACINTYRE. That would fulfill the pay-fors, yes, sir and—

The CHAIRMAN. So we have to have that. So give me your plan. I think you have a little bit of an idea here.

Mr. MACINTYRE. Yes, sir. So as you said, we cannot fill and release from the same site at the same time.

The CHAIRMAN. I got you.

Mr. MACINTYRE. It does not make sense for us to be releasing oil while we are trying to refill the SPR from the emergency sales. So we are trying to create an opportunity in FY24 through FY27 to stop those sales—either delay them to further out, or cancel them and then do a rescission on our account to make sure those pay-fors are accounted for.

The CHAIRMAN. How much money do you have? Selling the 180 million barrels, how much money do we have to spend, to take off the—

Mr. MACINTYRE. So fortunately, yes, sir, fortunately we sold high, and so the average sales price for these emergency sales is about \$96 a barrel, and the plan would be to purchase at roughly \$70 a barrel or somewhere around that. So we would have enough money to refill the—

The CHAIRMAN. And how much? What did our sales—35 million a year starting, I mean, as of 2025, we?

Mr. MACINTYRE. So starting in 2024, we are doing 35 million barrels a year.

The CHAIRMAN. In order to meet—

Mr. MACINTYRE. And more in '25, '26 and '27. So at 140 million barrels, plus the 60 million barrels that we are planning to purchase, physically, would more than cover the 180 million barrels that we sold this year.

The CHAIRMAN. I hope that helps the Committee a little bit to get an idea of where we are right now because it is alarming.

Dr. Huff, I am out of time in consideration of my Committee, but I really want to talk to you concerning our disposal of nuclear waste, and they had a blue-ribbon committee and we want to hear

about that. So if I get a second round, if one of my colleagues here doesn't ask that question, I would like to get into that with you.

With that, I will turn to Senator Barrasso.

Senator BARRASSO. Thanks, Mr. Chairman.

Dr. Huff, before getting into some of these specific meaty issues of nuclear issues, I want to talk about security clearances. You know, on July 20th of this year, I sent the Department a letter, specifically to the Secretary, requesting a review of the security clearance procedures. I have not yet gotten an answer from the Department. This week, and the national press reported today, we discover that one of the top deputies in your office, who has a security clearance, has been charged with felony theft. Can you assure the Committee that the Department will now undertake comprehensive review of its security clearance procedures, as I have requested?

Dr. HUFF. Thank you, Senator.

It is certainly correct that when a DOE clearance holder is charged with a crime, the case is considered by DOE personnel security officers and the matter would be handled pursuant to DOE Order 4722A. This addresses personnel security matters. And depending on the circumstances, that could result in immediate suspension or revocation of the clearance. I assure you that the integrity of our nation's classified information protections, particularly classified nuclear information, is pivotal to our nation's security. I, along with the rest of the Department of Energy, take this security very seriously.

Senator BARRASSO. So is that a yes that you will now undertake a comprehensive review? That the Department will take a comprehensive review of its clearance procedures, as I have requested?

Dr. HUFF. Senator, we will take this back to DOE and I will discuss it.

Senator BARRASSO. It is pretty disturbing when you see what the allegations are and the fact that this person has a security clearance.

Moving on to the next. Last month, the Department of Energy awarded Centrus a \$150 million contract to produce the fuel that advanced nuclear reactors use. I am glad the Department is taking steps to encourage the production of this fuel right here in the United States. Centrus continues to buy and sell Russian uranium. The Department should not use American tax dollars to prop up a company that finances Russia's war in Ukraine. So what steps are you taking to ensure Centrus does not use Russian material to produce this high-assay low-enriched uranium that is needed for this project and additional projects in the future for our nuclear future in America?

Dr. HUFF. Thank you, Senator. I really value your leadership and the concern about the provision of HALEU. At this time, none of our demonstration projects plan on importing high-assay low-enriched uranium from Russia for their first cores. However, there is very little highly enriched uranium available here in the U.S. that we can use to make the needed quantity. So this demonstration award to Centrus will allow us to make material very soon—in the 2023 timeframe—and that is an important first step, but we need your support in incentivizing a sustainable market-based HALEU

production capability in the United States, capable of providing those two first cores.

Senator BARRASSO. Mr. MacIntyre, I am sorry, let me go to Ms. Culver first.

Conserving water has been a priority for Wyoming and other Upper Basin states for years. This is not something new. In fact, over the past two decades, municipal water use across the four Upper Basin states has declined per capita despite population growth. To help address the declining water levels of the Colorado River Basin, the Upper Basin states have come together to prioritize this reauthorization of the System Conservation Pilot Program. Senator Hickenlooper and I, in a bipartisan way, have introduced legislation to do just that. This program is a key tool to conserve more water in the Upper Basin to help the Colorado River system. States have successfully worked together to find conservation solutions. In light of this, will the Department of the Interior prioritize working through the states and their delegations to address the declining water levels in the Colorado River Basin?

Ms. CULVER. Thank you for the question, Senator.

As you know, the Bureau of Reclamation and the Department have submitted a statement for the record in support of the act, and I am happy to get more information directly from the Bureau of Reclamation, but I can certainly say the Department is committed to working with states and to using all available tools to address this problem.

Senator BARRASSO. Thanks, Ms. Culver.

Mr. MacIntyre, now to you. Earlier this year, the Department sold a portion of our emergency oil reserves to the subsidiary of China's state-owned oil company, Sinopec. Does the Department currently have discretion to decline to sell our emergency oil reserves to entities owned by the Chinese government?

Mr. MACINTYRE. Thank you, Senator, for that question.

Currently, we are obligated, by law, to sell for the highest value to the taxpayer, to whatever companies provide that. The exceptions are any countries that currently have sanctions against them placed on by the U.S. Government or Congress.

Senator BARRASSO. So if you do not have the discretion to decline, do you agree that the two bills before us today would empower the Department to decline bids from China's state-owned oil companies?

Mr. MACINTYRE. Thank you, Senator. The two bills related to the SPR that I spoke to in my oral testimony do prohibit sales to China. It would include the U.S. subsidiary Unipec. As with everything, we follow the law. So if Congress changes that law, we will follow suit.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Dr. Huff, the Russian invasion of Ukraine demonstrates the need for the U.S. to continue ensuring domestic energy security and I support the development of a domestic strategic uranium reserve as part of a broader plan to decouple ourselves from Russia's sup-

ply of uranium. The U.S. market for uranium enrichment could potentially supply our nuclear fuel needs as long as there is a very clear, stable, and long-term U.S. market signal. So can you describe for us how DOE is playing a role in that market and discuss what additional authorizations DOE might need to ensure that we fully decouple from Russian uranium?

Dr. HUFF. Thank you, Senator.

Right now, we are working on a draft request for proposals that should acquire the needed high-assay low-enriched uranium from new capacity built here in the United States to support our two demonstration projects. That comes from the \$700 million allocated in the Inflation Reduction Act. So we are grateful for Congress's leadership in this. In addition to this, this is part of a much broader, cross-DOE uranium strategy, which seeks to identify ways to support the market through targeted, long-term offtake agreements, and needs to be coupled with appropriate import restrictions. And this uranium strategy identifies ways in which we can create a signal for the market that is long enough term, that investments from the private industry will be confident enough to stand up for that new capacity. And while not all of it is yet funded, we certainly are already working on the part that is. Thank you.

Senator HEINRICH. Great, thank you.

As you mentioned in your opening testimony, nuclear energy has an opportunity to play a key role in decarbonizing non-electricity markets—things like industrial heating processes and heavy duty transportation. In addition to the nuclear fuel supply chain risk that you mentioned, what do you see as the key challenges in making nuclear energy more flexible—things like adding thermal storage or combining hydrogen production with nuclear energy, to increase its marketability in other sectors, things like high-temperature industrial heating, clean fuels for transportation, and how can we, in Congress, help?

Dr. HUFF. Thank you for that. I think, you know, the United States nuclear industry has some exciting near-term wins coming up with the Vogtle Unit 3 and Unit 4 soon to come online, and these gigawatts of clean electricity were hard to come by and suffered, you know, some delays, and that, I think can be helped by a future of smaller, more modular nuclear reactors that are built, as they say, more like airplanes than airports. We are really excited about this modularity in construction, which we expect will lower the cost of these units. Additionally, as you mentioned high temperature applications, thermal and combined heat and power applications are a critical part of our decarbonization that will lead to net-zero.

That decarbonization can happen really well with a nuclear reactor, particularly high temperature nuclear reactors, like the ones that are being demonstrated through the Office of Clean Energy demonstrations in our Advanced Reactor Demonstration program. Those include, for example, the Sodium reactor from TerraPower, which is a sodium-cooled fast reactor. It includes one of these molten-salt storage systems that you described that helps with flexibility. Additionally, the X-energy Xe-100 reactor, which is a high temperature gas reactor—it gets up to temperatures, you know, in

the many hundreds of degrees Celsius, well beyond what our current reactor types can get to—can be really helpful in that process heat where extremely high-quality process heat is needed.

Senator HEINRICH. Ms. Culver, in the remainder of my time, as I mentioned in my statement, over 160 miles of the current Continental Divide Trail route currently require diversions onto roads and highways for hikers. How would closing those gaps better achieve the purpose of the trail?

Ms. CULVER. Thank you for the question, Senator Heinrich.

You know, the Continental Divide Trail is a scenic trail, and the purpose of the trail was to ensure scenic beauty, cultural significance, and experiences for visitors as well as conservation for generations. Diversions to roads and highways do not serve that purpose. They also—especially in New Mexico—include a lot of risks to safety of visitors and hikers. So we feel that working on those gaps would better serve the overall purpose of this trail and are working currently with other agencies and partners, including volunteers, on both closing the gaps and rerouting the trail.

Senator HEINRICH. Great. Thank you.

Senator BARRASSO [presiding]. Before turning to Senator Daines, I have a number of letters in support of the record of a bill I introduced on mining schools legislation. Without objection, I will submit those for the record to the Chairman.

[Letters in support of S. 3915 follow:]



November 9, 2022

Dear Chairman Manchin and Ranking Member Barrasso,

As the 117<sup>th</sup> Congress begins its final sprint to the finish, the American Exploration & Mining Association (AEMA) writes to you regarding an important priority for the hardrock mining industry. We urge you to include S.3915, the “Mining Schools Act of 2022” in important end-of-year legislation such as the FY 2023 omnibus bill.

#### **Who We Are**

AEMA is a 127-year-old, 1,400-member national association representing the hardrock minerals industry, with members residing in 46 states, seven Canadian provinces or territories, and 10 other countries. AEMA is the recognized national voice for exploration and represents the entire mining life cycle, from exploration to reclamation and closure.

As you will recall, S.3915 is a bipartisan bill introduced by the leaders of this committee, with strong bipartisan cosponsorship as well, and its goal is to expand instruction at mining colleges and universities across the United States. For several decades, this country has seen a decline in the number of colleges and universities with accredited programs in mining engineering. In 1980 the number stood at 25, and it stood at 14 in 2020.

In contrast, the U.S. mining workforce stands ready to grow, with acute shortages of mining engineers, chemical engineers, geologists, metallurgists, hydrologists, biologists and many other related fields that are essential to a skilled mining workforce. A large portion of the workforce in the mining industry is nearing retirement age, heightening the need for qualified, well-educated college graduates to enter the workplace soon.

On top of the labor shortages, the industry itself is poised to grow worldwide, as the world demands more minerals like copper, lithium, cobalt, nickel, rare earths and many others for technologies like solar panels, wind turbines, grid-scale batteries, semiconductors – the list goes on and on. Metals and minerals make modern life possible, and the technologies listed above are

incredibly mineral intensive. However, these technologies will be difficult to produce and deploy without the educated workforce it takes to supply the minerals.

Today, we frequently hear about “disadvantaged communities” and the importance of creating jobs that pay a “living wage.” When mining jobs are created, we address both of these issues, because mining projects are overwhelmingly located in rural communities with few opportunities for economic development otherwise, and mining jobs typically pay twice the average wage in many states. Many mining jobs pay well into the six-figure salary range, and mining projects require goods, supplies and services, usually from local suppliers and contractors. Mining dollars circulate through the economy multiple times. Mining projects pay billions of dollars in taxes to local, state and federal governments. Few industries pack such an economic punch.

S.3915 will provide America’s mining colleges and universities with incentives to create an educated, qualified workforce that will be ready for rewarding, exciting careers in a mining industry that is eager to receive and welcome them. Students entering the mining workforce are hired quickly and paid well, quickly achieving economic independence.

I hope you will consider attaching S.3915 to the FY 2023 or other must-pass legislation in the coming weeks. Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Compton". The signature is written in a cursive, slightly slanted style.

Mark Compton  
Executive Director



**Mitchell J. Krebs**  
President and Chief Executive Officer  
Director

Chairman Joe Manchin  
304 Dirksen Senate Building  
Washington, DC 20510

Ranking Member John Barrasso  
304 Dirksen Senate Building  
Washington, DC 20510

Dear Chairman and Ranking Member,

Please accept for the record the supportive comments of Coeur Mining, Inc. (“Coeur”, NYSE:CDE) for S. 3915, the Mining Schools Act of 2022 for the hearing conducted on December 1, 2022.

Headquartered in Chicago, IL, Coeur is a U.S.-based, well-diversified, growing precious metals producer with four wholly-owned operations: the Palmarejo gold-silver complex in Mexico, the Rochester silver-gold mine in Nevada, the Kensington gold mine in Alaska and the Wharf gold mine in South Dakota. In addition, Coeur wholly-owns the Silvertip silver-zinc-lead development project in British Columbia and has interests in several precious metals exploration projects throughout North America. Coeur employs approximately 2,000 people. Our purpose statement is “We pursue a higher standard.” Holding ourselves to a higher standard means, among other things, we are committed to protecting the environment. Our company prioritizes our responsibility to contribute to clean air, clean water, and the protection and enhancement of the land we use or disturb to produce the metals crucial to everyday life.

Coeur supports S. 3915 and applauds the Chairman and Ranking Member working together to provide additional Federal support in building our domestic mining education and workforce. Mining, along with most US industries, are facing serious workforce issues as our industry requires highly skilled individuals for nearly every facet of our operations.

Coeur recruits students from 16 colleges and universities for employment and as part of our robust summer internship program that provides valuable exposure and training in the mining industry for a diverse group of students. 30% of those interns become full time employees upon graduation. Additionally, we financially support, through grants, donations, and development programs, colleges and universities in Alaska, Nevada, and South Dakota where we have operations and provide employment opportunities. Moreover, Coeur is working collaboratively within our industry to find ways to maximize the effectiveness of the Mining Schools Act upon enactment and how to best promote mining as a phenomenal career path. The proposed legislation will enhance what Coeur and other mining companies are doing to promote mining education and mining careers and is vital to mining’s future in the United States.

Coeur believes that the United States must enact policies to build our domestic mining industry to become more mineral independent than we are today. Part of that effort must include further education and building of our mining workforce. Our industry provides high quality, excellent benefits, and high paying careers in mostly rural communities across the nation. The \$10 million annual authorization included in S. 3915 to support recruitment and education opportunities for engineers and other qualified professionals in the mining sector will assist our fine university mining programs to attract the best students possible. Additionally, we foresee these grants helping to build mining education programs that will be attractive to students to seek mining related educations.

Lastly, we applaud the involvement of the mining industry in the established Advisory Board to ensure that the voice of the industry is fully involved in how funds are distributed and utilized. This Board structure will provide decision making with updated trends, future needs, and expertise needed within the mining sector so that graduating students are best qualified to enter the mining workforce.

We thank the Committee for conducting a hearing on S. 3915 and urge its enactment as soon as possible. Upon enactment, we look forward to continued work with the Committee to ensure funding is appropriated to carry out the purposes of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell K. Lee". The signature is fluid and cursive, with the first name being the most prominent.



November 23, 2022

**Chairman Joe Manchin III and Ranking Member John Barrasso****Senate Committee on Energy and Natural Resources**  
304 Dirksen Senate Building  
Washington, DC 20510**Subject: Support for the “Mining School Act of 2022”**

Dear Chairman Manchin, Ranking Member Barrasso, and Committee Members:

Colorado School of Mines strongly supports the bipartisan bill entitled the “Mining School Act of 2022” that you introduced to Congress in March. This bill represents an important step for the Nation, a recognition of the need to rebuild the American mining workforce, which has been in decline since 1980. Today, there are only 14 accredited mining engineering programs in the United States, which is down from 33 at its peak. Furthermore, over the past decade, those 14 programs collectively graduated only about 200 students each year, compared to an annual industry demand for over 500 mining engineers as well as mining related technical disciplines and mining economics specialists in the U.S. Given the need for critical materials for the Nation and the global energy transitions, the U.S. will have to significantly increase the production of critical metals and minerals to support increasing domestic renewable energy sources, expand electrification, increase battery storage capacity, expand the development and penetration of safe nuclear energy technologies, provide catalysts for hydrogen and alternative fuels, and develop related technologies.

Despite these declines in workforce and resource development capacity, the United States has great capabilities to lead the world in critical materials and mining engineering, and to drive the innovations required for sustainable resource development. This will require a much larger and more highly trained mining workforce, and Colorado School of Mines is ideally situated to help. Colorado School of Mines is consistently ranked the number 1 university in the world for minerals and mining engineering.<sup>1</sup>

Thank you for your leadership to develop and advance this important legislative proposal. We would recommend several changes to the wording of the bill to enable achievement of the goals to which the bill aspires.

The “Mining School Act of 2022” would allow eligible colleges and universities to apply for \$10 million in grants for fiscal years 2023 through 2030. The grants are specifically focused to assist with recruiting, training and educating students and funding research to develop innovative technologies for the mining industry. The grant funds can be used for programs that cover the entire mine lifecycle ranging from exploration, mine planning, mineral processing, extraction and refining to energy use, environmental and human impacts, and recycling. Colorado School of Mines has deep strengths in these disciplines as do the other 13 U.S. mining schools. Unfortunately, as the Bill is currently written, the definition of “a geology or engineering program” is too broadly stated. So, there is a very serious threat that other colleges and universities that have “a geology or engineering program” will compete

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<sup>1</sup> <https://www.minesnewsroom.com/news/colorado-school-mines-repeats-global-no-1-mining-engineering>



successfully for the grants to be authorized by the Act, but without having the requisite curriculum or programming directly relevant to mining and the mining lifecycle in place. This may inadvertently actually contribute to further declines of some existing mining school programs, which clearly would undermine the objectives of the Act.

The current use of the specific language “a geology or engineering program” means that educational programs that have nothing to do with mining could be eligible in the Mining Schools program under the draft bill. We recommend that the Committee and colleagues in the legislature re-consider this definition in advancing the legislation. This can be addressed by authorizing the awarding of funds to schools with an “accredited mining engineering program”, and to schools with “a geology or engineering program who have entered a formal partnership to establish a mining engineering program, collaborating in curriculum development and educational content delivery with an institution accredited for mining engineering.” Without a clarification of this sort, the bill language ultimately may not result in tangible, timely benefits to the U.S. mining sector.

Colleagues of the Colorado School of Mines and I believe that this bill is a step in the right direction. If the language is not changed, the bill certainly supports STEM, which may bring indirect benefits for mining and critical minerals, as well as for other sectors of the U.S. economy. For this bill to become a game-changer for rebuilding the U.S. mining and critical materials workforce, we recommend changes to the language defining institutional eligibility.

Again, thank you for your leadership to develop and advance this important legislative proposal. We encourage you to take appropriate action toward having this important legislation enacted.

Sincerely yours,

**Walter G. Copan, Ph.D.**  
**Colorado School of Mines**  
Vice President for Research and Technology Transfer

Cc: Merritt (Steve) Enders, Department Head, Mining Engineering, Colorado School of Mines



**Rich Nolan**  
President & CEO

December 1, 2022

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

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

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the National Mining Association (NMA) and the nearly 1.3 million hard-working men and women directly and indirectly employed by the mining industry, I would like to express our strong and continued support for the Mining Schools Act of 2022 (S. 3915). Modern mining depends on a 21st century workforce that drives innovation, continues to prioritize health and safety while working to reduce environmental risk, and supports the communities where we live and work.

This bipartisan and bicameral legislation supports recruitment and education opportunities for engineers and other qualified professionals in the field of mining through a competitive grant program established by the Department of Energy. It further strengthens programs related to exploration, extraction, processing, refining, reclamation and reprocessing technologies for hardrock minerals and coal products to reduce U.S. dependence on foreign energy and mineral supplies.

As our global energy and mineral demands continue to increase at a rate never seen before in human history, we must recruit, educate, train and develop tomorrow's workforce today, giving them the tools they need to meet the challenge of developing a secure domestic supply chain that will deliver economic and national security for future generations. The mining industry is a highly technical field that already employs leading technologies in autonomy, mobility, active safety, and advanced data and analytics. These capabilities require a more technical workforce yet attracting and retaining great talent is a challenge.

The Mining Schools Act of 2022 helps to bridge the generational workforce gap by ensuring the next generation of miners continue to develop their skills alongside technological advancements, driving innovation and improving best practices.



NMA Letter in Support of Mining Schools Act of 2022  
December 1, 2022  
Page 2

From grant funding to cutting-edge research programs, I urge you to support this bipartisan legislation and this essential workforce.

Sincerely,



Rich Nolan



## NSSGA®

NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION

June 6, 2022

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

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

On behalf of the 400 members of the National Stone, Sand & Gravel Association (NSSGA), I am writing to share our support for the Mining Schools Act of 2022 and thank you for your leadership in drafting this critical legislation.

NSSGA represents aggregates producers and those who manufacture equipment and services that support the construction industry. Our members are essential to the work of this country, and we represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the United States. Our members employ more than 100,000 hard-working men and women, who are responsible for the essential raw materials found in every home, building, road, bridge and public works project.

As you may know, our nation's mining schools are critical to the work of the aggregates industry as they train the next generation of engineers and experts needed to build and operate the thousands of mines that supply over 2.56 billion tons of aggregates each year. The aggregates industry works closely with our mining schools, providing internships, resources, and on the ground training to students. Further, it is estimated that approximately 50% of the graduating students at these schools find gainful and high paying employment within the ranks of NSSGA member companies upon graduation.

The Mining Schools Act of 2022 will provide critical resources that drive opportunities and innovation to improve mining schools that are so critical to our modern way of life. For example, if enacted, new programs could be developed that provide scholarships to prospective students who wish to enroll in a program that increases the use of data analytics and machine learning to optimize mining production. These types of innovative programs will not only grow the talent pool for the next generation of miners but help drive key innovations that improve safety and sustainability.

Our industry is staring at a historic workforce shortage as we work to produce the materials needed to modernize infrastructure systems and build communities. The funding provided by this important legislation will bring greater awareness to the high paying jobs across the aggregates industry, creating our future engineers and skilled workforce. If enacted, the Mining Schools Act of 2022 could help grow scholarships for qualified undergraduate students giving them the opportunity to learn and work in the



mining industry. The bill will also allow for greater partnerships between industry and mining schools to bring "real world" exposure into the classroom.

NSSGA praises your work on this bipartisan legislation, as it will deliver a stronger and more skilled mining workforce the aggregates industry needs as we supply the building materials needed to improve America's infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Johnson", is enclosed in a white rectangular box.

Michael Johnson  
President and CEO  
National Stone, Sand & Gravel Association





1000 E. University Ave • 1020 Lewis Street • Laramie, WY 82071  
(307) 766-5353 • fax (307) 766-2608

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

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

October 25th, 2022

Dear Senator Manchin and Senator Barrasso,

On behalf of the University of Wyoming School of Energy Resources, I am writing to share our support for the Mining School Act of 2022.

The School of Energy Resources (SER) at the University of Wyoming was created by the Wyoming Legislature to provide competitive undergraduate and graduate instruction in the energy and mining-related disciplines particularly those of importance to develop Wyoming's energy and mining resources.

Minerals (e.g. energy, industrial, and critical) are essential components in products that we use in our everyday lives, they provide reliable and affordable energy, and they are essential for developing new clean energy technologies. Wyoming is the nation's leading producer of coal, bentonite, soda ash, and uranium. Wyoming also has large resources of rare earth elements. SER is proud to supply highly trained graduates to support these industries. Although it is important to note that these industries are facing a large shortage of qualified workers. The Mining Schools Act of 2022 will provide critical funding to reinvigorate the mining workforce training programs leading to increased enrollment, scholarships, student funding, and the placement of highly trained graduates in the workforce.

I would also like to share that SER has a growing research and development program that goes beyond traditional mining education. For example, SER has a program in carbon engineering that is focusing on novel products made from coal, like construction materials and agricultural products. We also have a rapidly growing program aimed at increasing U.S competitiveness in critical mineral and rare earth element mining and processing. The Mining Schools Act of 2022 will accelerate the development of cutting-edge programs, like those housed at SER, to drive innovation in the mining sector.

Thank you for your leadership in crafting this important legislation. The Mining Schools Act will provide the critical resources needed to train mining engineers and other professionals to meet the increasing demand for minerals that are essential to maintaining our quality of life.

Holly Krutka  
*Holly Krutka*  
Executive Director,  
School of Energy Resources  
University of Wyoming



*Sent via Electronic Mail to:*

April 26, 2022  
The Honorable Members of the U.S. Senate  
Washington, DC 02510

Dear Senators:

The Women's Mining Coalition (WMC) supports the bipartisan legislation "Mining Schools Act of 2022" introduced by Senators Barrasso and Manchin and urges you to become a co-sponsor of this important bill.

Europe's dangerous reliance on Russian oil and gas and the supply chain crisis brought on by the pandemic has spotlighted the need to strengthen the domestic critical minerals supply chain by increasing production of these minerals from U.S. mines. Increasing domestic production of minerals will help ensure our energy and minerals security. However, without a properly educated workforce it will be difficult to reach our goals.

In order to increase domestic mining, it is imperative that we expand and support mining schools that teach mining engineering, metallurgy, process engineering, geology, and related fields that are essential to developing the skilled workforce needed to support the increase in domestic mining activities. The U.S. has seen a steady decrease in the number of colleges and universities that have accredited programs related to mining engineering, dropping from 25 in 1980 to only 14 in 2020.

In his March 24, 2022 press release, Chairman Manchin said: "A strong and skilled mining workforce is critical to reducing our foreign supply chains, increasing our deployment of renewable energy technologies and maintaining our energy security. In the last few years, however, this workforce has decreased as universities across the country struggle to enroll students in their mining and geological engineering programs." Ranking Member Barrasso followed up by saying "Our bipartisan legislation will create opportunities for mining schools to strengthen their programs and recruit the next generation of American Energy producers."

The mining workforce crisis has been developing for many years. In 2013, the U.S. Department of Energy created a committee that published a consensus report entitled "Emerging Workforce Trends in the U.S. Energy and Mining Industries." The report examined the U.S. mining and energy workforce, and proposed approaches to address crucial emerging needs to meet the nation's requirements for skilled workers. A summary of the report can be read here: [Emerging Workforce Trends in the U.S. Energy and Mining Industries](#).

In 2015, Mr. Leigh Freeman, a member of the above referenced committee, testified before the House Natural Resources Committee, Subcommittee on Energy and Mineral Resources, on the importance of "Education and Training for the Mining Workforce". Mr. Freeman's testimony points out that the committee created in 2013 highlighted the importance of collaborative efforts among the government,

Honorable Members of the U.S. Senate  
 March 31, 2022  
 Page Two

industry, and educational institutions to create and support new approaches to develop multiple pathways in higher education that can lead to a range of mining and energy jobs. To ensure that there are enough faculty now and in the pipeline who qualify to work and teach at the cutting edge of technology, the committee also recommended that the government and industry consider public-private partnerships to provide joint support for mining and energy research programs at U.S. universities, with the goal of attracting and better preparing students and faculty, promoting innovation, and helping to insure the relevance of university programs. Recognizing that industry's ability to financially support these critical efforts is subject to market price cyclicality in the commodity sectors underscored the importance of government-industry partnerships in providing consistent financial support for mining and energy education. Mr. Freeman's testimony can be read here: [Testimony of Leigh Freeman](#).

On December 10, 2021, Reuters published an article, [Analysis: Miners face talent crunch as electric vehicles charge up metals demand](#), that paints a bleak picture for the future. The lower enrollment numbers at most mining colleges and universities have forced them to refocus some of their programs while recruitment into the mining-related fields continues to be difficult.

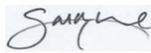
The international mining community also is acutely aware of the skilled labor crisis as referenced in the Canadian article, [Mining sector needs to rebrand to attract Gen Z talent – report](#). Only about 11% of Canadian youth wish to pursue a career in the mining industry.

In order for the U.S. to increase domestic mining and achieve the goal of mineral and energy security, we must act now to create an educated, qualified workforce by supporting our mining colleges and universities as they work to recruit, retain, and educate future mining professionals.

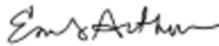
WMC respectfully asks you to support Senators' Manchin and Barrasso's bill and consider becoming a co-sponsor of this important legislative proposal to increase opportunities for mining programs at institutions of higher education and to prepare students to meet America's future mineral and energy needs.

As mining, environmental, and public land subject-matter experts, WMC members look forward to working with you on this and other important mining-related issues. Do not hesitate to contact us as we stand ready to assist you in any way.

Sincerely Yours,



Sara Thorne  
 WMC President



Emily Arthun  
 WMC Coordinator

For more information about WMC, please contact us at [Emily.arthun@wmc-usa.org](mailto:Emily.arthun@wmc-usa.org)  
 or visit our website at: [www.wmc-usa.org](http://www.wmc-usa.org)

Senator BARRASSO. Senator Daines.

Senator DAINES. Ranking Member Barrasso, thank you.

So I am here to share some comments about Senate bill 4995, the Continental Divide Trail Completion Act. I want to thank Senator Heinrich for his leadership there. I am the lead Republican co-sponsor. It is bicameral, bipartisan legislation that will spur recreation, economic development, and grow jobs in Montana in local gateway communities. The history of the Continental Divide is fascinating. The early surveyors, they looked at it, but if you start from north to south, we begin in Montana and then we end up in New Mexico.

Senator HEINRICH. I think you have that backwards.

Senator DAINES. Depending on the season, you could start in New Mexico and end in Montana.

[Laughter.]

Senator DAINES. So it depends on if you are a snow bird or not.

Senator HEINRICH. It is all a matter of perspective.

Senator DAINES. That is very true, but of course, it goes right through Wyoming, north to south, Colorado, New Mexico. What a great, great part of our country that we have. It literally spans over 2,100 miles, and in Montana, that trail starts or finishes, depending on Senator Heinrich's perspective, in Glacier National Park. It runs 1,020 miles south along the Montana-Idaho border, through much of it, to end in Yellowstone National Park. The tourism and recreation economy that is generated from this trail is a boon to many small towns in Montana. Shuttle services, hotels, restaurants, sporting goods stores, and more, all benefit from this Continental Divide Trail. In fact, as we look at the State of Montana, outdoor rec represents one of the state's largest economic sectors, contributing nearly \$3 billion to the economy, 27,000 jobs, and accounts for 4.4 percent of our state's GDP. Our national parks, our forests, our trails all help contribute to Montana's economy. And that is why I believe it is so important we pass this bipartisan bill to help complete the Continental Divide Trail.

There are a number of gaps in Montana that require hikers to travel long distances on highways or other unsafe locations. Specifically, there is a major gap near Butte that the community has long worked to connect. This bipartisan bill would bridge these gaps by working with our local communities, expanding resources and partnerships. It will also strictly prohibit the use of eminent domain for acquisitions ensuring that private property rights are protected as we expand public access. Before I get to questions, I would like to ask unanimous consent to enter into the record a long list of supporters and letters of support, and let me just quickly rattle off a few of them—Helena Chamber of Commerce, City and County of Butte-Silver Bow, Beaverhead County Commissioners, Lincoln Valley Chamber of Commerce, the Glacier County Tourism Commission, the Theodore Roosevelt Conservation Partnership, the Montana Conservation Corps, Wild Montana, and a lot more Montana national groups.

Senator BARRASSO. Without objection.

[Letters of support for S. 4995 follow:]



THE CITY-COUNTY OF  
Butte-Silver Bow

Office of the Chief Executive  
J.P. Gallagher Chief Executive  
Ph: 406-497-6214 E-Mail: [jgallagher@bsb.mt.gov](mailto:jgallagher@bsb.mt.gov)

DATE: 11/28/2022

TO: Senate Committee  
366 Dirksen Senate Office Building  
Washington, DC 20002

SUBJECT: Senate Bill S.4995  
Prioritize Completion of Continental Divide National Scenic Trail  
Letter of Support from Chief Executive

Dear Senate Committee,

It is my pleasure as Chief Executive of Butte-Silver Bow to offer my support for Senate Bill S.4995 which prioritizes the completion of the Continental Divide National Scenic Trail. The community of Butte-Silver Bow supports this bill as a gateway community for the trail. Gateway communities such as ours provide necessary amenities to trail users such as lodging, food, internet, laundry services, showers, etc. The completion of the Continental Divide Trail will promote more access and tourist opportunities designed for those using the trail. The completion of this trail will in turn create new jobs as well revenue for communities along the trail like Butte-Silver Bow.

Thank you for your consideration in passing Senate Bill S.4995 which would prioritize the completion of the Continental Divide National Scenic Trail.

Sincerely,

A handwritten signature in black ink that reads "J.P. Gallagher".

J.P. Gallagher  
Chief Executive of Butte-Silver Bow



November 28, 2022

Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the Anaconda Trail Society, we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

The Anaconda Trail Society supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,

Robin McKernan  
 President Anaconda Trail Society  
 PO Box 196, Anaconda, MT 59711/406-559-6262



November 29, 2022

The Honorable Steve Daines  
 United States Senate  
 320 Hart Senate Office Building  
 Washington, DC 20510

The Honorable Martin Heinrich  
 United States Senate  
 303 Hart Senate Office Building  
 Washington, DC 20510

**RE: Support for S. 4995, Continental Divide Trail Completion Act**

Dear Senator Daines and Senator Heinrich:

Back Country Horsemen of America, which was founded in Montana's Flathead Valley in 1973, is excited to share our support for your bill to complete the Continental Divide Trail. We encourage you to continue your support of the Continental Divide Trail Completion Act and to encourage your colleagues to act to support the work to protect the major watershed of the North American Continent.

The Continental Divide National Scenic Trail (CDT) was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, there are more than 160 miles of the CDT where those seeking a continuous footpath are diverted onto busy roadways and highways, making for a journey that is not only less safe and creates access issues, it is not aligned with the characteristics for which the trail was designated. This legislation will allow our partners at the Continental Divide Trail Coalition work with the federal and state agencies to create a collective vision and future for the CDT – and ensuring that the people most affected by decisions around the CDT, are part of the decision-making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities along the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor. For decades, trail enthusiasts who enjoy travel via horse and mule have long been integral to the protection, construction and maintenance of the Continental Divide National Scenic Trail. We applaud your efforts for expanding upon the CDT vision and legacy. It would be an extraordinary accomplishment to see the trail made complete.

P.O. Box 1182 | Columbia Falls, MT | 59912-1182  
 Toll Free 860-586-7540 | [www.bcha.org](http://www.bcha.org)

Back Country Horsemen of America supports this legislation because completing the CDT invests in the outdoor recreation economy that is the powerhouse for the local economy for many rural rocky mountain west communities. This includes the 20 designated Gateway Communities along the CDT, where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. This is critical because many of these communities are seeing their young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, and need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion benefits public health and creates new access to nature, by inspiring in-town trails being linked to the CDT, so community members have places to walk and bike which helps combat preventable diseases like heart disease and diabetes. Completion cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail—it's about the holistic benefits and creating a culture around all the CDT experience has to offer, and continues to keep connections to one of the most important landscapes of the North American Continent thriving for all people for future generations to come.

Sincerely,



Sherry Copeland  
Chairman



Randy Rasmussen  
Director, Public Lands & Recreation

November 28, 2022

Senator Steve Daines  
Senator Martin Heinrich  
320/303 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the Butte CDT Gateway Committee, we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Butte CDT Gateway Committee supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,

/s/ Jocelyn Dodge  
JOCELYN DODGE  
Member, Butte CDT Gateway Committee  
114 Waldron Drive  
Butte, MT 59701  
[joicedodge@gmail.com](mailto:joicedodge@gmail.com) / 406.533.0727



November 28, 2022

Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the Butte Montana tourism promotion entities the Convention & Visitors Bureau (CVB) and Tourism Business Improvement District (TBID), we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDNST) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent. You may not be aware; Butte has 13 trailheads to the CDNST, all within 50 miles of the city center, more than any other community along the CDNST. Combine our historical assets with the distinction of being home to the largest historical district in the United States, the extensive reclamation work from our previous mining days, and our recent designation from the Continental Divide Trail Coalition a Gateway Community, Butte offers trail enthusiasts many educational opportunities. We like to think we are more than a melting pot of nationalities; Butte is an incredible example of industrialization, restoration all within the beauty synonymous with the state of Montana.

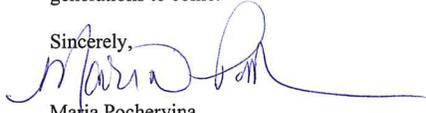
The CDNST was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDNST is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDNST. Currently, [there are more than 160 miles of the CDNST](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDNST Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDNST, while also ensuring that the people most affected by decisions around the CDNST are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDNST Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDNST's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Butte-Silver Bow Convention & Visitors Bureau | Butte-Silver Bow Tourism Business Improvement District  
 1000 George Street | Butte, Montana 59701 | 406-723-3177 | [www.visitbutte.com](http://www.visitbutte.com)

The Butte Convention & Visitors Bureau and Tourism Business Improvement District supports this legislation because completing the CDNST invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include 20 designated Gateway Communities where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies to keep their communities thriving. Completion of the CDNST benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDNST, so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDNST cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDNST experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marija Pochervina', with a long horizontal flourish extending to the right.

Marija Pochervina  
Executive Director – Butte CVB  
Executive Secretary – Butte TBID  
mariap@buttecvb.com



710 10<sup>th</sup> Street, Suite 200  
Golden, CO 80401

Nov. 29, 2022

Senator Steve Daines  
Senator Martin Heinrich

RE: Support for the Continental Divide Trail Completion Act (S. 4995)

Dear Senator Daines and Senator Heinrich,

On behalf of the Continental Divide Trail Coalition, we write today to enthusiastically share our support for the CDT Completion Act (S. 4995). We sincerely appreciate the leadership that you have demonstrated in introducing this legislation, and encourage all Senators to take action today to complete the Continental Divide National Scenic Trail, helping to protect and provide access to the Continental Divide landscape.

As an organization whose mission is to complete, protect, and promote the Continental Divide National Scenic Trail (CDT), we believe that completion of the CDT should be supported and celebrated for all the benefits it brings to the health of rural communities, the growth of the outdoor recreation industry, and the preservation of important stories in history. Across its 3,100 miles, the CDT connects countless landscapes, communities, and cultures, and the completion of the Continental Divide Trail will build on this legacy of connection for future generations.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and

creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Martinez".

Teresa Martinez  
Executive Director  
Continental Divide Trail Coalition  
Golden, CO

November 28, 2022

Senator Steve Daines  
Senator Martin Heinrich  
320/303 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of Downtown Helena Inc, we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

DOWNTOWN HELENA, INC. supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,



Jordan Conley  
Operations Director, Downtown Helena, Inc.  
330 N. Jackson St.  
Helena, MT 59601  
406-447-1535 (office)  
[downtownhelena@helenabid.com](mailto:downtownhelena@helenabid.com)

November 28, 2022

Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the [East Ridge Foundation of THE Rotary Club of Butte](#), we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

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[The East Ridge Foundation of The Rotary Club of Butte](#), supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely, 

Robert L. Miller  
 President, East Ridge Foundation of Rotary Club of Butte  
 193 Bantry Way  
 Butte, MT 59701  
 Mobile: 406-490-9154  
 Email: [rolom817@gmail.com](mailto:rolom817@gmail.com)



Racene Friede  
Glacier Country Regional Tourism Commission  
4852 Kendrick Place, STE 101  
Missoula, MT 59808

November 30, 2022

The Honorable Steve Daines  
320 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Daines,

Glacier Country Regional Tourism Commission, the official destination marketing, management and stewardship organization for the western-most tourism region of Montana, wholeheartedly supports the bipartisan efforts to complete the Continental Divide National Scenic Trail (CDNST).

The CDNST, arguably one of the most beautiful of the 11 National Scenic Trails, follows the continental divide between the borders of Mexico and Canada. It ends its northern-most section in Montana and ultimately ascends the rocky peaks of Glacier National Park. Connecting the remaining portions of the CDNST allows for hikers to complete the magnificent trail without having to walk for miles along what could be a dangerous stretch of highway or road—and ultimately could create a trail as well known and sought after as the Appalachian Trail or the Pacific Crest Trail.

The type of traveler who hikes a national trail is typically low-impact and understands the importance of keeping a place pristine for future generations—we are in full support of encouraging that type of responsible tourist to our area and our neighboring states.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Racene Friede".

Racene Friede  
President CEO



Helena Area Chamber of Commerce  
225 N Cruse Avenue, Suite A  
Helena, Montana 59601

Helenachamber.com  
(406) 442-4120

November 29, 2022

To Whom It May Concern:

I am writing this letter in support of the Continental Divide Trail Coalition bill efforts and its efforts to finish the 3,100-mile Continental Divide National Scenic Trail.

As a gateway community for the Continental Divide Trail, Helena is fortunate to benefit from the tourism that those visiting the trail bring to our city. As the Coalition states, the trail is a connector of communities, and the continuation of the trail would allow for more access for the visitors and their families.

We appreciate your consideration of this bill and the work of the Continental Divide Trail Coalition.

Sincerely,

A handwritten signature in black ink that reads "Callie Aschim". The signature is written in a cursive, flowing style.

Callie Aschim  
President & CEO  
Helena Area Chamber of Commerce



November 28, 2022

Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the Helena Tourism Business Improvement District/Visit Helena we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Visit Helena supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,  


Andrea Opitz  
 Executive Director/Helena Tourism Business Improvement District  
 105 Reeder's Alley-Helena, MT; [aopitz@helenamt.com](mailto:aopitz@helenamt.com); [www.helenamt.com](http://www.helenamt.com)

November 28, 2022

Senator Steve Daines  
Senator Martin Heinrich  
320/303 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of the Lincoln Valley Chamber of Commerce, we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Lincoln Valley Chamber of Commerce supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,

Laurie Welty  
President - Lincoln Valley Chamber of Commerce  
[experiencelincolnmt@yahoo.com](mailto:experiencelincolnmt@yahoo.com)



**MONTANA  
CONSERVATION  
CORPS**

*Igniting Potential*

301 N Willson Ave., Bozeman, MT 59715  
(406) 587-4475 | [www.mtcorps.org](http://www.mtcorps.org)

The Honorable Senator Steve Daines  
Senate Hart Building Room 320  
Washington, DC 20510

The Honorable Senator Martin Heinrich  
303 Hart Senate Office Building  
Washington, DC 20510

November 30, 2022

Dear Senator Daines and Senator Heinrich:

Montana Conservation Corps (MCC) wishes to express our wholehearted support for the Continental Divide Trail Completion Act. Thank-you for your leadership to move to completion this recreational treasure that crosses Montana from top to bottom.

This Continental Divide Trail encompasses so many of the gems of our Treasure State public lands – including Yellowstone and Glacier national parks, and the Bob Marshall Wilderness Complex. Hugging the wild and rugged Continental Divide, yet so close to dozen of Montana communities, this trail is the recreational backbone of our state’s outdoor recreation economy. Yet, what is remarkable is that while it attracts thousands of day hikers and through hikers each year, significant portions of the trail remain incomplete and/or unmarked. After decades of being developed piecemeal by invested stakeholders – like MCC and other volunteers – it’s time to put the final polish on this diamond of recreation.

For over three decades, MCC has partnered closely with the USDA Forest Service, National Park Service, and Bureau of Land Management, and with other state and community and trails organizations such as the Continental Divide Trail Coalition, to engage young people in hands-on service projects to improve access and safety of Montana’s trails, including the CDT. We also partner with these agencies in Wyoming and Idaho.

With a renewed commitment to complete the Continental Divide Trail through Montana, Idaho and Wyoming, Colorado and New Mexico, MCC in other youth and conservation corps programs throughout the Rocky Mountains, would look forward to the opportunity to engage local youth and AmeriCorps members in the cause of completing this trail of national import. Each mile of trail presents opportunities to connect young people to America’s Great Outdoors, and teach lessons in hard work, leadership, resilience, civic responsibility and stewardship.

Thank-you for your vision and leadership for the completion of the Continental Divide Trail. Let’s take a hike!

Sincerely,

Jono McKinney, President and CEO



November 28, 2022

Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

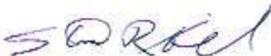
Dear Senator Daines and Senator Heinrich,

On behalf of the Pintler's Portal Hostel within Anaconda (a CDTC Gateway Community) we are thrilled to share our excitement and support for the opportunity to complete the Continental Divide National Scenic Trail (CDT) by encouraging you to support the [Continental Divide Trail Completion Act](#) and to ensure that Congress acts today to protect the major watershed of the North American Continent.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes. Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, [there are more than 160 miles of the CDT](#) where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a Trail Experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated. The CDT Completion Act will allow our partners at the [Continental Divide Trail Coalition](#) to work with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision making process, especially Traditional Communities, Tribal Nations, Native People and historically marginalized and underrepresented communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretary of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Pintler's Portal Hostel within Anaconda (a CDTC Gateway Community) supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. These towns, cities, and counties near the Continental Divide include [20 designated Gateway Communities](#) where trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. These efforts are critical because many of these communities are seeing young people move away, housing prices drive out locals, and the permanent loss of jobs in some sectors, which means they need alternative ways to sustain and even grow their local economies in order to keep their communities thriving. Completion of the CDT benefits public health and creates new access to nature, by inspiring in-town trails that link to the CDT so community members have places to walk and bike which helps combat otherwise preventable diseases. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors. Finally, completion is not just about the trail - it is about the holistic benefits and creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely, 

Steve R. Hill, [steve@pintlersportal.com](mailto:steve@pintlersportal.com) Mobil 208-250-4392  
 Owner Pintler's Portal Hostel, [www.pintlersportal.com](http://www.pintlersportal.com)  
 Board Member Anaconda Trail Society  
 218 West Park  
 Anaconda, Montana 59711

November 30, 2022

Steve Daines  
Montana U. S. Senator  
320 Hart Senate Office Building  
Washington D. C. 20510

**RE: Support for the Continental Divide Trail Completion Act**

Dear Senator Daines:

The Theodore Roosevelt Conservation Partnership (TRCP) is a conservation organization working to guarantee all Americans quality places to hunt and fish. The TRCP works with 62 formal partners and represents over 130,000 individual members nationally, including more than 3,500 throughout Montana. Conserving fish and wildlife habitat and public access for outdoor recreation on our public lands is of great interest to us and our members. We are writing to support the Continental Divide Trail Completion Act.

The Continental Divide Trail traverses some of Montana's and the nation's most impressive landscapes, stretching over 3,000 miles from Mexico to Canada. The trail provides a unique experience of, and access to, our public lands that attract people from around the world. This Act would direct the Departments of Agriculture and Interior to prioritize completing remaining sections of the trail by the trail's 50<sup>th</sup> anniversary in 2028.

TRCP supports good trail maintenance, improved public access and working with local stakeholders and communities to acquire specific lands and perpetual-recorded easements from willing sellers and partners to complete the trail. We support optimal trail location reviews that consider sensitive wildlife habitats and other important natural resources.

Thank you for this opportunity to voice our support for the completion of this unique public access experience.

Sincerely,

Scott Laird  
Theodore Roosevelt Conservation Partnership  
725 W. Alder, Ste, 1  
Missoula, MT 59802  
[slaird@trcp.org](mailto:slaird@trcp.org)



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Senator Steve Daines  
 Senator Martin Heinrich  
 320/303 Hart Senate Office Building  
 Washington, D.C. 20510

Dear Senator Daines and Senator Heinrich,

On behalf of Trust for Public Land (TPL), I am pleased to share our strong support for the Continental Divide Trail Completion Act. TPL's mission is connecting everyone to the outdoors. We create parks and protect public land where they're needed most, so that everyone will have access to the benefits and joys of the outdoors for generations to come. TPL delivers on this mission through four initiatives – Parks, Lands, Green Schoolyards and Trails. TPL's Trails Initiative has made protection of the National Trails System an organizational priority as this system touches thousands of communities across the country and also offers Americans a place to take the journey of a lifetime on a long-distance route. Completion of the Continental Divide Trail (CDT) will help to achieve that goal, and should be a national priority.

The CDT was designated as a part of the National Trail System by Congress in 1978, to conserve and create better access to the natural, scenic, historical, and cultural resources along the Continental Divide. The trail spans 3,100 miles, traversing New Mexico, Colorado, Wyoming, Idaho, and Montana, but more than just a trail, the CDT is a connector of communities, cultures, traditions and landscapes.

Over the past four decades, since the trail's creation, federal agencies, nonprofit partners, volunteers, and other members of the trail community have diligently worked to complete the CDT. Currently, there are more than 160 miles of the CDT where those seeking a continuous footpath are diverted onto busy roadways and highways. These trail gaps create a trail experience that is less safe and create access issues inconsistent with the characteristics for which the trail was Congressionally designated.

The CDT Completion Act will allow Trust for Public Land, the Continental Divide Trail Coalition, local land trusts, and other organizations to collaborate with federal and state agencies in creating a collective vision and future for the CDT, while also ensuring that the people most affected by decisions around the CDT are part of the decision-making process, especially indigenous and historically marginalized communities throughout the Rocky Mountain West.

The CDT Completion Act directs the Secretaries of Agriculture and the Interior to prioritize completion of the Continental Divide National Scenic Trail in time for the CDT's 50th anniversary in 2028, by eliminating gaps between sections of the Trail and relocating existing portions of the Trail where necessary to maximize conservation and enjoyment of the Trail corridor.

Trust for Public Land supports this legislation because completing the CDT invests in the outdoor recreation economy, which is the driving force for many local economies in rural Rocky Mountain West communities. The towns, cities, and counties near the Continental Divide benefit when trail visitors spend money in town, leading to growth in jobs, new businesses, and new opportunities to revitalize historic downtowns. Completion of the CDT benefits public health and creates new access to nature by inspiring in-town trails that link to the CDT so community members have places to walk and bike. Completing the CDT cultivates the next generation of land and water stewards by creating more opportunities for youth of all backgrounds to explore educational and professional opportunities in the outdoors.

Finally, completion is not just about the trail - it is about creating a culture around all the CDT experience has to offer, so that communities remain connected to one of the most important landscapes in North America while also protecting this important resource for future generations to come.

Sincerely,



James R. Petterson  
Vice President, Mountain West Region  
Trust for Public Land



October 26, 2022

Senator Steve Daines  
320 Hart Senate Office Building  
Washington, D.C. 20510

Re: Continental Divide Trail Completion Act

Dear Senator Daines,

Wild Montana has been working with communities across the state for over 60 years to keep public lands and waters wild and connected. Wild Montana's mission is backed by Montanans including thousands of members and tens of thousands of supporters. Wild Montana has a long history of supporting federal legislation that benefits public lands and the multitude of uses which occur on them. Additionally, Wild Montana has supported construction and maintenance of Montana's system of trails on public lands, including the Continental Divide National Scenic Trail (CDT), for over a decade. During this time, our organization has contributed over \$1 million through in-kind volunteer labor to steward trails on Montana's public land.

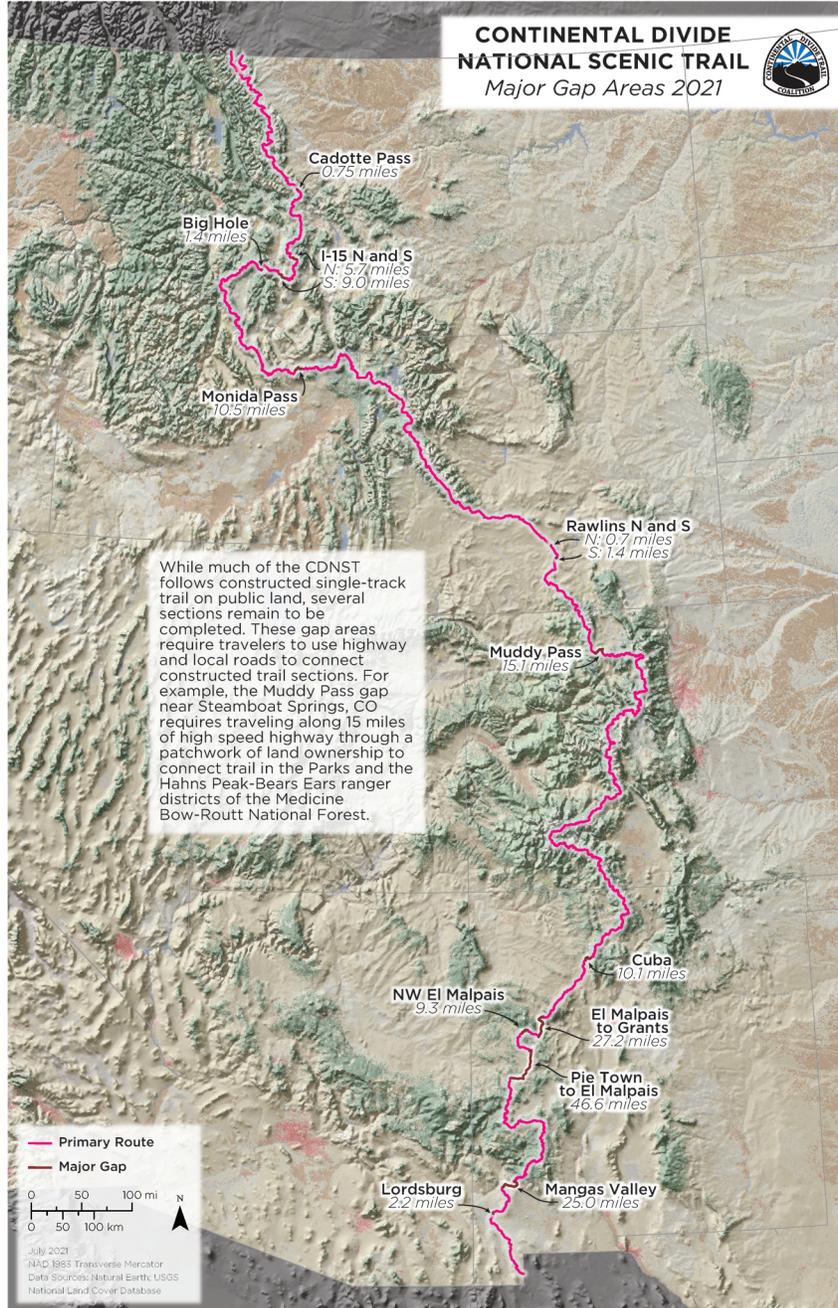
Wild Montana enthusiastically supports Senate Bill 4995 (The Continental Divide Completion Act). The CDT is approximately 800 miles in length through Montana and Idaho. Annually, six to eight hundred people complete the available sections of the CDT located in Montana, with numerous other completing sections of the CDT near their local communities, favorite vacation spots, and in remote wilderness areas and national parks. The comprehensive plan for the CDT states, "The nature and the purposes of the CDNST are to provide for high-quality scenic, primitive hiking, and horseback riding opportunities and to conserve the natural, historic, and cultural resources along the CDNST." Since it was designated in 1968, the CDT has provided inestimable opportunities for those who use the trail to experience the land and waters adjacent to the trail corridor. But there is still work to be done to enhance the CDT experience.

We believe that the provisions in S. 4995 to coordinate identification and prioritize gap sections for completion by the 50th Anniversary of the CDT will benefit Montana communities economically as well as promote healthy lifestyles for the public. For those reasons, Wild Montana submits this letter expressing our support for Senate Bill 4995. We look forward to helping pass this piece of important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Zach Angstead", written in a cursive style.

Zach Angstead  
Federal Legislative Director  
Wild Montana



Senator DAINES. Now, I will turn to my questions.

Ms. Culver, maintenance, operation, and planning for the trail is a community effort. The Forest Service and the Department of the Interior must rely on partners such as county commissions, gateway communities, as well as recreation and conservation groups such as the Montana Conservation Corps to maintain and manage the trail. My question for you is, how does the Continental Divide Trail Completion Act help promote community engagement to complete the trail?

Ms. CULVER. Thank you for the question, Senator Daines.

The bill creates a trail completion team and directs that team to work with other federal agencies, but also states, tribes, local governments, acequias, communities, land-grant mercedes, as I mentioned, and the coalition that currently works on the Continental Divide Trail, other groups as you mentioned, and volunteers. So you know, it really continues the spirit and commitment to collaboration and community engagement to complete the trail.

Senator DAINES. Ms. Culver, the bill allows for multiple methods to complete the trail—donations, exchanges, easements, cooperative agreements. It also strictly prohibits the use of eminent domain. I will tell you, Montanans always have a little bit of fear when somebody says we are from DC and we are coming out here to help you. Can you verify that if passed, this legislation would prohibit the use of eminent domain and require the Forest Service and the Bureau of Land Management to seek community-supported solutions and willing agreements to complete the trail?

Ms. CULVER. Senator Daines, the bill does prohibit the use of eminent domain to complete the trail, and we support the bill as it is written in that way and believe it is consistent with the Administration's support of locally driven and voluntary conservation efforts.

Senator DAINES. Thanks for that very clear answer. It is appreciated.

Lastly, the Mining Schools Act, Mr. MacIntyre, it is my understanding that S. 3915, the Mining Schools Act of 2022, defines an eligible mining school as an accredited mining school in a state with a mining GDP of \$2 billion or more. Would Montana Tech—they are in Butte, Montana—qualify under the definition as currently written in the bill, and would other mining schools be ineligible?

Mr. MACINTYRE. Thank you, Senator, for that question. While this program will fall under DOE's Office of Fossil Energy and Carbon Management, the Department has not yet developed a full list of eligible entities based on the draft legislation, and once that is completed, we will be happy to get back to you.

Senator DAINES. Okay, and I would appreciate once you understand that, the status of Montana Tech, if you would there, I appreciate it.

Mr. Chairman, thank you.

The CHAIRMAN [presiding]. Thank you.

Senator King.

Senator KING. Thank you, Mr. Chairman.

Ms. Huff, you uttered, I think, a very important phrase at the beginning of your testimony. You said, "Energy security is national

security.” And I think that it is very important to illustrate that point. Just this week in the Intelligence Committee we had a hearing on energy options for this country because of its relationship to national security. The development of safe and cost-effective nuclear power could be one of the key drivers of the future economy. The problem is both technology, as you know, and also cost. I love the analogy of the airplane and the airport. Guess how many 737s Boeing builds in a month in Renton, Washington?

Dr. HUFF. I don't know, sir. Thousands?

Senator KING. The answer is 31. One a day. One a day to that immensely complex piece of machinery. I am not suggesting we can build one nuclear reactor a day, but I am suggesting that we have a long way to go. My concern is that the effort toward the development of this technology is somewhat diverse, and I want to know if we have the resources and the coordination to do something which really should be one of the Federal Government's highest priorities, working with the private sector. Do we have the resources? Are they being allocated coherently? And do we have coordination? It concerns me that maybe we have Department of Energy. We have the Defense Department. We have other people working on this project and frankly, it just keeps getting further and further away. I have been in these hearings for ten years now and it was always ten years away. Well, here we are and it is now five to ten years away.

Please reassure me that this is getting the priority it deserves.

Dr. HUFF. Thank you, sir. It is an all-of-government priority, from my experience. You know, you listed a number of agencies that have equities in this endeavor and I think they are all very interested in seeing this achieve its promise. In the Department of Energy, one of the tactics that has worked really well is, from Congress, we have been very lucky to receive the appropriations certainty from the Bipartisan Infrastructure Law that fully allocated the \$2.5 billion for the completion of the two Advanced Reactor Demonstration Program demo reactors. And this really reduces the uncertainty that those two demos will be completed on time, this decade. There's a number of different sources of uncertainty in the on-time, on-budget completion of a nuclear reactor plan, everything from project management by the company building it, financing certainty and regulatory certainty, fuel supply, supply chain issues. And I think the government, across these all-of-government agencies, is working in a way that we hope will reach that, but I think that model around the Advanced Reactor Demonstration Program with public-private partnerships that support those demonstrations is a really critical one.

Senator KING. I hope you are right and I just, I want to just suggest a sense of urgency. My concern, whenever I hear the phrase around here, all-of-government, to me that means nobody is in charge. I want one throat to choke on this. I want to know who's responsible for producing a cost-effective, safe, reliable, modular reactor. I think that should be one of our highest priorities. And I hope you'll take that sense of urgency back.

Ms. Culver, just to emphasize, the CREST Act, we are not going to be able to deal effectively with climate change simply with carbon capture. We are going to have to pull carbon out of the atmosphere,

and that is the biggest challenge that we have, and I hope that you will work with us and the Energy Department, all the departments, on this issue of a natural carbon capture and retention. So I just want to emphasize the importance of that bill.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman, and thank you to those who are here to testify today.

Mr. Chairman, Ranking Member Barrasso, I also want to acknowledge that not a member of this Committee, but we may as well call her a member, Darla, has been here for, I don't know how many years on the Committee. And I understand that this may be 21 years on the Committee, all right, ten on this Committee.

The CHAIRMAN. Ten on this.

Senator MURKOWSKI. Oh, only ten on this Committee. Well, Darla—

[Laughter.]

Senator MURKOWSKI. As one who has appreciated your guidance throughout all of these Committee hearings that happen here in the Energy Committee, know that we wish you well in your retirement, but thank you for all that you have done. Nice to have your services.

[Applause.]

Senator MURKOWSKI. Now, I expect you to give me my full five minutes here on the clock.

[Laughter.]

The CHAIRMAN. It doesn't matter because I knew it would always be reserved for you.

[Laughter.]

Senator MURKOWSKI. Thank you.

Mr. Chairman, I want to follow up with your questions regarding the Strategic Petroleum Reserve because I think it is important that, as a Committee here, we understand the status of this insurance policy. And I have always viewed it as an insurance policy and one that we should not draw down just when we are attempting to ameliorate prices or the politics that may come with it. And I think we saw when President Biden took the steps to withdraw significant volumes from the Strategic Petroleum Reserve—180 million barrels of oil over the course of 180 days. There is consequence to that. It is not just drawing it down. It is my understanding that the salt caverns actually degrade with each and every draw-down. Now, some years ago, we directed significant resources to the Department of Energy for the life extension of the Strategic Petroleum Reserve. We talked about the imperative to modernize and to effectively be able to move forward with a Strategic Petroleum Reserve that worked when we needed it to work.

So the Life Extension II project is underway. I am wondering if you can give the Committee a little bit of a status update on that, when it is scheduled to be completed and then, if you can speak to whether or not this really unprecedented draw-down—is that contributing to the need for this emergency supplemental funding that has been requested for maintenance of the SPR?

Mr. MACINTYRE. Thank you, Senator. I just want to personally say, it is an honor to be here today because I was in one of those back benches back when another Senator Murkowski was Chair of this Committee.

Senator MURKOWSKI. You go back a ways.

Mr. MACINTYRE. There is a long history there.

Senator MURKOWSKI. Yes.

Mr. MACINTYRE. With regard to the SPR modernization, Congress authorized us to raise funds from sales over four years, up to \$2 billion. We ended up raising \$1.4 billion as we thought that was what would be sufficient to accomplish everything that we intended. Unfortunately, a number of factors, including supply chain problems and labor shortages and everything, we have seen rising costs associated with the project, just like everyone else has. So this \$500 million that the Administration has asked to be provided would allow us to complete all activities as part of the life extension.

Senator MURKOWSKI. What is the timeline on that then?

Mr. MACINTYRE. So the timeline right now is to complete all activities by FY27, although a lot of them will be completed by a lot sooner than that, FY25 and FY26.

Senator MURKOWSKI. So can you speak to the degradation of the salt caverns then with these withdrawals?

Mr. MACINTYRE. Yes. So we used Sandia National Labs to help us monitor our caverns. Without our caverns, we don't have an SPR. And so, we take the condition of them very seriously. We, as you said, every time we pump water in to push oil out—I wouldn't say it degrades—but there is a limited amount of times that we can do that. So we work closely with Sandia to make sure that we still have plenty of opportunity to remove oil from the caverns.

The—I will just stop there.

Senator MURKOWSKI. Okay. I want to—

Mr. MACINTYRE. I lost my train of thought.

Senator MURKOWSKI. Well—

Mr. MACINTYRE. That is what happens when you are around this long.

[Laughter.]

Senator MURKOWSKI. But there clearly is impact. I think we get that.

I have just one minute remaining here, and I want to direct it to you, Ms. Culver, and it relates to the Ambler Access Project. As you know, less than 50 miles of this proposed road is across federal land. The remaining is across state land and ANC-owned land. Can you share with me or explain why the BLM has exerted authority across the entirety of the project area and really, what gives the agency the authority to deny the ANCs the ability to conduct these non-groundbreaking, preconstruction activities, the baseline data-gathering activities, whether it is cultural assessments and inventories? I know the State of Alaska has directed some correspondence to the District Manager there in Alaska—this was mid-November—asking for an answer to the state's request, asking for an answer by today. I don't know whether a response has been sent to that, but can you speak to how you believe that the BLM has

the authority here when again, so much is not part of the federal domain?

Ms. CULVER. Thanks for the question, Senator.

I do believe, I do know that our Alaska State BLM Director is in contact with the State of Alaska. So I expect they are communicating about that request. You know, the process around the Ambler Road is ongoing. We have taken that back from the court and we have committed to not engaging in or permitting surface disturbing activities while ongoing supplemental environmental analysis and consultation is underway.

Senator MURKOWSKI. I do understand that, as it relates to federal land, but again, when the vast majority is on state-owned land and ANC—Alaska Native Corporation-owned land, I do not understand how the agency feels that they have that authority to disallow any non-groundbreaking activities, whether it is cultural assessment, which you would hope would be delegated to the ANCs in the first place.

Ms. CULVER. And our authority that we are looking at is currently—I think what you are referring to relates to our agreement under the National Historic Preservation Act and the programmatic agreement that is in place that applies to all aspects of these projects and we are, again, committed to the court to avoid disturbing activities.

Senator MURKOWSKI. Right. And if you will go back to this letter dated November 18th, you will see that these preconstruction activities have been approved by the state and they have been determined by the SHPO that these activities will have no adverse effect to historic and cultural resources. So again, we are going to have additional conversation about this, but I think it is very clear from the state's perspective and I think it is very clear from our perspective back here, that the decisions coming out of the agency right now are in direct contrast to what we believe the authorities are.

Ms. CULVER. I appreciate that and look forward to ongoing discussion.

Senator MURKOWSKI. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cortez Masto, thank you.

Senator CORTEZ MASTO. Thank you. Thank you, Mr. Chairman. And also, I want to thank you for your commitment to work with me and my home state on the consent-based siting process in order to find a suitable repository for our nation's nuclear waste. And I greatly appreciate the discussion draft that you put forward, which includes text from my bill, S.541, the Nuclear Waste Informed Consent Act. I look forward to continuing that work to amplify the blue ribbon panel commission's report that came out.

Dr. Huff, let me start with you. Since the mid-1970s, it has been suggested that the nuclear waste disposal program should be managed by a stand-alone, single-purpose agency, and that an agency, separate from the Department of Energy would better manage a long-term waste repository. Does the Department support the establishment of a Nuclear Waste Administration or similar new, independent executive agency to take on the responsibilities of the nuclear waste program? And what would be the benefit of separating these responsibilities beyond DOE's administration?

Dr. HUFF. The Administration has not taken a particular position on that, but I will say the effect would certainly be to reduce the year-on-year uncertainty of appropriating the nuclear waste fund and would enable that Administration to separately and independently move forward without, sort of, annual uncertainty, if they were to be given access to the Nuclear Waste Fund. And I think, you know, there is a potential, a lot of benefit to that.

Senator CORTEZ MASTO. But the Department has not taken a position on its support of an independent agency—

Dr. HUFF. No, the Administration—

Senator CORTEZ MASTO. Or excuse me, the Administration. Okay. Thank you.

When it comes to all aspects of the nuclear fuel cycle, can you expand on the importance for engagement and consent from all stakeholders, including state, local, tribal, and private input?

Dr. HUFF. Yes, state, local, tribal, and private interests around consent are critical. We need consent that is broad and deep, passing through the hierarchy from federal, state, to local, to individuals in communities. And I think what we are seeking in our consent-based siting process is more capacity building around the information part of that informed consent, and I really appreciate your leadership on this issue.

Senator CORTEZ MASTO. Thank you.

With more countries tackling site characterization, designs, and safety assessments for nuclear waste geologic repositories, I am curious, are there any new significant concepts and lessons learned that could help inform the U.S. Nuclear Waste Repository Program?

Dr. HUFF. Thank you so much for this question, Senator, because there is a lot we are learning from other countries. That includes Finland, Sweden, and Canada. I think when we look out at the broad set of countries enabling this kind of progress through consent-based siting approaches, Canada is really similar to us. In particular, their Nuclear Waste Management Organization, NWMO, has had some very impressive progress with regard to siting their repository, which, again, should be, you know, much harder than siting interim storage, which is our current goal, right? And they have, you know, a more similar structure to our government, having provinces like we have states, and that really plays a role in our ability to understand the role of local and state and federal engagements. And we think NWMO is making really good progress.

Senator CORTEZ MASTO. Good. That is good to know and something for us all to watch.

You talked a little bit about this earlier—there is growing support for the advanced reactor technology, but there is still much to consider as it relates to the accommodation of the back-end of the fuel cycle. What are some of the waste implications of new, advanced reactors and how could they affect the search for workable waste disposal solutions?

Dr. HUFF. Thank you for that. Some advanced reactor types reduce the volume and lifetimes of spent nuclear fuel, some reduce the radiotoxicity in the near term, but largely we look at this in the context of making sure that we, the Federal Government, when

we plan to store and dispose of that waste, we have the scientific backing to know what to do with all kinds of waste. And we have had a number of decades to prepare for the kinds of fuels and fuel cycles that are coming down the pike here. And so, we are reliant on our national laboratory research, as well as reports recently, like by the National Academies on this topic to help inform what remains and what is needed, but I think we are in a really good, forward-leaning posture around identifying gaps around how to handle advanced nuclear spent fuel.

Senator CORTEZ MASTO. And you believe that at this juncture we are more prepared now to accommodate that waste than we had been in the past?

Dr. HUFF. Absolutely. Every day, new science is made, new data is created in our national labs to support that in our integrated waste management portfolio in the United States, and my office also helps to support the storage and transportation components of this, not just the final disposal.

Senator CORTEZ MASTO. Thank you.

The CHAIRMAN. With that, we will start a second round. I have just a few questions, very quickly.

Mr. MacIntyre, very quickly. I know you have about \$2 billion in identified damages to the salt caverns. You have been allowed \$1.4 billion of that. You are about \$500-plus million short. Do you need appropriations for us to basically transfer the money in the profits you have made from what we have been able to sell of the 180 million barrels to allow you to complete your restoration, I believe? Has the \$1.4 billion, has it been expended already?

Mr. MACINTYRE. Thank you for that question, Senator.

We do need legislation to be able to move any funding out of our one account that funds—that we get, that we have revenues from the emergency sales into our Life Extension II account and with—there is, we spent about \$1.1 billion of the \$1.4. I mean, we have not spent that, but it has been committed to, so most of it has been committed to. So that additional \$500 million could come from the sales—

The CHAIRMAN. But you still, I mean, your cost of repairs are still in the \$2 billion range?

Mr. MACINTYRE. Yes, to complete the whole project, it would be the \$1.9 billion.

The CHAIRMAN. So we would have to give you appropriated authority to use money that you already have?

Mr. MACINTYRE. Yes, sir.

The CHAIRMAN. I got you. Okay.

With that, Dr. Huff, we talked briefly and I know Senator Cortez Masto is extremely, extremely concerned and we all, we think, all 50, we are responsible—all 50 states benefit from our nuclear program and we all have a responsibility and with that should be a fair process. I have talked to some of our friends in Australia and they seem to be very aggressive on looking at some of their opportunities of taking this waste because, basically, they are a big supplier of uranium also. They have supplies, which we are going to be needing. What are your concerns about Russia right now being able to put an awful lot of harm to our nuclear commercialization if they would cut off their uranium supply?

Dr. HUFF. Thank you, Senator.

Continued reliance on fuel, particularly conversion and enrichment from the Russian Federation, puts our energy supply chain at risk for the 20 percent of the electricity in this country that is provided by clean nuclear power. And we are very concerned about making sure that we can support strategic investments that will expand that domestic fuel cycle. We are talking to our partners and allies that are capable of helping us with that supply chain and engaging with them on a forward-moving plan over the course of the coming years that should expand it, but it will require investment and you know, We are really—

The CHAIRMAN. I might say, also, they have a big problem permitting also, getting it done in a timely fashion.

Dr. HUFF. That's right. So it does certainly require, if you are going to stand up, for example, a new enrichment facility, that you engage with the Nuclear Regulatory Commission for a license to create that facility here in the United States, while some facilities may already have standing licenses that enable new capacity to be stood up quickly. We do expect that for a diversity of suppliers, some new licenses will have to be issued.

The CHAIRMAN. Because you mention that 20 percent of our energy comes from nuclear, if that supply of uranium stops, and it could stop immediately, what damage and how quickly will we realize this damage to our energy supply?

Dr. HUFF. Thank you, Senator.

We are taking this very seriously at DOE, and have conducted a number of analyses. We believe that there is time. Nuclear reactors only refuel every year and a half or so.

The CHAIRMAN. If they shut down next month, and say Russia is putting a blockade on that and not sending any more in retaliation to our support of Ukraine for the war?

Dr. HUFF. Right. We would have a little time to continue operating our plants and refueling them, but yes, an immediate blockade of Russian Federation fuel would require that we draw down some of the inventory in our borders. We expect that there is a few years of that inventory available that could be shared among—

The CHAIRMAN. We have some of our Free Trade Agreement countries that we are able to rely on, and can they quickly ramp-up to supply the loss that we have?

Dr. HUFF. We are engaging actively with our allies and partners across the world, but there would be a broad deficit in supply were Russia to stop supplying to all of the peaceful democratic world. So everyone would have to work together to expand that.

The CHAIRMAN. So it could be of critical, I mean, concern to national defense?

Dr. HUFF. Correct.

The CHAIRMAN. And you are willing to pull the trigger if you have to?

Dr. HUFF. Yes, sir. I think we need to be prepared for a disruption in supply only because—

The CHAIRMAN. Well, I am just saying to get to be able to process, I mean—

Dr. HUFF. That is right.

The CHAIRMAN. Getting the stock feed is one thing.

Dr. HUFF. Oh, yes.

The CHAIRMAN. Processing it, and how many opportunities are there around the world for us to process with countries that we have a free trade agreement with or allies?

Dr. HUFF. Yes, and enriching nations are very limited among the nations of the world. It is very specialized technology, converting and enriching uranium.

The CHAIRMAN. Well, I know we will keep talking about disposal of waste. We are not talking about basically producing the energy that we need. That is the problem, and that is what I am concerned about, and I have been concerned. So we are talking, whether it be our friends in Canada or whether our friends in Australia, whether it is basically relying on ourself a little bit better than what we do, but we need your direction and guidance on that and we appreciate it.

Any other further questions at all?

Let me thank all of you for a great hearing today and the expertise that you all have, and bringing it is helping us immensely—all three categories, everything we talked about today. We are very much concerned about the SPR, as you know, Mr. MacIntyre, and your expertise and your longevity and your expertise has all played to our comfort zone, if you will. But we are concerned about 400 million barrels. We are concerned about how we are going to get back to 700. We are concerned, basically, do we have the spare production to do that, or spare capacity, because the world is demanding more and more and we are not energy independent as we are now, and with supply chains, I don't know if we are able to get back there. If you don't, do you have the salt caverns that are going to be basically deteriorating because there are not the great amounts of oil that we should have in there? And you can't be taking out. So we have to make some decisions here. Are we going to allow them, basically, to stop the mandatory sales and use the resources, the sales we just had, in order to replace that to meet our pay-fors that we have already obligated ourselves to? It is a mess. It is really a mess. But we are in it, and we have to get out of it, and we can.

Senator KING. It is nice that they bought low and sold high.

The CHAIRMAN. Yes, but I think we are about ready to buy a little bit higher that we bought before. But still, yet, I think we are watching it very carefully there.

Nuclear, Dr. Huff, we feel we are comfortable with it. You are there in that position, but with that, we are really very much concerned about the ability for us to maintain the energy we need for our country, and we are going to be expanding more nuclear. I have been very much hawkish on this. If we are going to meet any type of our goals and targets that we are setting for emissions, nuclear plays a big part, and the SMRs are going to come on strong, I believe. We are seeing an awful lot of activity all over. So we are very active in that.

Also, a proper way to dispose of our waste. We have to come to grips with this. And I am very respectful of Senator Cortez Masto. If I was in Nevada, I would want to be heard. I wouldn't want the government to make a decision without my input. And I think that

is all you asked for. So we are very much involved in this and very much concerned.

What can I say about Interior and BLM? Most—25, 35 percent of our energy comes off BLM lands, and the responsibilities to do it, and the Investment Reduction Act is a balanced approach to saying we are going to extract the minerals that the people of the United States need and use and should be rewarded for, but also we are going to be using that land for a lot of the new technology, whether it is going to be major wind farms, major solar farms with new transmissions and things that are going to be needed, but also be able to continue to have the horsepower we need to run our country.

So my dear friend from Alaska, Senator Murkowski, has some unusual challenges and I have been there and seen them firsthand, and all she is asking for is the help that those people need and they deserve.

So with that, members will have until close of business tomorrow to submit additional questions for the record.

And with that, the Committee is adjourned.

[Whereupon, at 11:31 a.m., the Committee was adjourned.]

**APPENDIX MATERIAL SUBMITTED**

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**U.S. Senate Committee on Energy and Natural Resources**  
**December 1, 2022, Hearing: “Pending Legislation”**  
**Questions for the Record Submitted to**  
**Assistant Secretary for Nuclear Energy, Dr. Kathryn Huff**

QUESTIONS FROM RANKING MEMBER JOHN BARRASSO

- Q1. In 2021, Russia was our third-largest supplier of uranium, meeting 14 percent of U.S. demand. Every dollar we give to the Russian state supports Putin’s war on Ukraine. America’s nuclear industry is ready to transition away from Russian uranium. But America’s nuclear fuel suppliers need assurance that Russia will not be able to continue to flood the market with cheap uranium. Will banning Russian uranium provide America’s nuclear fuel suppliers with the market certainty needed to expand domestic nuclear fuel production? Please answer yes or no and elaborate if the answer is no.
- A1. No. Expanding our domestic fuel capacity will require strategic investments coupled with import restrictions that protect those investments well into the future.
- Q2. Every day of inaction increases the risk that America’s existing nuclear reactors will not have the fuel they need. Even if we fail to sanction Russia, Vladimir Putin could cut off supplies of uranium to U.S. reactors tomorrow. The Department of Energy has a plan to jumpstart the domestic uranium supply chain. But the Department needs to act on it. In addition to the NO RUSSIA Act, and the broader authorization included in section 8103 of the Senate’s substitute amendment (S.A. 5499) to the FY 2023 National Defense Authorization Act, what else does the Department need to begin executing its plan?
- A2. DOE greatly appreciates the Congressional support of \$700M provided in the *Inflation Reduction Act of 2022*, which is allowing the Department to begin helping the private sector establish a commercial U.S. high-assay low enriched uranium (HALEU) production and supply chain capability for the long term. Expanding our domestic fuel capacity will require strategic investments coupled with import restrictions that protect those investments well into the future. We must act swiftly to support domestic enrichment capabilities and prepare our industry for this transition. Such investments are critical not only to address a U.S. national security vulnerability, but also to provide alternatives for our allies and partners, who are also looking for ways to reduce their reliance on Russian nuclear fuel.
- Q3. In March, you responded to questions from this committee, stating that “Uranium produced in the United States can play a critical role in supplying our operating reactors.” A few months later, Secretary Granholm testified about the importance of increasing domestic production of uranium. All of America’s operating uranium mines are located on federal land. Do you agree that we need to utilize uranium from these licensed and operating mines? Please respond yes or no and elaborate if the answer is no.

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- A3. Yes, the U.S. should utilize uranium from licensed and permitted mines, consistent with Congressional direction in the Energy Act of 2020.
- Q4. After numerous delays, the Department finally issued a request for proposals to establish a strategic uranium reserve. But the Department limited the program to uranium that has already been mined. This defeats the purpose of the program. It also put the Department in direct competition with utilities which need this uranium to replace their supplies of Russian uranium.
- Q4a. Do you share my concern that limiting the Department's purchases of uranium to only previously-mined uranium could have negative consequences as we seek to assure utilities there will be sufficient uranium to replace Russian supplies? Please respond yes or no and elaborate if the answer is no.
- A4a. All options were considered in developing the uranium reserve request for proposal. The Department consulted with industry through its request for information and through individual market research meetings on how to best expend the funds appropriated for the uranium reserve program. Industry representatives informed the Department that \$75 million was insufficient for producers to restart mining operations, so the only option was to purchase existing uranium.
- Q4b. Do you believe the Department should focus on newly produced uranium so it is not competing with U.S. utilities for limited supplies? Please respond yes or no and elaborate if the answer is no.
- A4b. No. Any government purchase of domestic uranium, either newly-mined or from existing inventory, would compete with domestic utilities looking to purchase from the same sources. Additionally, as \$75 million is seen as insufficient to restart mining operations, purchasing from existing inventory remains the only option.
- Q5. Centrus is a buyer and seller of Russian uranium. Last month, the Department awarded Centrus a \$150 million contract to produce high-assay, low-enriched uranium (HALEU). Centrus has stated publicly that it will not use Russian uranium to produce HALEU under its contract with the Department.
- Q5a. I understand Centrus has identified a non-Russian source of uranium for the HALEU it will produce under its contract with the Department. Have you confirmed the non-

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Russian source of uranium that Centrus intends to use? Please respond yes or no and elaborate if the answer is no.

- A5a. Yes. Upon award of the contract, Department of Energy leadership confirmed with Centrus senior management that no uranium from Russian sources would be used in the HALEU Demonstration Cascade Completion and HALEU Production contract.
- 5b. Is the Department taking any steps to ensure Centrus does not apply the technical expertise and other knowledge, which it acquires under its contract with the Department, to a future line of business that uses Russian uranium to produce HALEU? If not, why not?
- A5b. There are no known contractual restrictions in the current agreement that would specifically prevent Centrus from using its technical expertise and other knowledge acquired under the contract to produce HALEU from Russian uranium in future lines of business.

Under the current HALEU contract with Centrus' subsidiary doing business as American Centrifuge Operating, LLC, no new inventions are anticipated; however, if new inventions are developed, according to the terms of the agreement, the Government retains title to inventions developed under the contract and Centrus has a non-exclusive license. Regarding data generated under the contract, the contract provides that Centrus has the following right: "The right to use for its private purposes, subject to patent, security or other provisions of this Contract, data it first produces in the performance of this Contract, except for data in DOE's Uranium Enrichment Technology, including diffusion, centrifuge, and atomic vapor laser isotope separation, provided the data requirements of this Contract have been met as of the date of the private use of such data . . .". DOE does not typically place restrictions on generated data.

- Q5c. Do you agree that the best way to ensure Russian uranium is not used to produce HALEU is by carrying out the activities authorized by section 8103 of the Senate's substitute amendment (S.A. 5499) to the FY 2023 National Defense Authorization Act? Please respond yes or no and elaborate if the answer is no.

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- A5c. The Department believes that expanding our domestic fuel capacity will require strategic investments coupled with import restrictions that protect those investments well into the future.
- Q6. Thank you for providing testimony on S.4420, the Carbon Removal and Emissions Storage Technologies Act of 2022. Your written testimony noted that "Many of the activities authorized in the Carbon Removal and Emissions Storage Technologies Act of 2022 (CREST Act) align with DOE's existing work on the Carbon Negative Shot". Please list the provisions of this bill that overlap with DOE's existing work.
- A6. The Carbon Dioxide Removal (CDR) program in the Office of Fossil Energy and Carbon Management, through existing annual appropriations and Bipartisan Infrastructure Law programs, invests in most of the "carbon removal technologies or approaches" listed in the CREST Act, with an emphasis on direct air capture with durable storage, biomass carbon removal and storage, enhanced mineralization, and ocean-based carbon dioxide removal. The Bioenergy Technologies Office invests in advancing soil carbon sequestration and bioenergy carbon removal and storage. The Water Power Technologies Office invests in ocean-based CDR research and development. These efforts in the applied energy offices across the DOE are coordinated with the Office of Science investments in fundamental research in CDR. In addition, the Office of the Under Secretary for Science and Innovation has initiated a crosscutting CDR Science and Energy Technology Team to enhance DOE-wide coordination on CDR efforts. Through these various collaborations and partnerships, DOE is working cohesively to streamline investments to achieve the Carbon Negative Shot targets.
- Q7. The Hydrogen for Industry Act would support the Department's H2@Scale initiative by demonstrating hydrogen's promise to decarbonize heavy industry at commercial scale. You pointed out that commercial demos typically would require 50% industry cost-share, however there is existing law that allows you to reduce that cost-share requirement based on technological risk. Do you have any examples and guidelines of how the Department has made demonstration cost-share determinations in the past that we could share with our constituents?
- A7. Section 988 of the Energy Policy Act (EPAct) of 2005, Pub. L. 109-58, requires not less than 50 percent of the cost of a demonstration or commercial application activity be provided by a non-Federal source. The Secretary may reduce cost share requirements if

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she determines that it is “necessary and appropriate, taking into consideration any technological risk relating to the activity.” 42 U.S.C. 16352(c)(2). In some cases, the Secretary has delegated the authority to grant such cost share waivers. In 2011, the Secretary of Energy issued a Cost Share Policy Statement to establish parameters for DOE officials when exercising the authority to reduce statutory minimum cost share requirements under section 988. This Cost Share Policy Statement sets forth goals for reducing cost share which include maximizing the quality of proposed consortia, partnerships and other teaming arrangements for demonstration or commercial application activities. Based on conversations with DOE Technology Managers, below are examples of factors relevant for consideration to determine if a reduction is necessary and appropriate based on technological risk:

- Commercial viability;
- Lower technology readiness level and manufacturing readiness level;
- Significant R&D required for technology to scale up to commercial levels;
- Whether the demonstration is in a lab environment or commercial environment;
- And smaller, proof of concept “demonstration scale” projects, coupled with uncertainty in markets where there is a significant lack of investor funding/confidence to provide cost share.

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**Questions for the Record Submitted to**  
**Assistant Secretary for Nuclear Energy, Dr. Kathryn Huff**

QUESTIONS FROM SENATOR ANGUS S. KING, JR.

- Q1. The former Maine Yankee nuclear plant in Wiscasset has been a spent nuclear fuel storage facility since plant decommissioning was complete in 2005. Had DOE met its obligations under the Nuclear Waste Policy Act to begin removing spent nuclear fuel in 1998, all the spent nuclear fuel would have been removed from Maine Yankee by 2008 with the site available for another purpose. Instead, Maine Yankee is now in the 5th round of litigation with the DOE to recover costs that would not have been incurred but for the government's failure to meet its obligations with seemingly no end in sight.
- Q1a. When do you expect a federal consolidated interim storage facility to be open and receiving spent nuclear fuel following the consent-based siting process now underway?
- A1a. DOE is following congressional direction to use a consent-based approach for identifying a site for one or more federal consolidated interim storage facilities. The Department's analysis suggests that the time to complete a site-specific design, and the licensing, construction, and commencement of operations of a consolidated interim storage facility is around 5-10 years, depending on the design and approach to initial operations. However, the time it will take to identify one or more willing and informed host communities and achieve sufficient consent to ensure a given site is a durable option for the foreseeable future, is less certain.
- Currently, DOE's ability to construct and operate a federal consolidated interim storage facility is constrained by the provision in the Nuclear Waste Policy Act of 1982, as amended (NWPA), that provides a federal consolidated interim storage facility (referred to as a Monitored Retrievable Storage facility or MRS in the NWPA) may not be constructed until the Nuclear Regulatory Commission issues a repository construction license.
- Q1b. The draft Nuclear Waste Administration Act calls for the development of a pilot storage facility for "priority waste," including spent nuclear fuel from civilian power reactors that have been permanently shut down. What is your view on removing spent nuclear fuel from shutdown reactor sites on a priority basis?
- A1b. The Department recognizes that prioritizing the removal of spent nuclear fuel from shutdown reactors first would allow those sites to be completely decommissioned, and

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possibly put to alternative industrial or economic use, more quickly than the currently established "oldest fuel first" queue, which would have small amounts of fuel picked up from a dozen or more operating and shutdown sites each year. However, it should also be recognized that such prioritization could disadvantage operating sites, particularly when applying for operating license renewals or when adding new reactor units to extend capacity and lifetime of the site for carbon-free electricity generation. Thus, preserving flexibility in receipt of spent nuclear fuel, whether from shutdown or operating sites, is also an important consideration.

- Q1c. Has DOE ever utilized subparagraph B.1.(b) of Article VI of the Standard Contract that specifically grants the Secretary the right to provide priority to spent nuclear fuel from shutdown reactors "notwithstanding the age" of that fuel? If not, why not?
- A1c. Existing standard contracts provide that, notwithstanding the age of the spent nuclear fuel and/or high-level radioactive waste, priority may be accorded any spent nuclear fuel and/or high-level radioactive waste removed from a civilian nuclear power reactor that has reached the end of its useful life or has been shut down permanently for whatever reason. The Department has not taken a position on utilizing this provision.

**U.S. Senate Committee on Energy and Natural Resources**  
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**Questions for the Record Submitted to**  
**Assistant Secretary for Nuclear Energy, Dr. Kathryn Huff**

QUESTION FROM SENATOR JOHN W. HICKENLOOPER

- Q1. The Hydrogen for Industry Act would support the Department’s H2@Scale initiative by demonstrating hydrogen’s promise to decarbonize heavy industry at commercial scale. You pointed out that commercial demos typically would require 50% industry cost-share, however there is existing law that allows you to reduce that cost-share requirement based on technological risk. Do you have any examples and guidelines of how the Department has made demonstration cost-share determinations in the past that we could share with our constituents?
- A1. Section 988 of the Energy Policy Act (EPAct) of 2005, Pub. L. 109-58, requires not less than 50 percent of the cost of a demonstration or commercial application activity be provided by a non-Federal source. The Secretary may reduce cost share requirements if she determines that it is “necessary and appropriate, taking into consideration any technological risk relating to the activity.” [42 U.S.C. 16352\(c\)\(2\)](#). In some cases, the Secretary has delegated the authority to grant such cost share waivers. In 2011, the Secretary of Energy issued a Cost Share Policy Statement to establish parameters for DOE officials when exercising the authority to reduce statutory minimum cost share requirements under section 988. This Cost Share Policy Statement sets forth goals for reducing cost share which include maximizing the quality of proposed consortia, partnerships and other teaming arrangements for demonstration or commercial application activities. Based on conversations with DOE Technology Managers, below are examples of factors relevant for consideration to determine if a reduction is necessary and appropriate based on technological risk:
- Commercial viability;
  - Lower technology readiness level and manufacturing readiness level;
  - Significant R&D required for technology to scale up to commercial levels;
  - Whether the demonstration is in a lab environment or commercial environment;
  - And smaller, proof of concept “demonstration scale” projects, coupled with uncertainty in markets where there is a significant lack of investor funding/confidence to provide cost share.



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

FEB - 8 2023

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

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted to the Department's witness, Nada Wolff Culver, Principal Deputy Director, Bureau of Land Management, following her appearance before your Committee at the December 1, 2022, hearing on pending legislation.

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

Sincerely,

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

Enclosure  
cc: The Honorable John Barrasso  
Ranking Member

Questions for the Record  
 Senate Committee on Energy and Natural Resources  
 Hearing on Pending Legislation  
 December 1, 2022

**Questions from Senator Ron Wyden**

**Question 1: Your testimony on the Malheur Community Empowerment for the Owyhee Act states that this legislation would “improve the ecological health of working lands.” Working lands are a critical part of this bill. Ranchers in Malheur County have long been stewards and have worked with the BLM for years to make sure rangelands can continue to sustain grazing. With climate change and severe drought, we need to make sure the ranching community gets the flexibility needed to ensure these working lands stay healthy and productive. We have considered adding the following language to this bill:**

**IMPLEMENTATION OF GRAZING FLEXIBILITIES.—If an applicable monitoring plan has been developed under paragraph (5), notwithstanding section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), to accommodate changes in weather, forage production, effects of fire or drought, or other temporary conditions, on the request of an authorized grazing permittee or lessee participating in the program, the Secretary shall modify the terms and conditions of the applicable grazing permit or lease for the applicable year—**

**(A) to adjust the beginning date of the season of use, the ending date of the season of use, or both, as applicable, under the grazing permit or lease, subject to the requirements that—**

**(i) unless otherwise specified in the appropriate allotment management plan or any other activity plan that is the functional equivalent to the appropriate allotment management plan under section 4120.2(a)(3) of title 43, Code of Federal Regulations (or a successor regulation), the applicable adjusted date of the season of use occurs—**

**(I) not earlier than 14 days before the beginning date specified in the applicable permit or lease; and**

**(II) not later than 14 days after the ending date specified in the applicable permit or lease; and**

**(ii) the authorized grazing permittee or lessee provides notice of the adjustment to the Bureau not later than 5 business days before the adjustment; or**

**(B) to adjust the dates for pasture rotation based on average vegetation stage and soil condition by not more than 14 days, subject to the requirement that the authorized grazing permittee or lessee shall provide to the Bureau notice of the adjustment not later than 5 business days before adjusting the applicable dates.**

**Would this language be something that the BLM would consider each year? Or would this addition automatically apply across the entire span of the 10-year permit?**

**Response:** The BLM interprets the language above as providing flexibility for the BLM to authorize changes to the beginning or ending date of the season of use or the dates for pasture rotation annually, for a one-year period. Any such changes would need to be re-evaluated

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annually. Further, the authority provided could not be used to increase the number of days each permittee may graze livestock.

**Question 2: If the ranchers in Malheur County wanted more flexibility beyond the 14-day adjustment described in the previous question, what would that process look like?**

**Response:** If grazing permittees and lease holders seek additional flexibility, the BLM would consider changes to permit or lease terms and conditions following the decision process set out in the grazing regulations, as well as analysis under the National Environmental Policy Act, as provided by the bill.

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**Questions from Senator Steve Daines**

**Question 1: Regarding the requirements detailed in S. 4995, can you verify that the Department of the Interior could not, and would not, use eminent domain to complete the Continental Divide Trail?**

**Response:** S. 4995 expressly prohibits the use of eminent domain to complete the Continental Divide Trail.

**Question 2: Since President Biden took office, how many mandatory quarterly lease sales have occurred in each state?**

**Response:** Consistent with the discretion provided to the Secretary by the Mineral Leasing Act, the BLM has held five (5) oil and gas lease sales since January 20, 2021. These lease sales occurred in Colorado, Montana, North Dakota, Nevada, Oklahoma, New Mexico, and Wyoming. The BLM has also initiated scoping for an additional seven (7) oil and gas lease sales planned for calendar year 2023, in the following states Wyoming, New Mexico, Kansas, Nevada, Michigan, Mississippi, Louisiana and Utah.

**Question 3: Since President Biden took office, how many acres nominated for oil and gas lease sales have not been offered during a quarterly lease sale in each state?**

**Response:** Since January 20, 2021, the BLM has received 1,642 Expressions of Interest (EOIs) containing approximately 2.2 million acres. The BLM has identified approximately 656 EOIs covering 807,474 acres that are currently being reviewed for future lease sales. The remaining 1.4 million acres are unavailable for leasing (i.e., lands/minerals the Secretary of the Interior does not have the authority to lease). The BLM is also processing a sizeable backlog of EOIs that were received prior to 2021. The processing times for EOIs can vary depending on whether the information submitted is complete, if consent is required from another Federal surface managing agency, and the volume of lands that are requested by the submitter.

**Question 4. Do you commit to holding all four quarterly oil and gas lease sales in Montana as required by the Mineral Leasing Act?**

**Response:** The Mineral Leasing Act provides the Secretary significant discretion when determining the timing and composition of oil and gas lease sales. The Department will comply with that Act and is taking action that reflects the balanced approach to energy development and management of our Nation's public lands. The BLM initiated scoping on January 6, 2023, in preparation for BLM Montana to hold a sale in June 2023.

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**Questions from Senator John Hoeven**

**Question 1: In states like North Dakota where oil is produced with increasing amounts of associated gas, do you agree that more pipelines are needed to help alleviate capacity constraints and help reduce flaring?**

**Response:** The BLM is committed to reviewing, and approving where appropriate, the necessary infrastructure needed to reduce the unnecessary release or flaring of gas. In areas such as North Dakota, this infrastructure can include gathering lines and associated facilities.

**Question 2: Is BLM considering any permitting reforms to help streamline the review and approval of necessary infrastructure, like gas gathering pipelines, to capture natural gas and prevent flaring?**

**Response:** The BLM seeks to complete review of infrastructure requests, such as gathering lines, as quickly as possible. We are committed to using, where appropriate, the tools currently available including the newly established categorical exclusions authorized under the Bipartisan Infrastructure Law (BIL) and consolidating related facilities in the review process where possible.

**Question 3: Will BLM commit to working with energy producers to expedite more gas gathering infrastructure to help prevent flaring?**

**Response:** The BLM is committed to working with proponents to process needed infrastructure projects, including gas gathering lines, as expeditiously as possible. These tools include the use of the previously mentioned categorical exclusions and master agreements, where appropriate, to provide focused processing of the necessary facilities.

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**Questions from Senator John W. Hickenlooper**

**Question 1: As you know, the situation on the Colorado River is extremely dire, and if all sides – Upper and Lower Basin, ag and cities, Democrats and Republicans – don't come together, we have no future. One bill we need to pass as soon as possible is my and Ranking Member Barrasso's Colorado River Basin Conservation Act. The bill allows empowers farmers and ranchers, municipalities, and industry to get compensated for water they save voluntarily. The program was a success when I was governor, but it expired this September. Ranking Member Barrasso and I are working to renew it for four years. Could you comment on the role that voluntary, temporary, and compensated water conservation can play in helping us stave off crisis in the Colorado River Basin?**

**Response:** The Colorado River and its tributaries are one of the most important natural resources in the United States. While the Bureau of Reclamation (Reclamation) has been successful in conserving water in the Colorado River System reservoirs, it is clear that significant and additional conservation actions are still necessary, given the severity and duration of the low-runoff conditions in the Basin. As you note, the Pilot Program initiated in 2015 has conserved water in the basin; the widespread interest in and shared experience gained by Reclamation, State agencies, local funding agencies, non-government organizations, Colorado River water users, and Tribes has better positioned us to understand and develop the necessary and more expansive water conservation measures and activities to help mitigate drought and protect the Colorado River system moving forward.

While we are continuing to develop long-term, sustainable plans that reflect the climate-driven realities facing the Colorado River Basin, short-term solutions are also clearly needed. As such, voluntary, temporary, compensated water conservation actions are an essential tool. These water conservation actions will allow us to partner with States, Tribes, and water users to keep more water in System reservoirs and provide the time necessary for additional longer-term actions to be taken. The Pilot Program has proven that these measures are an effective approach to temporarily mitigate some of the impacts of drought and low-runoff conditions at a reasonable cost.

The Inflation Reduction Act (IRA) includes \$4 billion in funding specifically for water management and conservation efforts in the Colorado River Basin and other areas experiencing comparable levels of long-term drought. With the authority provided by the Colorado River Basin Conservation Act, Reclamation can utilize IRA funding to take immediate actions and build on ongoing actions to improve the long-term sustainability of the Colorado River System. These measures are vital to help reduce the risk of the System's reservoirs from falling to critically low elevations that would threaten water deliveries and power production. The IRA funding also supplements related funding that was received through the BIL to help support efforts to address drought within the Colorado River Basin.

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**Question 2: The Dolores River National Conservation Area and Special Management Area Act has been crafted over more than a decade in Southwestern Colorado, working to create a collaborative solution that has expansive bipartisan and community support. The Dolores River Canyon in Southwestern Colorado is truly a gem with its rich farming and ranching heritage, cultural resources, wildlife habitat, and some of the best whitewater rafting in Colorado. Can you tell me more about how an NCA designation would be managed on the ground by the BLM, and specifically, how the BLM would include an additional advisory council as envisioned in the bill?**

**Response:** The BLM has successfully managed several National Conservation Lands' designations in Colorado, ranging from national monuments at Canyons of the Ancients and Browns Canyon, to National Conservation Areas (NCAs) like Dominguez-Escalante NCA, McInnis Canyon NCA, and the Gunnison Gorge NCA. The Dolores River NCA designation would continue the tradition of the successful management of the area to provide recreation opportunities in a unique setting, and the BLM would continue that model into the future.

The designation of the Dolores River NCA will likely lead to greater prominence of the area and increased visitation. Additional staff and resources will help ensure the BLM can meet the challenge of maintaining this special place for future generations. Specifically, the BLM envisions an NCA manager position with at least two additional resource staff that would provide day-to-day management, public outreach, interpretation, and support for the planning effort specified in the legislation.

The new NCA manager would also serve as the Designated Federal Official for the Dolores River NCA Advisory Council. The Dolores NCA advisory group would be organized in accordance with the Federal Advisory Committee Act and relevant policy. The charter will establish the parameters for the function and role of the new advisory council. The advisory council will ensure that a broad range of public interests are represented, the planning process is inclusive and transparent, and the consensus-building spirit that led to the designation of the NCA is maintained and encouraged.

The BLM has successfully used an NCA advisory council created through legislation to develop the resource management plan for the Dominguez-Escalante National Conservation Area, and this advisory council would be no different. In addition, the BLM would partner with the U.S. Forest Service regarding management of the resource advisory council as well as the planning effort. The BLM has successfully integrated agency planning and management efforts in similar areas in the past, most recently in Browns Canyon National Monument in Chaffee County, CO.

**U.S. Senate Committee on Energy and Natural Resources  
December 1, 2022 Hearing: *Pending Legislation*  
Questions for the Record Submitted to Mr. Doug MacIntyre**

QUESTIONS FROM SENATOR STEVE DAINES

Q1. At the beginning of December 2021, the Strategic Petroleum Reserve (SPR) was valued at 600,867 barrels. As of November 25<sup>th</sup>, the SPR was valued at 389,116 barrels. The SPR hasn't been this low since 1984. Are you concerned that the SPR is at dangerously low levels?

A1. The Department of Energy (DOE) recognizes the critical role that the SPR has played in helping to address the significant market supply disruption caused by Putin's invasion of Ukraine and in lowering energy costs for American families. The SPR is the largest reserve of emergency crude oil in the world and as such, needs to be able to effectively respond to critical energy supply disruptions. The SPR remains over half full with more than 371 million barrels of oil.

The SPR emergency releases have been a stabilizing force in the volatile energy market. A recent analysis from the Department of the Treasury estimates that SPR releases this year, along with coordinated releases from international partners, reduced gasoline prices by up to 40 cents per gallon compared to what they would have been absent these drawdowns. The Department of Energy will continue to be a responsible steward of this critical national security resource by executing a comprehensive buyback strategy replenishing barrels sold, to the extent resources are available, and by completing efforts to modernize SPR infrastructure.

Q2. Has the administration currently taken any steps to ensure that crude from the Strategic Petroleum Reserve does not end up in the hands of foreign adversaries?

A2. DOE does not sell or otherwise export crude oil from the SPR to countries or other entities under U.S. sanctions. Once a sale is completed in compliance with legal and regulatory requirements and crude oil is transferred from the SPR to a purchaser, the crude oil may be sold multiple times prior to reaching its destination. After the initial transfer to a qualified purchaser, the Department has limited visibility on the destination of the crude oil.

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**Questions for the Record Submitted to Mr. Doug MacIntyre**

- Q3. Are there any restrictions currently in place, either statutory or administrative, that prohibit a foreign adversary from purchasing crude oil from the SPR?
- A3. The Department does not sell or otherwise export crude oil from the SPR to countries or other entities under U.S. sanctions.
- Q4. Since January 1, 2020, has any crude oil been sold to or exported to China, Russia, North Korea, or Iran?
- A4. Beginning in 2020, through the end of 2022, the SPR released 225 million barrels. Out of 225 million barrels, Unipet, Inc. purchased 5.9 million barrels or less than 3 percent of total sales. Unipet is a subsidiary of the Chinese Petroleum and Chemical Corporation. The Department does not sell or otherwise export crude oil from the SPR to countries or other entities under U.S. sanctions.
- Q5. If S.3915 were to be enacted into law as currently written, what schools would be eligible?
- A5. Based on the definition of “mining school” provided in subsections 4(A) and 4(B) of the Bill, only schools with accredited mining, metallurgical, geological, or mineral engineering programs in the states of Alaska, Arizona, California, Colorado, Louisiana, Nevada, New Mexico, North Dakota, Oklahoma, Pennsylvania, Texas, Utah, West Virginia and Wyoming would be eligible for grant funding under the Bill. This restriction is based on information from the Bureau of Economic Analysis (BEA) providing that these are the only states having at least \$2,000,000,000 in 2020 in total from the Mining (except oil and gas) and Support Activities for Mining categories.

A comprehensive list of schools that currently have Accreditation Board for Engineering and Technology (ABET) mining, metallurgical, geological, or mineral engineering programs is as follows:

[Accredited Programs in the mining category:](#)

- Colorado School of Mines, Golden, CO
- Michigan Technological University, Houghton, MI

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- Missouri University of Science and Technology, Rolla, MO
- Montana Technological University, Butte, MT
- Pennsylvania State University, University Park, PA
- South Dakota School of Mines and Technology, Rapid City, SD
- The University of Arizona, Tucson, AZ
- The University of Utah, Salt Lake City, UT
- University of Alaska Fairbanks, Fairbanks, AK
- University of Kentucky, Lexington, KY
- University of Nevada (Reno), Reno, NV
- Virginia Polytechnic Institute and State University, Blacksburg, VA
- West Virginia University, Morgantown, WV

[Accredited Programs in the metallurgical category:](#)

- Missouri University of Science and Technology, Rolla, MO
- South Dakota School of Mines and Technology, Rapid City, SD
- The University of Alabama, Tuscaloosa, AL
- The University of Utah, Salt Lake City, UT

[Accredited Programs in the geological category:](#)

- Colorado School of Mines, Golden, CO
- Michigan Technological University, Houghton, MI
- Missouri University of Science and Technology, Rolla, MO
- Montana Technological University, Butte, MT
- South Dakota School of Mines and Technology, Rapid City, SD
- The University of Utah, Salt Lake City, UT
- University of Alaska Fairbanks, Fairbanks, AK
- University of Mississippi, University, MS
- University of Nevada (Reno), Reno, NV
- University of North Dakota, Grand Forks, ND
- University of Wisconsin-Madison, Madison, WI

[Accredited Programs in the mineral engineering:](#)

- New Mexico Institute of Mining and Technology, Socorro, NM

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Consequently, due to the restrictive nature of the current definition of a “mining school”, only the following nine schools would be eligible for funding because they are ABET accredited and located in a state with a GDP with at least \$2 billion from mining in 2020.

- Colorado School of Mines, Golden, CO
- New Mexico Institute of Mining and Technology, Socorro, NM
- Pennsylvania State University, University Park, PA
- The University of Arizona, Tucson, AZ
- The University of Utah, Salt Lake City, UT
- University of Alaska Fairbanks, Fairbanks, AK
- University of Nevada (Reno), Reno, NV
- University of North Dakota, Grand Forks, ND
- West Virginia University, Morgantown, WV

Q6. If S. 3915 were to be enacted into law as currently written, are there any mining colleges that would not be eligible?

A6. If S. 3915 were enacted into law as currently drafted there are mining colleges that would not be eligible for funding because they do not qualify under the current definition of a “mining school”.

Specifically, any college (4-year public institution of higher learning) with a mining, metallurgical, geological, or mineral engineering program unaccredited by the ABET would be ineligible. In addition, ABET accredited mining, metallurgical, geological, or mineral engineering programs located in a state whose GDP was less than \$2,000,000,000 in 2020 in the combined categories of “Mining (except oil and gas)” and “Support activities for mining”, according to the Bureau of Economic Analysis” would also be ineligible.

If the list of ABET accredited programs were expanded to include other energy related programs, the number of eligible schools could be expanded. For instance, if energy systems was added to the list of mining, metallurgical, geological, or mineral engineering

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programs, the University of Wyoming would be added to the list of eligible colleges. In addition, if the definition of “mining school” was modified from requiring both (4)(A) and (4)(B) to (4)(A) *or* (4)(B) (i.e., an ABET accredited mining, metallurgical, geological, or mineral engineering program *or* a geology/engineering program at 4-year public institution of higher education in a state with a 2020 GDP of at least \$2 billion in mining), then several additional programs would qualify as a mining school.

- Q7. The definition of “Mining School” in S.3915 in subsection (4)(A) requires a college to have an accredited “mining, metallurgical, geological, or mineral engineering program” and in subsection (4)(B) requires a geology or mining program to be located in a state with “not less than \$2,000,000,000 in the combined categories of “Mining (except oil and gas)” and “Support activities for mining”, according to the Bureau of Economic Analysis.” Does Montana Technological University fall under this definition and, if not, how does the definition of “Mining School” in the bill need to change?
- A7. No, the Montana Technological University does not fall within the current definition of eligible colleges. The Montana Technological University [has ABET accredited mining and geological engineering programs](#). However, data from the Bureau of Economic Analysis (BEA) for 2020 provides that Montana’s GDP was below the \$2,000,000,000 threshold in the combined categories of “mining (except oil and gas)” and “support activities for mining”. The data reflects that the Montana value for “mining (except oil and gas)” was \$1,264,900,000 and for “Support Activities for Mining” was \$204,300,000, totaling \$1,469,200,000.

For Montana Technological University to be eligible under the Bill, the definition of “mining school” would need to be changed to either omit the dollar threshold or reduce it to the level reflected by the BEA for Montana mining activities. Alternatively, as noted in the answer to question 3, the definition of “mining school” could be modified to ensure that all ABET accredited mining, metallurgical, geological, or mineral engineering programs *or* a geology/engineering program at 4-year public institution of higher education in a state with a 2020 GDP of at least \$2 billion in mining are eligible.

**U.S. Senate Committee on Energy and Natural Resources**  
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QUESTIONS FROM SENATOR JOHN HOEVEN

- Q1. On April 21, 2022, the Department of Energy announced that it sold nearly 1 million barrels from the SPR to Unipec, a subsidiary of the state-owned Chinese Petrochemical Company (Sinopec). Is the Department concerned that our strategic oil reserves are being sold to China, particularly as media reports have indicated that China is utilizing U.S. oil to build its own stockpiles?
- A1. The Department is obligated by law to sell petroleum products withdrawn from the SPR at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale. The Department does not accept bids from countries or other entities under U.S. sanctions. The Department follows all laws and regulations related to who can bid on and purchase SPR oil.
- Q2. Should China or other foreign adversaries be allowed to participate in SPR sales?
- A2. The Department does not sell or otherwise export crude oil from the SPR to countries or other entities under U.S. sanctions and will continue to follow all existing laws and regulations related to what entities can bid on and purchase SPR oil.
- Q3. What is the Department's plan to refill the SPR, including the timeframe of expected SPR purchases?
- A3. The Department is committed to replenishing the SPR, which is an important national security asset, so it can continue to deliver on its energy security mission well into the future. DOE has already begun executing on a three-part refill strategy of (1) cancelling future Congressional sales, (2) receiving exchange returns through 2024, and (3) executing direct repurchases of crude oil at the best cost for taxpayers.

DOE will use the revenue from the recent emergency sales to restock the SPR in future years. These actions will help ensure the continued readiness of the SPR to respond to energy supply disruptions.



PO Box 1540  
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americanwhitewater.org  
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December 1st, 2022

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

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

RE: Senate Energy and Natural Resources Committee Legislative Hearing: Dolores River National Conservation Area and Special Management Area Act (S. 4542) and Malheur Community Empowerment for the Owyhee Act (S. 4860).

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the whitewater paddling community, American Whitewater writes to express our appreciation for holding a full committee hearing on two bills that are of importance to our organization: Dolores River National Conservation Area and Special Management Area Act (S. 4542) and Malheur Community Empowerment for the Owyhee Act (S. 4860).

**About American Whitewater**

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 6,900 dues-paying members, and 100 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and

effective river advocates. Our members live, work, and recreate on rivers whose management would be affected by the bills before the Committee. We offer specific comments below.

**Dolores River National Conservation Area and Special Management Area Act (S. 4542)**

American Whitewater supports S. 4542, Dolores River National Conservation Area and Special Management Area Act, introduced by Senator Bennet and co-sponsored by Senator Hickenlooper. The Dolores River Canyon is an essential lifeline to the landscape and culture of western Colorado. It's renowned for its scenic beauty, geological formations, and cultural and historic resources. Protecting it as it is now will ensure that the broad diversity of Americans will continue to be able to access and appreciate the canyon for many years to come, whether on an overnight river trip, driving the Snaggletooth Road, or having a picnic on the canyon rim. The 76 miles of the Dolores River included in this legislation provide whitewater paddling opportunities unmatched in the state.

The natural and cultural values of the Dolores River Canyon landscape are well known and beloved by our members. Native Nations have called the Dolores River Canyon and surrounding areas home for millenia. Its stunning geology, with soaring sandstone cliffs and entrenched goosenecks rival any landscape in the greater Southwest region. Old growth Ponderosa groves and a unique aquatic ecosystem invite exploration and research. Native fish species, including several who are considered sensitive species by the State of Colorado and the Bureau of Land Management, depend upon Dolores River habitat for spawning and growth. Extending more than 175 miles, the Dolores River is important for wildlife migration and habitat, and also provides some of the West's finest river running experiences. Hiking, mountain biking, fishing, birding, and rock climbing opportunities are plentiful. Long-term conservation solutions for this area will protect the natural values as well other cultural and historical uses of the lands for generations to come.

The bill before you contains years of negotiation, compromise, and hard work by local stakeholders. It represents the long standing principles of finding common ground around conservation measures balanced with protection for water and property rights. Important elements of the legislation for the river recreation community include the following:

- Includes a mechanism for stakeholder input regarding management of base flows and managed releases below McPhee Dam. Native fish and whitewater boating are interlinked resources which have been closely studied by the Native Fish Monitoring and Recommendation Team. This legislation would formalize the consultation process with that collaborative group whose coordination and discussion ultimately led to the NCA.

- Includes provisions that would prohibit new dams inside the designated area and ensure that developments outside the designated area do not harm the values within.
- Provides for long-term protection of many of the conservation and recreation values that this stretch of the Dolores River provides.
- Motorized travel would continue to occur on designated routes and there would be a mineral withdrawal, meaning there would be no new leasing or mining claims.

The Lower Dolores Working Group and the Legislative Subcommittee consisted of many diverse stakeholders who, throughout the nearly 15 years of discussions, maintained a keen sense of respect for one another's values and perspectives, and brought in sound science to inform the dialogue. The recommendations from these years of committed work are reflected in S. 4542.

#### **Malheur Community Empowerment for the Owyhee Act (S. 4860)**

American Whitewater supports S. 4860, Malheur Community Empowerment for the Owyhee Act, introduced by Senator Wyden and co-sponsored by Senator Merkley. This legislation reflects many years of collaborative work by local, regional, and national organizations that include conservation groups, sporting and recreational organizations, and ranchers as well as Tribal governments. For our members who engage in recreational opportunities this landscape offers, the Owyhee Canyonlands offer a spectacular setting for backcountry recreation.

Oregon's Owyhee Canyonlands represent one of the largest remaining conservation opportunities in the conterminous united states, with over two million acres of wilderness quality lands, spectacular canyons, rich human history, huge expanses of intact habitat for imperiled species like the greater sage-grouse, and unparalleled opportunities for solitude and recreation. It is also a vulnerable landscape, threatened by climate change, invasive species, mining, and other industrial development that increasingly undermine the ecological integrity and wilderness values across the landscape.

While we have worked with our partners to conserve the Owyhee Canyonlands for decades, the legislation before the Committee today resulted from a conversation that began in 2019 when Senator Wyden convened a diverse group of stakeholders to develop a vision for the long-term conservation and management of more than 4.5 million acres of federal public land in Malheur County, Oregon. The legislation reflects the significant progress we have made over the past three years, and we are eager to work with the sponsors and Committee to refine and advance this bill in Congress. Key components of the bill include:

- Designation of more than 1.1 million acres of Wilderness;
- More than 21,000 acres of federal land moved into trust for the Burns Paiute Tribe;
- Implementation of a flexible, adaptive grazing management program designed to improve the ecological health of public lands in a manner consistent with existing federal law; and
- Support for economic development and recreational opportunities in Malheur County.

We look forward to working with the sponsors and Committee Members, other stakeholders, and sovereign Tribes on further refinements to the bill as it proceeds through the legislative process. We appreciate the leadership of Senator Wyden in bringing unlikely allies together to find solutions on this landmark conservation bill for an incredible landscape that is important to our membership, Sovereign Tribes, residents of Malheur County, and the citizens of Oregon.

#### **Conclusion**

On behalf of the whitewater paddling community, thank you again for holding this hearing and providing the opportunity to provide testimony on the Dolores River National Conservation Area and Special Management Area Act (S. 4542) and the Malheur Community Empowerment for the Owyhee Act (S. 4860). Both of these bills reflect robust stakeholder engagement where people came together with a commitment to outcomes that respected the interests of all perspectives. We credit and thank the sponsors of these bills for their leadership and commitment to convene the conversations that resulted in the legislative proposals before you today. We urge you to move these bills through the Committee and to the Senate floor to ensure protection of these special places that are of importance to the whitewater paddling community and all who value these special places.

Sincerely,



Hattie Johnson  
Southern Rockies Stewardship Director



Thomas O'Keefe, PhD  
Pacific Northwest Stewardship Director



December 1, 2022

U.S. Senate Committee on Energy & Natural Resources  
 304 Dirksen Senate Building  
 Washington, DC 20510

RE: Support for Continental Divide Trail Completion Act, S. 4995

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the Appalachian Trail Conservancy (ATC), I write in strong support of the Continental Divide Trail (CDT) Completion Act (S. 4995). We appreciate the opportunity to offer our perspective on this topic as we believe both that achieving a continuously protected footpath is a critical objective for a National Scenic Trail (NST) and that the need for trail-specific legislation like this is symptomatic of broader underinvestment in the National Trails System (NTS).

The Appalachian Trail Conservancy is the §501(c)(3) nonprofit organization charged under a cooperative agreement with the National Park Service (NPS) to co-manage the 2,198-mile Appalachian National Scenic Trail (ANST, A.T., or "Trail"), a unit of the National Park System. The Trail is a 2,198-mile "linear park," surrounded by approximately 300,000 acres of government-protected land (as well as many acres of privately conserved land). The ANST and the National Trails System Act (NTSA), which is the enabling legislation for all components of the National Trails System, are in large part the results of the efforts of the Appalachian Trail Conservancy and the Appalachian Trail Maintaining Clubs, the 30 local and regional organizations responsible for on-the-ground Trail management.

Continuity is a foundational part of Congress' vision for National Scenic Trails. Indeed, unlike with the statutory creation of most federal lands, when a NST is designated by Congress, it is an authorization to construct a park (or, for Forest Service-administered NSTs, forest) to achieve the nature and purpose of the designation. The ATC supports the CDT Completion Act because achieving a continuously protected footpath along an optimal route is a crucial benchmark for an NST, and this legislation provides a decisive boost towards achieving that for the Continental Divide NST (CDNST) – just like the A.T. got in 1978 Amendments to the NTSA. The ANST is anomalous in that it was located on a continuous, dedicated footpath by 1937, more than 30 years before the NTS was itself established. Today, all but a few miles of that 2,198-mile footpath are on permanently protected land, thanks in large part to the investment in bridging the final unprotected gaps that Congress provided in the 1978 "A.T. Act," P.L. 95-248. Without the dedicated attention and support from Congress, it is safe to say that the A.T. of today would look wholly unlike it does, and would more reflect the A.T. of 1968, subject to constant relocation and piecemeal, handshake agreements enabling the ability of the public to its unique outdoor experience. The CDT—and indeed all NSTs—deserve to have the promise of their designation fulfilled.

Absent dedicated Congressional and Executive attention, it can be extremely difficult to advance large-scale or large landscape conservation projects such as are required for NSTs. Historically, the constituent projects of such efforts had to compete against sparse project dollars and even sparser management side (i.e. appraisal, survey, and related non-delegable, trail administrator responsibilities) funding. With the enactment of the Great American Outdoors Act of 2020 and the permanent funding of the Land and Water Conservation Fund's authorized level on an annual basis, the challenges of advancing such projects, while not yet eliminated, have been significantly eased. With the additional LWCF dollars available, not only can the agencies better staff their realty offices, they can pursue more dedicated and long-term conservation projects like the CDT and other NSTs. Land acquisition is a very labor-intensive process and takes specialized skills across both the trail administrator's staff and, in the case of NSTs, the NGOs that co-manage/co-steward the trust resource for the benefit of the public. Partners such as ATC and CDT facilitate land protection projects, advancing the collective effort to attract land trust partners, meet with landowners, negotiate, conduct due diligence, and ultimately steward the land consistent with the NSTs' bedrock ideal of cooperative management. This Act would capitalize on the new funding levels of the LWCF to fulfil the will of Congress in establishing the CDT almost 45 years ago.

Given the ongoing boom in outdoor recreation and the demand for appropriate and safe venues for the full range of outdoor enthusiasts—hikers, hunters, anglers, horsemen, mountain bikers, all-terrain vehicle users, and others—to recreate responsibly, the CDT Completion Act provides a boon both in accommodating these current and future users as well as addressing visitor use management challenges, such as crowding, across the CDT's landscape. Land protection is an inherently sensitive topic, and the ATC understands deeply the complex interplay of interests that converge around conserving land for public use. Under the NTSA, National Trails, merely by their designation, cannot subvert the existing uses of the public lands they traverse. For NSTs like the CDT, that are designed, unlike the ANST, not to be exclusively a footpath, the opportunities for side and connecting trails that provide opportunity for non-pedestrian and pedestrian users to each have unique recreational experiences as envisioned by the NTSA, are legion. The CDT Completion Act is not merely an opportunity for the CDT to achieve its Congressionally recognized potential as a protected long trail, but for recreational users of all stripes to participate in the development of similar, but distinct and appropriate, recreational experiences tailored to their recreational use.

Advancing conservation of our NSTs is not simply about protecting or providing for a unique recreational experience. The NTSA declares that "National scenic trails [sic]... will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass." The conservation of our NSTs, particularly the continent-spanning trails such as the CDT, have ecological and biological value as well, promoting large landscape connectivity that maximizes the functionality of intact lands and waters. For north-south migratory routes such as centered by the A.T., the CDT, and our farther western sister trail the PCT, it is not simply people who move up and down the path, but plants and animals, too. In truth, there are increasing portions of continent that, but for the presence of conserved corridors such as the NSTs, development could and would eliminate not just the experience of being surrounded by nature originally envisioned by NSTs, but the ability of wildlife of all kinds to exist, in nature or at all. Achieving the fullest protection possible by conserving the entirety of the CDT is a gift not just to the American people and our international guests, but to the biodiversity of North America.

Finally, ATC appreciates the re-investment by the National Park Service in the Martinsburg Land Office, technically known as the National Trails System Land Resources Program Center, as well as the support the Biden-Harris Administration has shown the National Trails System, large landscape conservation, and promoting exceptional outdoor recreational experiences on our public lands. Dedicated staff with experience in the complex interjurisdictional and cooperative management nature of NSTs will help advance the fullest conservation of not simply the CDT, but all NSTs and the conservation of National Historic Trail sites and segments, as appropriate. We urge deeper ties between the Forest Service and Bureau of Land Management with that office as well as the establishment of a program dedicated to advance not just one NST at a time, but all NSTs, as established by Congress.

We appreciate this opportunity to offer our perspective on this legislation and reiterate our strong support for both S. 4995 and continued federal investment in the National Trails System. If you have any questions or would like to further discuss these topics, I may be reached at [bmysliwicz@appalachiantrail.org](mailto:bmysliwicz@appalachiantrail.org) or 207-370-0540. Thank you for considering our input.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brendan Mysliwicz", with a horizontal line extending to the right.

Brendan Mysliwicz  
Director of Federal Policy  
Appalachian Trail Conservancy



**BACKCOUNTRY  
HUNTERS & ANGLERS**

PO BOX 9257  
MISSOULA, MT 59807  
406-926-1908

December 5, 2022

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

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

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters and wildlife, I write to express our support for Senator Bennet's Dolores River National Conservation Area and Special Management Area Act (S. 4542). This important new legislation would have significant benefits for native fish and wildlife in Southwest Colorado in addition to improving recreation opportunities for those enjoy our public lands and waters. We want to thank you for considering S. 4542 during the final Senate Energy and Natural Resources Committee hearing of the 117<sup>th</sup> Congress.

This legislation was developed after more than a decade of discussion and collaboration including local government, tribal partners, ranchers, and conservationists. Through establishing the Dolores River National Conservation Area and Dolores River Special Management Area the bill would conserve a total of 68,000 acres of public lands and waters. Management of these areas will be directed to conserve, protect, and enhance native fish, wildlife, and recreational resources, among others. These designations also enjoy bipartisan support, with a House bill led by Representative Boebert.

We urge the Senate Energy and Natural Resources Committee to advance the Dolores River National Conservation Area and Special Management Area Act given any opportunity to do so this year. Any public lands package that may be considered by the Committee should include S. 4542. BHA looks forward to seeing this bill passed into law, permanently protecting the landscape and its unique values.

Sincerely,

John Gale  
Conservation Director  
Backcountry Hunters & Anglers

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 725 W ALDER SUITE 11  
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November 30, 2022

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

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

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of The Conservation Alliance (TCA) and its members, I write to express support for three pieces of legislation to be considered before your committee in the upcoming December 1, 2022 hearing.

TCA is the leading national business coalition working to conserve land and water, representing 270 businesses across the country that fund and advocate for the protection of wild places and outdoor spaces. TCA's members recognize the need to protect the wild lands and waterways are the foundation for our economic prosperity. In addition to our organization's advocacy efforts, TCA makes grants to nonprofit organizations to preserve key habitat and recreational values.

In accordance with our mission and ongoing grantmaking efforts, TCA offers its support for:

I. **S. 4542, the Dolores River National Conservation Area and Special Management Area Act** This legislation builds on longstanding efforts to protect and better manage—via the establishment of a 75,000-acre NCA—a region spanning from the base of the McPhee Reservoir to the San Miguel/Montrose County line, including ~70 miles of the Dolores River. It would also establish the Ponderosa Gorge Roadless Area, protecting special river values.

II. **S. 4860, the Malheur Community Empowerment for the Owyhee Act**

**Oregon's Owyhee region is an outdoor recreationist's paradise. This 4.6-million-acre expanse of public lands is among the most remote in the Lower 48 states. This important legislation aims to find collaborative solutions for the social and economic well-being of Malheur County and ensure benefits to fish, wildlife, ranchers, and the local outdoor recreation economy.**

III. **S. 4995, the Continental Divide Trail Completion Act**

This legislation would direct the Departments of Interior and Agriculture to work together—via establishment of a Trail Completion Team—expeditiously in carrying out the final steps



needed to complete the Continental Divide Trail. It would respect the need for coordination with the diverse range of stakeholders—states, Tribes, towns—whose engagement is critical to long-term use and care for the trail.

Thank you for your consideration, and we look forward to the opportunity to work with you to advance these important legislative proposals.

Shoren Brown

*Shoren Brown*

VP Public Affairs  
The Conservation Alliance

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ESSENTIAL  
MINERALS  
ASSOCIATION

November 30, 2022

The Honorable Joseph A. Manchin  
Chairman  
Senate Committee on Natural Resources  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable John A. Barrasso  
Ranking Member  
Senate Committee on Natural Resources  
304 Dirksen Senate Building  
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

The Essential Minerals Association (EMA) is the representative voice for companies that extract and process the minerals we use in our everyday lives. We represent the metal and nonmetal minerals used in traditional manufacturing, as well as those vital to advanced technologies, like the lithium used in electric vehicle batteries and the high-purity quartz used in microchips and solar panels.

We all recognize that our nation's ongoing transition to clean, renewable technologies will require a dramatic increase in the extraction and processing of critical minerals and rare earth elements. Benchmark Mineral Intelligence projects that the world will need to open more than 380 new mines for graphite, lithium, nickel and cobalt alone, in order to meet demand by the year 2035. At the same time, the Bipartisan Infrastructure Investment and Jobs Act is stimulating demand for mined construction materials such as aggregates and cement. All told, the Biden administration projects 600 new mines and 1,800 expansions of existing mines.

Recognizing our dependency on foreign, often hostile nations for green energy minerals—a full 100 percent reliance for 26 of the 50 critical minerals on the US Geological Survey's official critical minerals list—Congress has prudently begun to incentivize the domestic production of these minerals and the manufacturing of the advanced products they go into. Mining companies already are developing new mines, midstream manufacturers are siting battery gigafactories across the country, and end-use manufacturers like automakers are signing offtake agreements committing to use the resulting minerals and batteries.

Yet our nation faces a critical shortage that jeopardizes our ability to produce the necessary quantity of these minerals efficiently, safely, and sustainably: a lack of college graduates sufficiently skilled in the key engineering disciplines of mining, metallurgical, mineral, and geological. Our members routinely struggle to hire qualified engineers who specialize in these disciplines, and the shortage grows more acute each year. According to the Society for Mining, Metallurgy & Exploration (SME), 58% of its members are over the age of 50, with up to five percent retiring annually over the next decade.

Even if more students were to pursue such degrees, the US currently lacks the capacity to train them. Forty years ago, 25 American universities maintained accredited mining and mineral engineering programs. Today, only 14 exist. According to SME, the number of graduates has decreased by 43 percent since 2015 alone. The number of geological engineering programs has dwindled to only 13, and metallurgical engineering stands at just eight.

China, our chief competitor in the production of clean technology minerals, operates 29 percent of the world's top 100 mining and mineral engineering universities, versus the US's seven percent share. We cannot expect to fill the gap by importing graduates from allies, as countries like Canada and Australia face their own critical shortages of graduates.

On behalf of our member companies, we applaud your leadership in revitalizing university-level mining programs through the Mining Schools Act of 2022 (S. 3915), and for holding a timely markup on the bill in the Energy & Natural Resources Committee. The Essential Minerals Association wholeheartedly endorses S. 3915, and stands ready to advocate for its passage by both chambers of Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Greissing", with a stylized flourish at the end.

Chris Greissing  
President



## Oppose Senate Energy and Natural Resource Committee Dirty Energy Policies

November 30, 2022

Dear Members of the Senate Energy and Natural Resources Committee:

We are writing to share our concerns with many of the issues that will be discussed at the hearing scheduled for December 1, 2022. With the focus on various proposed legislation to facilitate nuclear, carbon capture and hydrogen development, it is imperative to understand how those technologies harm communities, public health and the environment.

Below is a short summary of our concerns with policies the bill committee will consider in this hearing. We are happy to discuss these with you, as well as general concerns we have with these technologies. To that end, we would like to share some Congressional briefings we have held on these topics, and to note that there is significant public opposition to these technologies in general.

- Hundreds of organizations opposing CCS development:  
<https://www.ciel.org/organizations-demand-policymakers-reject-carbon-capture-and-storage>
- Hundreds of organizations opposing hydrogen development:  
<https://www.foodandwaterwatch.org/wp-content/uploads/2021/09/Dont-Believe-the-Hydrogen-Hype.pdf>
- White House Environmental Justice Advisory Council recommendations, explicitly highlight that CCS is not a benefit to any community:  
[https://www.epa.gov/sites/default/files/2021-05/documents/whejac\\_interim\\_final\\_recommendations\\_0.pdf](https://www.epa.gov/sites/default/files/2021-05/documents/whejac_interim_final_recommendations_0.pdf)
- Briefing Series on CCS and Hydrogen:  
[https://drive.google.com/drive/folders/1QNKV1SZgoO2YnSX4Rcs3bk4b2otUenzl?usp=share\\_link](https://drive.google.com/drive/folders/1QNKV1SZgoO2YnSX4Rcs3bk4b2otUenzl?usp=share_link)

We urge you to oppose these bills and ask critical questions of witnesses about the use and development of these technologies.

[S. 3112](#), to amend the Energy Policy Act of 2005 to establish a Hydrogen Technologies for Heavy Industry Grant Program, and for other purposes (Hydrogen for Industry Act of 2021);

Oppose: Hydrogen is largely a way to market and create new markets for fracked gas. Hydrogen development has the potential to undermine climate goals and increase harms to the environment and public health. Hydrogen production is typically undertaken with fossil fuels, and is very inefficient, with between 20-30% of net energy loss.

[S. 3978](#), to require the Secretary of Energy to carry out a program to operate a uranium reserve consisting of uranium produced and converted in the United States and a program to ensure the availability of uranium produced, converted, and enriched in the United States, and for other purposes (NO RUSSIA Act of 2022);

Oppose: Uranium mining and utilizations pose significant public health and environmental impacts. Usage of uranium in the energy sector is expensive and risky, and raises significant challenges relating to the long term storage of waste from nuclear power. By creating a uranium reserve we will encourage further harm from uranium mining and utilization.

[S. 4420](#), to provide for advancements in carbon removal research, quantification, and commercialization, including by harnessing natural processes, and for other purposes (CREST Act of 2022);

Oppose: Carbon capture technology is dirty, polluting and ineffective at addressing the climate crisis. Establishing a reverse auction will encourage further development of unproven and ineffective carbon capture technologies. Furthermore, the federal government has wasted billions on researching carbon capture technology with no discernable benefits. Currently, clean renewable energy technology is readily available, more affordable and more effective at reducing emissions. We should invest in the development and rollout of these technologies, as well as electrification in the building and transportation sectors, rather than continuing to throw lifelines to the fossil fuel industry and big agricultural interests who are poisoning our air and water while destroying a livable climate.

[S. 4515](#), [S. 4651](#), to require the Secretary of Energy to stipulate, as a condition on the sale at auction of any crude oil from the Strategic Petroleum Reserve, that the crude oil not be exported to certain countries, and for other purposes (No Emergency Crude Oil for Foreign Adversaries Act);

Oppose: While we oppose all export of crude oil and fossil fuels in general, this legislation amounts to little more than a xenophobic messaging bill. We need to stop dumping fossil fuels in international markets and instead focus on helping the world transition off fossil fuels. The American public would be better served by Congress passing the Crude Oil Export Ban and Future Generations Protection Act to achieve these goals.

[S.\\_\\_\\_\\_](#), discussion draft to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear water, and for other purposes (Nuclear Waste Administration Act); and

Oppose: This legislation will foster plans to forward dangerous and risky proposals from the nuclear industry such as transportation of nuclear waste by rail or the reuse of nuclear waste. Nuclear waste transportation proposals encourage the creation of "sacrifice zones" for temporary nuclear waste storage, often located in poor or vulnerable communities. We need to phase out the existing nuclear capacity in the US and end the encouragement of further supply chains and the development of markets for nuclear waste.

Sincerely,

Jim Walsh  
Policy Director  
Food & Water Watch

Margaret Coulter  
Senior Attorney, Climate Law Institute  
Center for Biological Diversity



*November 30, 2022*

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

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

**Testimony in Support of S. 3112 – Hydrogen for Industry Act of 2021**

Dear Chairman Manchin, Ranking Member Barrasso and Members of the Committee:

On behalf of the Glass Packaging Institute (GPI), the North American trade association for the glass food and beverage container manufacturing companies, suppliers of recycled glass, raw materials, and other supply chain partners, I offer our strong support for S. 3112, the Hydrogen for Industry Act.

Companies within the U.S. glass container manufacturing industry operate 47 plants, in support of a wide variety of food and beverage customers. S. 3112 would require the Department of Energy to establish grant programs to support the use of hydrogen as part of future energy mixes. As drafted, the legislation would include hydrogen applications for the production of glass containers, alongside other energy-intensive-trade-exposed-industries.

The domestic glass container industry routinely maintains plant operations, making adjustments to improve energy use, while that also reduce greenhouse gas emissions. In addition to maintaining and rebuilding furnaces used in the production of glass production, the industry is also focused on increasing its use of recycled glass.

Currently, glass companies purchase over 2 million tons of recycled glass each year, which is remelted in the furnaces to produce new bottles and jars. The

average bottle or jar produced in the U.S. typically contains over 25% post-consumer recycled glass.

The use of hydrogen, as part of a fuel mix for glass container production, or as a material substitute, are areas actively under review by the U.S. and E.U. glass industries.

S. 3112's study approach in the interim phase, will allow for industry and stakeholder engagement, reflective of the partnership between the Department of Energy and private companies that the legislation provides a vision for.

Thank you for your consideration of our testimony, and we urge the Committee Members vote to approve S. 3112.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott DeFife".

Scott DeFife  
President

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LETTER OF SUPPORT

Bill: S.4732  
Date of Hearing: December 1, 2022  
Subcommittee: Senate Committee on Energy and Natural Resources  
Re: Testimony or Statement  
To: Senator Joseph Manchin, West Virginia  
Chair: Senate Committee on Energy and Natural Resources

Contact: Carroll Johnson  
DC Resident

Subject Line: Letter of Support – S.4732  
Pending Legislative Hearing

Date: December 15, 2022

Senator Manchin:

Please support Senate Bill (S.4732) authorizing the Georgetown African American Historic Landmark Project and Tour (GAAHLP) to erect a memorial on the Mall to honor the enslaved and free African Americans.

Sincerely,

*Carroll Johnson*  
Carroll Johnson



December 1, 2022

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

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

Re: Malheur Community Empowerment for the Owyhee Act (S.4860)

Dear Chairman Manchin and Ranking Member Barrasso:

Oregon Natural Desert Association (ONDA) is pleased to support the Malheur Community Empowerment for the Owyhee Act (S.4860), introduced by Senator Wyden and co-sponsored by Senator Merkley. This is important legislation reflecting many years of collaborative work by local, regional and national conservation, sporting and recreational organizations, ranchers, Tribes and other stakeholders.

Oregon's Owyhee Canyonlands are one of the largest remaining conservation opportunities in the lower 48 states, with over two million acres of wilderness quality lands, spectacular canyons, rich human history, huge expanses of intact habitat for imperiled species like the greater sage-grouse, and unparalleled opportunities for solitude and recreation. It is also a landscape vulnerable to myriad threats, including invasive species, mining, and other industrial development. Compounded by climate change, these effects increasingly undermine ecological integrity and wilderness values across the landscape.

While ONDA has been working to conserve the Owyhee Canyonlands for decades, this legislation resulted from a conversation that began in 2019 when Senator Wyden convened Tribes and a diversity of stakeholders to develop a vision for the long-term conservation and management of more than 4.5 million acres of federal public land in Malheur County, Oregon. S.4860 reflects the significant progress we have made over the past three years, which includes four key components:

- Designation of more than 1.1 million acres of Wilderness;
- More than 21,000 acres of federal land moved into trust for the Burns Paiute Tribe;
- Implementation of a flexible, adaptive grazing management program designed to improve the ecological health of public lands in a manner consistent with existing federal law; and
- Support for economic development and recreational opportunities in Malheur County.

Thank you for holding a full committee hearing on this important legislation. We look forward to working with the sponsors and Committee, and we look forward to working on improvements to the bill that support the Burns Paiute Tribe's needs for protection and management of important cultural and sacred sites.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Houston".

Ryan Houston, Executive Director  
Oregon Natural Desert Association

# OUTDOOR ALLIANCE

December 14<sup>th</sup> 2022

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

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

**RE: Full Committee Legislative Hearing, December 1, 2022**

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the human powered outdoor recreation community, thank you for holding the December 1<sup>st</sup> hearing on public lands legislation. We write to express our strong support for three bills of particular importance to our community that were considered during the hearing: Dolores River National Conservation Area and Special Management Area Act (S. 4542), Malheur Community Empowerment for the Owyhee Act (S. 4860), and the Continental Divide Trail Completion Act (S. 4995).

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

**Dolores River National Conservation Area and Special Management Area Act (S. 4542)**

Outdoor Alliance strongly supports S. 4542, which would establish a National Conservation Area (NCA) and a Special Management Area (SMA) encompassing



# OUTDOOR ALLIANCE

more than 68,000 acres surrounding 76 miles of the Dolores River in western Colorado, while also improving the management of river flows below the McPhee Reservoir. This highly scenic section of the Dolores River Canyon houses outstanding recreational opportunities for whitewater rafting, kayaking, and canoeing when flows allow. There are also numerous remote backcountry hiking and backpacking opportunities, as well as destinations for climbing and mountain biking. The bill would protect these important recreation assets, while also sustaining the outstanding conservation values and cultural resources present across the Dolores landscape.

S. 4542 is the product of nearly 15 years of collaboration by the Lower Dolores Plan Working Group, which included agriculture and water users, local governments, recreation and conservation interests, mineral interests, landowners, and livestock operators. The bill would formalize the consultation process with this stakeholder group by requiring federal land managers to consider stakeholder input regarding management of base flows and managed releases below McPhee Dam in order to benefit native fish populations and water-based recreation. The bill would also protect conservation values by establishing the Ponderosa Gorge Roadless Area, prohibiting new dams, and prohibiting new oil and gas leases and new mining claims within the NCA and SMA.

## **Malheur Community Empowerment for the Owyhee Act (S. 4860)**

Outdoor Alliance strongly supports S. 4860, the Malheur Community Empowerment for the Owyhee Act. The Owyhee Canyonlands of southeastern Oregon are a scenically spectacular landscape, rich in biodiversity and cultural resources, that represent one of the most significant conservation opportunities in the lower 48 states. Multiple sections of the Owyhee are considered nationally significant by whitewater paddlers. S. 4860 would permanently protect the recreational values of these whitewater runs, as well as opportunities for hiking and backpacking. This bill would also help communities in the vicinity of the Owyhee more fully realize the benefits of southeast Oregon's outdoor recreation economy.

S. 4860 was negotiated over multiple years by a diverse group of Tribes and stakeholders, including local ranchers, environmental organizations, and recreation interests. These diverse interests are reflected in the bill's approach to conservation, which includes more than 1.1 million acres of new Wilderness



# OUTDOOR ALLIANCE

designations alongside provisions to improve grazing management, facilitate local input in land management, encourage local economic development, and protect cultural resources. The bill would also move more than 21,000 acres of federal land into trust for the Burns Paiute Tribe.

## **Continental Divide Trail Completion Act (S. 4995)**

The Continental Divide Trail (CDT) is one of the United States' most iconic long-distance hiking trails. The CDT, which was designated as a National Scenic Trail in 1978, travels 3,100 miles across five western states from the Mexican border to the Canadian border. The CDT is used by backpackers and day hikers alike, and through-hiking the entire trail is considered a lifetime achievement by many in the outdoor recreation community.

Currently, there are more than 160 miles of the CDT where hikers are diverted onto roadways, which creates safety issues for hikers and detracts from the trail's character as a continuous footpath. S. 4995 directs the Secretaries of Agriculture and Interior to complete the CDT as a continuous route by November 2028, which marks the 50-year anniversary of the CDT's designation as a National Scenic Trail. Outdoor Alliance strongly supports this bipartisan legislation, which would help ensure that the longtime goal of completing the CDT as a contiguous trail is accomplished expeditiously.

\* \* \*

On behalf of the human-powered outdoor recreation community, thank you again for holding this important hearing.

Best regards,



Louis Geltman  
Policy Director  
Outdoor Alliance



# OUTDOOR ALLIANCE

- cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance  
Chris Winter, Executive Director, Access Fund  
Beth Spilman, Executive Director, American Canoe Association  
Clinton Begley, Executive Director, American Whitewater  
Kent McNeill, CEO, International Mountain Bicycling Association  
David Page, Executive Director, Winter Wildlands Alliance  
Tom Vogl, Chief Executive Officer, The Mountaineers  
Pete Ward, Interim Director, American Alpine Club  
Kaleen Deatherage, Interim Executive Director, the Mazamas  
Keegan Young, Executive Director, Colorado Mountain Club  
Chad Nelsen, Chief Executive Officer, Surfrider Foundation





December 1st, 2022

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

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

Dear Chairman Manchin and ranking member Barrasso:

On behalf of the undersigned Owyhee Sportsmen Coalition, including hunting and fishing organizations that represent more than 25,000 sportsmen and women in Oregon, we write to you today with suggested improvements (attached) in support of the Malheur Community Empowerment for the Owyhee Act (S. 4860). This important legislation aims to find collaborative solutions for the social and economic well-being of Malheur County and ensure benefits to fish, wildlife, and the local outdoor recreation economy.

Known for its picturesque landscape, with thousand-foot sheer cliffs and volcanic tuff formations, Oregon's Owyhee canyon country is home to native redband rainbow trout, chukar, mule deer, elk, pronghorn antelope, and California bighorn sheep. The Owyhee region is also recognized by the U.S. Fish and Wildlife Service as one of the last remaining strongholds of intact sagebrush steppe habitat which supports Oregon's largest population of greater sage grouse.

Hunting, angling, and shooting sports fuel economies. A recent [report](#) by the Sportsmen's Alliance found that recreational hunters and sport shooters contributed \$149 billion to the national economy, supported nearly 970,000 jobs and created over \$45 billion in wages and income in 2020. In Oregon's congressional district #2 which includes all of Malheur County, more than 49,000 hunters and shooters spent \$107 million dollars in 2020 and supported 888 jobs. Hunters and anglers value this wildlife-rich landscape and are working locally with important stakeholders to discuss the best way to secure long-term conservation policies that protect its rugged character, solitude, and the hunting and angling opportunities that drive our family traditions and local economies.

We believe that the Owyhee Plateau is a landscape that should be safeguarded for future generations of American sportsmen and women and we appreciate Senator Wyden's efforts to bring diverse stakeholders to the table to discuss ways to protect the Owyhee canyon country and the multiple uses it supports. Our organizations support the multiple uses of public land in this region and recognize that

good stewardship means sustainable ranching, wildlife habitat management, public access and meaningful resource conservation.

As one of the premier destinations for sportsmen and women in Oregon, the Owyhee canyonlands demand permanent protection of our hunting, angling, and outdoor recreation heritage. Senator Wyden has worked hard to craft a bill that provides those protections, and we are supportive of S. 4860 overall. We support the components of the bill related to economic development, community input, flexible grazing, and Wilderness designation and release. There are 30 units identified for Wilderness designation. Creating multiple different units allows for important road access to continue between units. These access roads are important for management activities by land managers as well as hunters, anglers, and permittees. From a hunting and angling perspective there are some areas of the bill where we believe language could be added to improve the benefits for fish and wildlife. A brief summary of our recommended changes is attached, and we would be happy to provide the committee with additional context at any time.

We appreciate that the Senate Energy and Natural Resource Committee is holding a hearing on this legislation. The hearing will provide a great opportunity for feedback and possible improvements to the bill. We remain committed to working with this Committee, Congress and the Administration to ensure that S.4860 achieves its promise for public lands, fish and wildlife, and the Malheur County economy.

Sincerely,

Mike Totey  
Oregon Hunters Association

Kevin Martin  
Oregon Wild Sheep Foundation

Tim Davis  
Friends of the Owyhee

Karl Findling  
Oregon Packworks

Michael O'Casey  
Theodore Roosevelt Conservation Partnership

Michael Gibson  
Trout Unlimited

John Gale  
Backcountry Hunters and Anglers

**Written Statement Submitted by The Pew Charitable Trusts to the  
Senate Energy and Natural Resource  
Subcommittee on Public Lands, Forests, and Mining**

**For the record of the legislative hearing held on December 1, 2022  
Regarding S. 4860**

The Pew Charitable Trusts seeks to preserve ecologically and culturally significant U.S. lands and rivers by collaborating with Indigenous communities, local businesses and residents, policymakers, and others to achieve balanced, commonsense policy at the federal and state level.

**Pew supports S. 4860, the Malheur Community Empowerment for the Owyhee Act.** The legislation will designate more than 1.1 million acres of wilderness in Oregon; move more than 21,000 acres of federal land into trust for the Burns Paiute Tribe; implement a flexible grazing management program intended to improve the ecological health of public lands; and support economic development and recreational opportunities in Malheur County.

The Owyhee Canyonlands in Oregon encompass over two million acres of wilderness quality lands, spectacular canyons, rich human history, huge expanses of intact habitat for imperiled species like the greater sage-grouse, and unparalleled opportunities for solitude and recreation. It is also a vulnerable landscape, threatened by global temperature changes, invasive species, mining, and other industrial development that increasingly undermine the ecological integrity and wilderness values across the landscape.

Efforts to conserve the Owyhee Canyonlands have been ongoing for decades. The Malheur Community Empowerment for the Owyhee Act is the result of collaborative discussions and negotiations involving local ranchers, communities, policymakers, Tribes, and sporting, recreation, and conservation groups. Significant progress has been made over the past three years to secure balanced conservation and management of federal lands within Malheur County.

Thank you for the Subcommittee's consideration of Pew's comments. We are eager to engage with Senators Wyden and Merkley, Members of the Committee, Tribes, and stakeholders to continue to work on S. 4860 as it moves through the legislative process.

**Contacts**

Geoff Brown, [gbrown@pewtrusts.org](mailto:gbrown@pewtrusts.org), Senior Director, Pew Government Relations  
Marcia Argust, [margust@pewtrusts.org](mailto:margust@pewtrusts.org), Director, U.S. Public Lands and Rivers Conservation  
John Seebach, 202-684-8969, [jseebach@pewtrusts.org](mailto:jseebach@pewtrusts.org), Senior Manager, U.S. Public Lands and Rivers Conservation  
Brett Swift, 971-344-5510, [bswift@pewtrusts.org](mailto:bswift@pewtrusts.org), Senior Manager, U.S. Public Lands and River Conservation

**From:** [Kate Miller](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Trout Unlimited supports S. 3957, Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (the STREAM Act).  
**Date:** Thursday, December 1, 2022 10:16:53 AM

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December 1, 2022

Members of the Senate Energy and Natural Resources Committee

Re: Trout Unlimited supports S. 3957, Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (the STREAM Act).

Dear Members of the Committee:

On behalf of our 300,000 members and supporters nationwide, Trout Unlimited (TU) writes in support of the bipartisan Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act (STREAM Act) to finance long term cleanup of abandoned coal mines. This bill will help finance and sustain the outstanding work that is happening in coal country to clean up pernicious pollution from abandoned coal mines. It will extend and enhance the great value of the AML provisions of the Infrastructure Investment and Jobs Act (IIJA) by assuring projects completed using those funds will continue to provide restoration in perpetuity. We thank Committee leadership for including it today's hearing line up.

Abandoned Mine Drainage (AMD) treatment is often addressed by building water treatment systems, which result in ongoing Operation Maintenance and Replacement (OMR) costs that endure in perpetuity. However, states often lack the financial ability to support these types of long-term liabilities. If enacted, S. 3957 would allow for up to 30 percent of a state's annual allocation for Abandoned Mineland (AML) reclamation under IIJA to be deposited into an interest-bearing account to provide for the perpetual OMR expenses of facilities to treat AMD. This language mirrors the authority of current state programs that allow a 30 percent set-aside from the Surface Mining Control and Reclamation Act's (SMCRA) AML Trust Fund. This approach will help to ensure that projects funded by the IIJA will have funds for this necessary long-term OM&R expense, thereby sustaining long term the thousands of stream miles that will be restored by AMD treatment.

Thank you for taking up this important legislation and for considering our views. We look forward to working with bill sponsors and members of the committee to advance this bill into law as soon as possible.

For questions, please contact:

Steve Moyer  
Vice President of Government Affairs  
Trout Unlimited  
[steve.moyer@tu.org](mailto:steve.moyer@tu.org)

Kate Miller  
Director of Government Affairs  
Trout Unlimited  
[kate.miller@tu.org](mailto:kate.miller@tu.org)

**STATEMENT OF  
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
December 1, 2022  
Concerning**

**S. 4542 – Dolores River National Conservation Area and Special Management Area Act**

Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 4542, the Dolores River National Conservation Area and Special Management Area Act. My testimony pertains to those elements of S. 4542 that would affect National Forest System lands under the jurisdiction of the USDA Forest Service. We defer to the Department of the Interior for its views on those elements of S. 4542 that would affect public lands under the jurisdiction of the Bureau of Land Management.

Title II of S. 4542 would create the Dolores River Special Management Area (SMA), consisting of approximately 15,664 acres in the San Juan National Forest, to be managed in accordance with applicable federal laws. To meet the purpose of the SMA as established by Section 201, Section 202 would require the development of a management plan in coordination with State and local governments, the public, the advisory council created by Section 103, the Native Fish Monitoring and Recommendation Team as described in Section 402, and the Secretary of the Interior. Title III states that its purpose is to remove certain segments of the Dolores River from future consideration for designation as a wild and scenic river under the Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq.* One of these is a 5.5-mile segment running from McPhee to Bradfield Bridge that has been determined to be eligible and suitable for designation as a wild and scenic river under the San Juan National Forest Land Management Plan. Title IV contains general management provisions for the SMA, including establishment of special requirements in the area identified as Ponderosa Gorge, as well as certain protections for the SMA from the construction or modification of water resource projects. Section 404(a) specifies that nothing in the Act would affect the treaty rights of any Indian Tribe, including rights under the Agreement of September 13, 1873 (the Brunot Agreement), ratified by the Act of April 29, 1874.

USDA supports the conservation goals of S. 4542 and appreciates the broad support for the bill across Southwest Colorado. USDA also notes that there are elements related to the management direction for Ponderosa Gorge in Section 401(h) that could have implications for national forest health, hazardous fuels reduction, ecological restoration, and forest products activities that are under contract or soon to be under contract as part of the landscape-scale “Lone Pine Vegetation Management Project” authorized by the USDA Forest Service in a decision notice dated January 23, 2020. USDA believes a minor technical amendment that would allow for limited activities authorized prior to enactment could resolve these contractual concerns. We would appreciate an opportunity to work with the Committee and bill sponsor on these and other technical amendments and clarifications of the bill text and legislative map. Thank you again for the opportunity to testify on this bill.

**STATEMENT OF  
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
December 1, 2022  
Concerning**

**S. 4995 Continental Divide Trail Completion Act**

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on S. 4995, the “Continental Divide Trail Completion Act.” The objective of the bill is to prioritize completion of the Continental Divide National Scenic Trail (CDNST or Trail).

Designated in 1978, the CDNST stretches 3,100 miles from the deserts of New Mexico to the alpine peaks of the northern Rockies and traverses stunning and diverse landscapes. The Trail connects many of the defining moments and movements in our nation’s history along the spine of the continent.

USDA supports the goals of this bill and would like to work with the Committee and bill sponsors to address the concerns identified in this testimony. Completing land acquisition for the CDNST meets Congress’s intent in designating the Trail in 1978. The Agency is committed to working with our partners to achieve this goal. We defer to the Department of the Interior regarding provisions affecting the management of lands administered by the Bureau of Land Management and the National Park Service.

**Section 3(a) - Completion of the Trail**

This section of the bill would require the Secretaries of Agriculture and the Interior to substantially conclude acquisition of land or interests in land necessary to complete the trail by the 50<sup>th</sup> anniversary (November 10, 2028) of its designation. The intended acquisitions of land or interests in land under this bill would focus on meeting the nature and purposes of the CDNST, which are to provide for high-quality, scenic, and primitive hiking and horseback riding; and, to conserve natural, historic, and cultural resources along the CDNST corridor. No additional funding would be authorized by the bill to achieve this goal.

USDA supports the need to complete the CDNST but has concerns with meeting the proposed timeline to substantially complete the CDNST by its 50<sup>th</sup> anniversary. Progress towards this goal is in large part determined by private landowners’ willingness to sell or lease their property or put it under a conservation easement. Approximately 95% of the CDNST is protected on lands in public or tribal ownership or through easements across private lands. The 5% of the Trail that is incomplete and on which this bill is focused is primarily co-located on major highways or secondary roads that do not provide for the safety of hikers or meet the nature and purposes of the CDNST. Completion of this work has not happened to date due to lack of dedicated staff and

funding needed to carry it out, as well as a lack of willing sellers in some areas. Once the optimal location review is completed, we expect to have a better idea of the workload for land acquisition and could then establish a manageable timeline for completion.

### **Section 3(b) - Trail Completion Team**

This section of the bill would establish an interagency team to work with the Trail Administrator (the USDA Forest Service) to facilitate optimal location of additional segments for completion of the Trail. The USDA supports establishment of an interagency team consisting of the USDA's Forest Service and the Department of the Interior's Bureau of Land Management to work on conveyances of land or interests in land for completing the Trail. The work described in Sec. 3(b)(2) under "Duties of the Team" would be best suited to the Trail Administrator and specialists with skills such as geographic information system mapping, lands and reality management, cadastral surveying, landscape architecture, and natural resource management, and to key partners such as the Continental Divide Trail Coalition. This work is under way, and the USDA Forest Service plans to have a draft analysis in 2023 of the optimal location of additional segments for completion of the Trail.

USDA is concerned about the consultation requirement for the Trail Completion Team in section 3(b)(2)(C). This subsection would require the Team to consult with other federal agencies, affected Indian Tribes, Governors of affected States, local governments, affected landowners, land-grant mercedes, acequias, applicable owners or users of a land-grant merced or acequia, the Continental Divide Trail Coalition, and other volunteer and nonprofit organizations.

"Consultation" as it pertains to federal agencies has a specific meaning when relating to federally recognized Indian Tribes. Tribal consultation is a government-to-government process between sovereigns that involves receiving input from Indian Tribes regarding proposed federal actions or policies that have Tribal implications. USDA is committed to collaboration and transparency that address the unique needs of all the entities listed in section 3(b)(2)(C), but seeks to avoid misinterpretation or dilution of its obligation to federally recognized Tribes as sovereign nations through use of the term "consult" in the bill. USDA would like to work with the bill sponsors and the Committee to differentiate work with non-Tribal entities from work with federally recognized Tribes by using the word "confer" instead of "consult" when describing work with non-Tribal entities.

### **Section 3(c) – Comprehensive Development Plan**

This section would require the Secretary of Agriculture to submit to Congress a comprehensive development plan for the CDNST within two years. This plan would have to identify gaps in the CDNST where the Secretaries have been unable to acquire land or interests in land, a plan for closing the gaps, and general and site-specific development plans, including anticipated costs, for closing the gaps.

USDA supports development of a comprehensive development plan for the CDNST to address gaps in the Trail but has concerns with the terminology, as it may be confused with the CDNST comprehensive plan, which is already in place, as well as with site-specific development plans,

which would be difficult to complete in the required timeframe due to the need for interagency and partner coordination and anticipated environmental reviews.

**Section 3(d) – Methods of Acquisition of Land or Interests in Land**

This section would specify methods of acquisition of land or interests in land for the Trail. USDA supports these methods of acquisition of land or interests in land from willing sellers, lessors, or grantors.

**Section 3(e) – Maintaining Partnerships**

This section would require the Secretary of Agriculture and the Trail Completion Team to maintain partnerships with volunteer and nonprofit organizations that assist with development, maintenance, and management of the CDNST. USDA supports this section, although it is redundant with existing cooperative authority in the National Trails System Act.

**Section 3(f) – Reports**

This section would require the Secretary of Agriculture to submit an annual progress report to Congress until the acquisition of land or interests in land for the CDNST is complete. USDA supports submission of an annual progress report to Congress but requests flexibility to deliver this report as a briefing as opposed to a written report.

**Conclusion**

USDA supports the goals of this bill and would like the opportunity to work with the Committee and bill sponsors to address the concerns we have identified.

December 1, 2022

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

The Honorable John Barrasso  
Ranking Member  
Senate Committee on Energy and Natural  
Resources  
United States Senate  
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Members of the Senate Committee on Energy and Natural Resources,

We write to express our concern regarding S. 3978, which would establish a government-funded uranium reserve and which lacks language that would ensure proper engagement with affected communities. The establishment of a government-funded uranium reserve poses a serious threat to the health of Tribal and environmental justice communities, as well as to the overall environment. Furthermore, there is no urgent need for domestic uranium. Instead of establishing a uranium reserve, Congress should focus on the cleanup and remediation of existing toxic waste and conduct extensive outreach to communities affected by current and previous uranium mining operations.

The establishment of a uranium reserve would threaten Tribal and environmental justice communities, adding to existing pollution in frontline communities. We urge Congress to enact legislation that avoids creating further environmental harm, especially while we still have yet to remediate existing damage from uranium mining. To date, Tribal and environmental justice communities still grapple with contamination from past mining and milling operations. For example, a 2019 University of New Mexico study found that more than one-quarter of nearly 800 Navajo Nation women tested had high concentrations of uranium in their bodies.

Additionally, there is no urgent demand for domestic uranium to justify the creation of a uranium reserve. The United States is able to obtain most of the uranium it needs from suppliers domestically, or from allied countries such as Canada and Australia. The U.S. also has enough enriched uranium stockpiled to meet defense needs. According to a DOE report, tritium supplies—a fuel for nuclear warheads partly derived from uranium—are sufficient through at least 2040, while other defense uses may not demand new uranium until 2060.

We oppose this legislation and encourage the committee to reject it.

Sincerely,

The Wilderness Society

Grand Canyon Trust

Southern Utah Wilderness Alliance

Center for Biological Diversity

Earthjustice

The Sierra Club

Earthworks

Natural Resources Defense Council



November 30, 2022

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

The Honorable John Barrasso  
Ranking Member  
Senate Committee on Energy and  
Natural Resources  
United States Senate  
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Members of the Senate Committee on Energy and Natural Resources:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on the bills being considered by the Senate Committee on Energy and Natural Resources on December 1, 2021. We respectfully request that this letter be included in the hearing record.

**S. 4424, Recreation and Public Purposes Tribal Parity Act**

TWS supports Senator Padilla's S. 4424, the Recreation and Public Purposes Tribal Parity Act. It is essential that tribal nations, as sovereign nations, have equitable access to acquire public lands for recreational purposes just as state and local governments do. Currently, the Recreation and Public Purposes Act (RPPA) does not allow the BLM to convey these lands to Tribal governments. S. 4424 corrects this longstanding oversight. Righting this wrong is particularly important given the long and violent history of Native land theft in the United States. Ensuring that tribal governments have a seat at the table to acquire public lands is crucial to advancing equity in land acquisition processes and respects tribal sovereignty.

Enacting S. 4424 is a necessary step toward much-needed updates to the RPPA. However, more reforms are needed. Congress should ensure that the RPPA prohibits disposals of land that contain a tribal sacred site or that would adversely affect the exercise of tribal treaty or other reserved rights. This language and additional protections are included in S. 4421, the Advancing Tribal Parity on Public Lands Act, introduced by Senator Heinrich. These additional reforms would put in place long overdue protections for tribes on public lands.

S. 4424 an important step in the direction of Tribal equity. For these reasons, The Wilderness Society supports S. 4424 and urges the Committee to advance this important legislation.

**S. 4995, Continental Divide Trail Completion Act**

TWS supports 4995, the Continental Divide Trail Completion Act, introduced by Senators Heinrich and Daines. The Continental Divide Trail is one of Colorado's – and America's – top outdoor recreation treasures, providing thru-hikers, backpackers and day hikers with an exceptional experience in wild nature. From the deserts of Mexico, through the northern Rockies in the United States, and onward to Canada, the

Continental Divide Trail stretches over 3,000 miles along the spine of North America. We applaud this effort to complete the trail so that future generations can enjoy the natural and scenic beauty of the Continental Divide, and we encourage the Committee to move this legislation forward.

**S. 4860, Malheur Community Empowerment for the Owyhee Act**

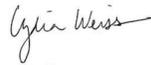
The Wilderness Society supports the goals of S. 4860, the Malheur Community Empowerment for the Owyhee Act by Sen. Wyden. In general, TWS supports community led conservation initiatives that balance conservation, recreation, tribal interests, and economic development. We appreciate Senator Wyden's leadership in developing and advancing this legislation. In particular, TWS supports the wilderness designations included in this legislation. The landscapes to be protected as wilderness contain important ecological, natural, cultural, and other values and warrant permanent protection. We stand in solidarity with the Burns Paiute Tribe regarding several aspects of the legislation that remain of concern, including the adequacy of the tribal provisions in protecting sites with cultural significance to the Burns Paiute Tribe. We look forward to working with Senator Wyden, the committee, the Burns Paiute Tribe, and local stakeholders to address these concerns as the legislation advances.

**S. 3978, NO RUSSIA Act**

The Wilderness Society opposes S. 3978, which would establish a government-funded uranium reserve and which lacks language that would ensure proper engagement with affected communities. The establishment of a government-funded uranium reserve poses a serious threat to the health of Tribal and environmental justice communities, as well as to the overall environment. Furthermore, there is no urgent need for domestic uranium. Instead of establishing a uranium reserve, Congress should focus on the cleanup and remediation of existing toxic waste and conduct extensive outreach to communities affected by current and previous uranium mining operations.

Thank you for considering our views.

Sincerely,



Lydia Weiss  
Senior Director, Government Relations  
The Wilderness Society