

THE DEPARTMENT OF THE INTERIOR'S
IMPLEMENTATION OF THE INFRASTRUC-
TURE INVESTMENT AND JOBS ACT

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

DECEMBER 13, 2022



Printed for the use of the
Committee on Energy and Natural Resources

Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

JOE MANCHIN III, West Virginia, *Chairman*

RON WYDEN, Oregon	JOHN BARRASSO, Wyoming
MARIA CANTWELL, Washington	JAMES E. RISCH, Idaho
BERNARD SANDERS, Vermont	MIKE LEE, Utah
MARTIN HEINRICH, New Mexico	STEVE DAINES, Montana
MAZIE K. HIRONO, Hawaii	LISA MURKOWSKI, Alaska
ANGUS S. KING, JR., Maine	JOHN HOEVEN, North Dakota
CATHERINE CORTEZ MASTO, Nevada	JAMES LANKFORD, Oklahoma
MARK KELLY, Arizona	BILL CASSIDY, Louisiana
JOHN W. HICKENLOOPER, Colorado	CINDY HYDE-SMITH, Mississippi
	ROGER MARSHALL, Kansas

RENAE BLACK, *Staff Director*

SAM E. FOWLER, *Chief Counsel*

PETER STAHLLEY, *Professional Staff Member*

RICHARD M. RUSSELL, *Republican Staff Director*

MATTHEW H. LEGGETT, *Republican Chief Counsel*

JOHN TANNER, *Republican Deputy Staff Director for Lands*

CONTENTS

OPENING STATEMENTS

	Page
Manchin III, Hon. Joe, Chairman and a U.S. Senator from West Virginia	2
Barrasso, Hon. John, Ranking Member and a U.S. Senator from Wyoming	3

WITNESS

Beaudreau, Hon. Tommy P., Deputy Secretary, U.S. Department of the Interior	5
---	---

ALPHABETICAL LISTING AND APPENDIX MATERIAL SUBMITTED

Barrasso, Hon. John:	
Opening Statement	3
Poster with quotations of the President related to production on federal lands	20
Letter from Senator Barrasso and 17 other Senators addressed to the Secretaries of Interior, Agriculture, and Commerce, dated December 1, 2022	84
Beaudreau, Hon. Tommy P.:	
Opening Statement	5
Written Testimony	7
Responses to Questions for the Record	43
Lankford, Hon. James:	
Letter from the Department of the Interior addressed to Senator Lankford, dated December 12, 2022	26
Manchin III, Hon. Joe:	
Opening Statement	2

**THE DEPARTMENT OF THE INTERIOR'S
IMPLEMENTATION OF THE INFRASTRUC-
TURE INVESTMENT AND JOBS ACT**

TUESDAY, DECEMBER 13, 2022

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

The Committee met, pursuant to notice, at 10:07 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

The CHAIRMAN. The Committee will come to order.

Before we begin, I want to recognize the retirement of our long-time dear friend, Chief Clerk Darla Ripchensky. Darla has a combined 21+ years of service in the Senate, and for the last almost ten years, Darla has worked tirelessly behind the scenes of this Committee, running all of our operations. Her hard work, day in and day out, is the backbone of what allows the Committee to do our work, and we have done a lot of it. I know I speak for all the members and each staff member here, past and present, over the last decade, when I say thank you from the bottom of all of our hearts for everything that you have done for us and for your service to the nation. Darla, to say you are going to be missed is an understatement. To say that we can't replace you is accurate. But thank you, and I know we are going to work hard to do that.

So now I turn to Senator Barrasso.

[Applause.]

Senator BARRASSO. Well, thank you, Mr. Chairman. I also would like to add to your remarks and thank you, Darla, for your remarkable time here, not just in this Committee, but on Capitol Hill in service to the country, just shy of ten years at the Committee, over two decades in the Senate, leaving very big shoes to fill. Your Capitol Hill career actually started in 1997 when you were the Office Manager and Chief Clerk at the Committee of Governmental Affairs, then became Chief Clerk and Security Manager for that Committee, later worked as the Administrative Director for the Senate Majority Leader's Office at the time under the leadership of former Senate Majority Leader, Bill Frist, worked with the Senate Small Business Committee from 2011 to 2013, and joined this Committee in January 2013. You have been here ever since. You know, if you take a look, Mr. Chairman, she is committed to ensuring everything here runs smoothly, and it really has. Your dedication to keeping the Committee on schedule is incredible. I am thankful for your expertise in managing the day-to-day operation of our Com-

mittee, and for serving as a liaison between the Executive Branch and each Senator on this Committee. You are going to be greatly missed, and I will miss you in your retirement and wish you the very, very best.

The CHAIRMAN. Darla, now, as a token of our appreciation, we have something to commemorate your time with us and the Senate at-large and all your contributions to our great nation.

[Applause.]

Senator BARRASSO. Did you know that the people who stood were staff members? They were terrific.

The CHAIRMAN. They know who runs the place.

Senator BARRASSO. Yes, they do.

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

The CHAIRMAN. Now, we are going to turn to our hearing today, and this morning we will be discussing the Department of the Interior's implementation of the Bipartisan Infrastructure Law, which is known as the Infrastructure Investment and Jobs Act. I would like to welcome and thank Tommy Beaudreau, Deputy Secretary of the Department of the Interior, for appearing before the Committee today. Last year, Congress worked in a bipartisan way to enact the largest federal investments in our nation's infrastructure in decades, including approximately \$100 billion in authorization and funding for the Department of the Interior and the Department of Energy. This, combined with the investments provided in the Inflation Reduction Act, will be game-changing for us to produce more energy, lead the world in innovation, onshore supply chains, clean up legacy pollution, address drought, plan for wildland fires, and more. Last July, we held a very thorough business meeting about these provisions in our jurisdiction, in which we considered 74 amendments and agreed to 48 before reporting our position of the bill with bipartisan support. And as I understand, we might have been the only committee that worked the entire bill through this process.

Now that the Bipartisan Infrastructure bill has been law for just shy of 13 months, we are here today to discuss how the Department of the Interior has been implementing the authorization and the \$28.1 billion that we provided to you. I am especially proud that \$16 billion of that funding was specifically to help to address an issue very important to my home state of West Virginia, the reclamation of abandoned coal mine lands and the plugging of orphan wells. Over \$1.2 billion has already gone out the door to carry out that work. Working together with Interior, states are investing in projects that document and plug orphan wells, they close dangerous mine shafts, reclaim unstable slopes, restore water supplies, and clean streams by treating acid mine drainage, all while providing local jobs in those communities. Coal communities in West Virginia and across the country are proud to have powered our nation for decades and enabled this country to become the superpower of the world. Last year's funding investments recognize those contributions and the scars these communities bear as a result and provide the funding needed to reinvest in the future of these communities that gave us so much. In fact, with the Depart-

ment's help, the Infrastructure bill's abandoned mine land funding, coupled with the AML fee extension, could result in approximately \$4.3 billion in economic output for the state and 1,730 jobs that will continue for 13 to 15 years in my state of West Virginia. Substantial investments were also made to put men and women to work in our nation's forests to make them healthier and less prone to wildfires, and at the Bureau of Reclamation, we made historic investments to address the ongoing drought crisis in the West, a key focus for many of our members on this Committee.

The law also recognized the importance of onshoring our nation's critical mineral supply chain and reducing our reliance on bad actors abroad to provide our energy needs—something that we doubled down on in the Inflation Reduction Act this summer. In addition to historic supply chain investments we provided the Department of Energy in the Bipartisan Infrastructure Law, we also came together to accelerate mineral mapping and fund crucial facilities and research at the U.S. Geological Survey—work that will help us find new mineral deposits and develop the sustainable mines of the future. Due to the severity of our energy and mineral security challenge, we included aggressive deadlines for action in our legislation. Unfortunately, not all of these deadlines have been met, including at the Department of the Interior.

Senator Murkowski and I sent letters to Secretary Haaland, along with the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence back in May, after several deadlines related to the critical minerals were missed. While many of those issues were eventually resolved, last month, the Department of the Interior failed to meet another key deadline related to critical minerals—a first step required to improve permitting for new mines. And there are more statutory deadlines coming soon for reports that are needed to inform efforts to secure our supply chains and increase our energy security. In addition, the one-year deadline to get regulations in place for new authority to permit carbon sequestration on the Outer Continental Shelf also came and went on November 15. I look forward to hearing more about how we can work with Interior to move forward on these issues and at the same time, ensure that future obligations will be met, of which there are many, many left. The subsequent Inflation Reduction Act mandated that specific oil and gas lease sales take place over the next year, created a new requirement that oil and gas leasing take place before the renewable leasing and rights-of-way are issued, and numerous projects of all kinds are awaiting permits.

With all of these deadlines looming and actions to be taken from these two historic laws, it is crucial that we have some assurances that the Department of the Interior will get back on track, meet its statutory deadlines, and move with the urgency that the situation requires and the American people deserve.

Now, I am going to turn to my colleague and friend, Senator Barrasso, for his opening statement.

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

Senator BARRASSO. Thanks so much, Mr. Chairman. Thanks for holding today's hearing.

In November 2021, Congress passed a \$415 billion spending bill. It has been called an infrastructure bill, but in reality, the legislation also lavished billions of taxpayer dollars on programs that have absolutely nothing to do with infrastructure. The Congressional Budget Office has said that this legislation will increase our nation's deficits by \$256 billion over the next ten years. And we now know that this legislation, along with a much larger partisan Democrat spending bill, contributed to the highest inflation in our nation in the last 40 years. Under this legislation, Congress appropriated over \$28 billion to the Department of the Interior. That is nearly twice the amount of, and in addition to, the Department's annual budget of \$14.5 billion. So I am glad we have an opportunity to hear from the Deputy Secretary today.

I am interested in learning what, if any, controls and protocols the Department has put in place to ensure it does not waste taxpayer dollars. I would also like to know whether the Department has taken any steps to reduce the inflationary impact that this massive spending bill has on communities across the country. Annual inflation is still above seven percent. Energy inflation is still above 13 percent. Americans are continuing to suffer from higher energy prices and higher food prices, and President Biden continues to sit on his hands. He has been in office for nearly two years. Under the Mineral Leasing Act, the Secretary of Interior is required—required—to hold lease sales in each state with oil and gas resources. In other words, the Secretary was required to hold at least a total of eight lease sales in each of these states over the last two years—quarterly lease sales, two years, eight sales. But the Secretary has held only a single lease sale in these states during that time, ignoring the law.

To make matters worse, the Department has indicated that it will hold only one lease sale next year. Now, under the Outer Continental Shelf Lands Act, the Secretary was required to hold three offshore oil and gas lease sales this year. Instead, the Secretary canceled those lease sales in May, again, in violation of the law. The Secretary was also required to issue a final five-year leasing plan at the end of June. The Secretary not only missed the deadline, she has issued a draft plan that considers ending offshore oil and gas leasing altogether. That is not what the law says.

So, Mr. Deputy Secretary, Last year you publicly stated that your objective is to, “fundamentally change these programs to get us on a path to decarbonizing public lands.” I am deeply troubled by that belief that you can fundamentally change the oil and natural gas leasing programs that are in law, which Congress has established as a Federal law. And I am equally troubled that you would think that decarbonizing public lands is a goal of these programs, because it is not. Since taking office, President Biden has gone hat-in-hand to some of the world's worst dictators, begging them to produce more oil, and that includes going specifically to Vladimir Putin in Russia before the invasion of Ukraine, specifically going in person to Saudi Arabia, going to Iran, going to Venezuela, and each of these dictators have rejected his request. Meanwhile, U.S. crude oil production is still a million barrels a day below pre-pandemic levels, each and every day, a million barrels a

day production less, and the Department is ignoring Federal law as it tries to end oil and gas leasing on federal lands and waters.

American families are hurting. Gasoline is still a heck of a lot higher than the day Joe Biden came into office, in spite of releasing a million barrels a day from the Strategic Petroleum Reserve, of our emergency reserve, a million barrels a day for the last six months, 180 million barrels. Diesel is still 76 percent higher than when Joe Biden took office. Just last week it was \$2 a gallon more in Wyoming than regular gasoline. In addition, America's electricity and natural gas bills are rapidly increasing. The Department needs to stop blocking access to America's oil and gas resources. It needs to follow the law and put the interest of the American people first.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And now, Mr. Beaudreau, we will have your comments.

**STATEMENT OF HON. TOMMY P. BEAUDREAU,
DEPUTY SECRETARY, U.S. DEPARTMENT OF THE INTERIOR**

Mr. BEAUDREAU. Thank you very much, Chairman Manchin, Ranking Member Barrasso, and all of the members of the Committee. I appreciate the opportunity to provide this update to the Committee on the Department of the Interior's implementation of the Infrastructure Investment and Jobs Act. This bipartisan law is a key part of the President's plan to rebuild our country. It is a once-in-a-generation investment that is helping tackle the climate crisis, create jobs, advance environmental justice, and boost local economies. Under Secretary Haaland's leadership, we have been working hard to implement these important investments in an effective, efficient way while also taking care of our responsibility as stewards of these very substantial taxpayer funds. We are charged with protecting America's great outdoors, powering our nation's future, protecting and managing America's natural resources and cultural heritage, and providing scientific information about all of these resources. We also have the honor of our trust responsibilities and special commitments to American Indians, Alaska Natives, and affiliated island communities.

This historic law has enabled us to grow our capabilities and better advance all of these critical missions. The Department's leadership is mindful of the scope of this task and we take our responsibility to use these resources entrusted to us in the law wisely. As was pointed out, this is more than \$30 billion—almost double the Department's annual budget. Our bureaus and offices administer financial assistance programs and carry out activities in eight key program areas under this law, including, as the Chairman mentioned, our abandoned mine land reclamation and orphan well programs, water infrastructure, Indian rights settlements, wildland fire preparedness, fuels management and post fire rehabilitation, ecosystem restoration and resilience, scientific innovation and mapping, and tribal infrastructure projects and climate resiliency initiatives.

Let me provide just a few highlights of our implementation thus far. A year ago, we welcomed Winnie Stachelberg, who is accompanying us at this hearing today, to join the Department as our

Senior Advisor and Infrastructure Coordinator. Winnie has been instrumental in standing up our organizational infrastructure to do infrastructure. This includes establishing cross-functional teams and project management offices across the range of programmatic and administrative functions to implement and coordinate these significant investments. We have hired staff across the Department to work in existing and newly created program offices, and have established important stakeholder partnerships to help us implement the law. We have hosted dozens of stakeholder meetings and formally consulted with tribes, and we have put in place a public-facing website to ensure that all of our information is easily available to the public. In Fiscal Year 2022, we announced \$6.4 billion in infrastructure projects and we have funded nearly 1,000 of those projects, putting billions of dollars to work in support of our mission to serve communities and to meet our obligations under the law.

Part of the reason why I am very happy to be with you this morning is that I take every opportunity I can to thank Congress for the investments made possible through both the IIJA and the Inflation Reduction Act. Along with the Secretary and the Interior Department leadership, I travel across the country, and I have spoken with governors, mayors, and people on the landscape about the dramatic impacts that these pieces of historic legislation are having to improve the lives of Americans and to protect and restore our critical infrastructure and natural ecosystems. I look forward to sharing those conversations with you. And again, thank you for these investments. Together, we are proving to the American people that government can be made to work for them, and that we are accomplishing a great deal through these partnerships.

Chairman Manchin, Ranking Member Barrasso, and Committee members, thank you again for the opportunity to appear before you today. I look forward to answering your questions.

[The prepared statement of Mr. Beaudreau follows:]

**STATEMENT OF
TOMMY BEAUDREAU, DEPUTY SECRETARY
U.S. DEPARTMENT OF INTERIOR
BEFORE THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
REGARDING
IMPLEMENTATION OF THE BIPARTISAN INFRASTRUCTURE LAW
December 13, 2022**

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to provide this update on the Department of the Interior's (DOI or Department) implementation of the Infrastructure Investment and Jobs Act, also referred to as the Bipartisan Infrastructure Law or BIL. A key component of the President's plan to rebuild our country, it is a once-in-a-generation investment that is helping communities tackle the climate crisis, creating good-paying jobs for millions of Americans, advancing environmental justice, and boosting local economies.

The Bipartisan Infrastructure Law is a historic down payment on ensuring that future generations have clean air, drinkable water, fertile soil, and an overall quality of life that is currently threatened by the worsening climate crisis. Under Secretary Haaland's leadership, we are working hard at the Department to implement these important investments in an effective, efficient way while also taking care to be responsible stewards of these significant taxpayer funds.

DOI and the Infrastructure Investment and Jobs Act

The Department comprises 11 bureaus with over 60,000 employees and more than 280,000 volunteers across 2,400 operating locations that carry out DOI's mission. Our mission is broad. We are charged with protecting America's great outdoors and powering our nation's future; with protecting and managing America's natural resources and cultural heritage, and with providing unbiased scientific and other information about those resources. We honor our trust

responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

In total, the Department manages over 500 million acres of federal land, or about 20 percent of the country's land mass. DOI is the largest wholesaler of water in the country, bringing water to more than 31 million people, and we are the second largest producer of hydroelectric power in the United States with 58 power plants serving 3.5 million homes. And DOI is the Nation's largest water, earth, and biological science and civilian mapping agency, providing critical information about our natural resources.

This historic legislation has enabled DOI to grow its capabilities and better advance the critical missions carried out by its bureaus.

In sum, of the total \$1.2 trillion Infrastructure Law investment, DOI received more than \$30 billion, an amount almost double the Department's annual budget.

DOI's leadership is mindful of the scope of this task, and we take very seriously our responsibility to use these critical resources wisely. One year ago today, we announced that Winnie Stachelberg would join the Department as its new Senior Advisor and Infrastructure Coordinator. In concert with senior leadership, Winnie oversees the Department's implementation of this historic law to help communities tackle the climate crisis while creating good-paying union jobs, advancing environmental justice, and boosting local economies.

Nearly every major division of the Infrastructure Law includes provisions to be implemented by the Department and its bureaus. BIL funding bolstered many of our existing programs and allowed us to develop several new programs. These funds support DOI's ongoing work in land and minerals management, water and science, environmental compliance, fish wildlife and parks, and Indian affairs. The new programs authorized by the BIL focus on climate resilience and water resource and environmental protection.

Specifically, DOI's bureaus and offices administer financial assistance programs and carry out activities in eight key BIL program areas that received significant funding under the legislation. These include:

- Abandoned coal mine land reclamation (\$11.3 billion);

- Orphaned well site plugging, remediation and restoration (\$4.7 billion);
- Water infrastructure programs (\$8.3 billion);
- Indian Water Rights Settlements (\$2.5 billion);
- Wildland Fire preparedness, fuels management, post-fire rehabilitation, and science (\$1.5 billion);
- Ecosystem restoration and resilience (\$1.4 billion);
- Scientific innovation and mapping (\$511 million); and
- Tribal infrastructure projects and climate resiliency initiatives (\$466 million).

More than half the funding addresses legacy pollution and water infrastructure, with additional needed investments going toward wildland fire management, ecosystem restoration, innovative science, and climate resilience. DOI administers the funding, ensures compliance with the law, and measures and reports on progress. Much of the work on the ground is being delivered by our non-federal partners, including Tribes, state and local governments, non-governmental organizations, and academia. DOI works closely with these partners to administer efficient and effective BIL initiatives.

Outlined below is a brief discussion of the Department's first year accomplishments, including achievements in implementing each of the BIL's program areas.

DOI's Year One Accomplishments

As the official accountable for implementation of the BIL at DOI, I am committed to ensuring effective, efficient, and equitable implementation of the law across the Department.

Our first accomplishment during the past year was to stand up the organizational infrastructure to implement the BIL. In conjunction with the appointment of DOI's Infrastructure Coordinator, we established a cross-functional team to implement and coordinate this investment. The team consists of career Senior Executives and political appointees across the range of programmatic and administrative functions.

The BIL Program Management Office is charged with overseeing the Department's implementation of the BIL and acting as a liaison with internal and external partners to communicate the Department's progress. We hired over 250 staff across our bureaus and offices to work in our existing and newly created program offices, including STEM (science,

technology, engineering, and math) and mission support personnel and program directors. We also established important stakeholder partnerships to help us implement the law and put dollars where they are needed most. DOI hosted dozens of stakeholder meetings and has formally consulted with Tribes. And we have put in place a public-facing website, found at: <https://www.doi.gov/priorities/investing-americas-infrastructure>. This site provides transparency in our work and information to the public on the actions we are taking and how these critical taxpayer resources are being spent.

In Fiscal Year 2022, DOI announced \$6.4 billion in BIL projects. Specifically with regard to distribution of funds and project implementation, as of this date, DOI has funded nearly 1,000 infrastructure projects and put billions of dollars to work in support of the law. A general description of the work we have accomplished during this first year follows.

Cleaning Legacy Pollution Sites

In the context of the Infrastructure Law at DOI, legacy pollution includes orphan oil and gas wells and abandoned mine lands (AML). Both sources of legacy pollution were created by drilling and mining operations, many of which occurred prior to environmental regulation that required cleanup. Millions of Americans live within a mile of abandoned mines or oil and gas wells, which are estimated to be numbered in the hundreds of thousands.

Orphaned wells occur when an operator fails to plug and remediate an oil and/or gas well and no responsible or capable party can be identified for cleanup activities. Orphaned oil and gas wells can emit methane, a potent greenhouse gas, and other noxious gases, contaminate groundwater, litter the landscape with rusted and dangerous equipment, and harm wildlife, jeopardizing public health and safety.

AML sites occur after coal is mined and lands are left abandoned or inadequately reclaimed. Abandoned mine land sites can consist of open portals and pits, refuse piles, dangerous highwalls, and other features, and often cause water pollution, particularly through acid mine drainage. These sites degrade natural resources, create public health and safety risks, emit greenhouse gases, including methane, and often block other potential productive uses of the land.

Remediating these legacy pollution sites enhances land and water resources that lead to further investments and uses, such as agriculture, wildlife habitat, and economic development

opportunities. Orphan well plugging and AML reclamation also creates jobs, often in rural and Tribal communities, improves our environment, safeguards people and property, and generally revitalizes affected communities.

In response to the authority provided in the BIL, DOI launched a \$4.7 billion program to cap and plug orphaned oil and gas wells across the country. In January 2022, we announced the availability of the first \$1.15 billion in funding for eligible states to create jobs cleaning up orphaned oil and gas wells and reducing methane emissions across the country. In May, we announced \$33 million to be allocated to the cleanup of 277 well sites in national parks, national wildlife refuges, and on other public lands, and \$560 million of phase one funding was allocated in August to 24 states. Critical work funded through the BIL has already begun plugging abandoned wells.

We are also moving forward on AML sites. The BIL reauthorized the existing distributions and provided nearly \$11.3 billion to be allocated evenly over the next 15 years. In February, we announced the availability of nearly \$725 million in Fiscal Year 2022 funding for 22 states and the Navajo Nation to create good-paying jobs and catalyze economic opportunity by reclaiming abandoned coal mining lands. The Department has announced over \$643 million in awards in the last two months for Alabama, Alaska, Illinois, Iowa, Kansas, Kentucky, Maryland, New Mexico, Ohio, Pennsylvania, Texas, Virginia and West Virginia. Funding will be awarded to additional eligible entities on a rolling basis as they apply.

Investing in Water Infrastructure

Aging and inefficient water infrastructure is a major cause of water supply issues for thousands of communities across our country.

Millions of Americans are impacted by the need for modern infrastructure and to repair deficient infrastructure. This challenge is compounded by the reduced and more variable precipitation, rising temperatures, and drier soils driven by climate change. This is especially apparent in many Tribal communities that lack the appropriate water infrastructure to respond to drought conditions.

The investments made through the BIL for critical water infrastructure, dams, and pipelines will improve water reliability, increase drought resiliency, and ensure that additional water resources will be provided to millions of Americans.

To date DOI has announced the allocation of \$3.3 billion to BIL western water infrastructure programs, of which \$1.3 billion has been allocated to 129 projects to boost water infrastructure and tackle western drought, including funding for rural water systems, dam safety, water recycling and reuse projects and repairs for aging water systems, ensuring clean drinking water for families, farmers, and recreational facilities. DOI is also working hard to uphold our trust responsibility to Tribal communities and to ensure these communities receive the water resources they have long been promised.

In February, we announced \$1.7 billion to support completion of enacted Indian Water Rights Settlements, aimed at funding infrastructure for Tribes to store and transport water to provide access to reliable water supplies. This is helping to deliver long-promised water resources to Tribal communities and a solid foundation for future economic development. And in May, the Department announced more than \$10 million for Tribal water systems repairs and another \$10 million for irrigation projects and power utilities owned by the Bureau of Indian Affairs (BIA), an important component of addressing climate change impacts and expanding economic opportunity in Indian Country.

Improving Wildland Fire Management

Climate change is creating longer fire seasons and American communities continue to bear the brunt of the resulting cycle of intensifying droughts that lead to more extreme wildfires, poor air quality, and flooding. Wildfires can undercut the many benefits and services that lands managed by DOI, including those held in trust for Tribal nations, provide, such as hunting and fishing, recreational opportunities, foraging, clean water, clean air, wildlife habitat, and the protection of cultural resources. Wildfires can also significantly affect public health, threaten drinking water and cause billions of dollars in damages to homes and infrastructure.

The funding provided by BIL bolsters DOI's wildland fire workforce and supports fuels management, the post-wildfire rehabilitation of lands, and wildland fire science and technologies

that improve landscape resiliency, help us better detect and monitor wildfires, and significantly reduce risk to communities and ecosystems.

To date we have allocated \$407 million in BIL funding for the wildland fire workforce, fuels management, post-fire rehabilitation, and wildfire science. Critically, more than 3,800 DOI federal wildland firefighters received special pay supplements in 2022 that will continue through 2023. DOI has allocated \$105 million of the BIL funding to date for these payments and other important investments for the workforce, including improvements in firefighters' training. DOI and the Department of Agriculture (USDA) Forest Service also established a joint mental health program for firefighters. The Administration is working on a longer-term proposal for reforming firefighters' pay beginning in 2024.

Of this total, DOI has allocated \$257 million in BIL funding to accelerating the pace and scale of fuels management work, which reduces risk through strategic removal of vegetation that is a potential wildfire hazard. BIL and other funding supported completion of fuels management projects on nearly 2 million acres of land, an increase of 18 percent over last year. A portion of this funding is also being used to continue development of a wildfire risk mapping and mitigation tool, which is being developed jointly with USDA Forest Service and the National Association of State Foresters. In addition, DOI has approved allocations of \$39 million in BIL funds to accelerate the pace and scale of burned area rehabilitation, and \$5 million for fire science research.

We also developed and submitted to Congress the required Five-Year Monitoring, Maintenance, and Treatment Plan that will guide our long-term strategic approach to address wildfire risk, better serve communities, and improve the conditions on lands managed by the Department working in collaboration with other federal, Tribal, state, and local partners. And with USDA and Homeland Security, we established the Wildland Fire Mitigation and Management Commission. Composed of federal and non-federal members, the Commission has begun meeting and will make recommendation on how federal agencies can better prevent, mitigate, suppress, and manage wildland fires.

Critical Ecosystem Restoration

Natural ecosystems are threatened by a number of factors, including climate change, wildfires, and invasive species, among others. Critical investments in ecosystem restoration will help to restore and connect core habitats and improve climate resilience. Restoration work benefits the environment and creates jobs and has an economic ripple effect as jobs are created in the tourism, outdoor recreation, and commercial fishing sectors, as well as other sectors that depend on plants, animals, and healthy landscapes. The \$1.4 billion in ecosystem restoration and resilience funding in the BIL will enable the Biden-Harris Administration to deliver those benefits across the nation.

Earlier this year DOI, USDA, and the Department of Defense jointly announced a \$1 billion America the Beautiful Challenge that will combine federal funding, including \$375 million in funding provided to DOI through the BIL, along with other federal conservation programs and private sources. The intention is to invest in projects that advance collaborative conservation, use the best available science, innovative practices, and Indigenous Knowledge to help conserve and protect lands and waters. This one-stop-shop solicitation streamlines the grant application process and facilitates the coordination of funding for projects across landscapes, watersheds, and seascapes to achieve larger and more durable benefits on the ground.

Along with the National Fish and Wildlife Foundation, the agencies announced over \$91 million in America the Beautiful Challenge grants for projects in 42 states, and 3 U.S. territories this year. These grants support projects that conserve, restore, and connect habitats for wildlife while improving community resilience and access to nature. This will create jobs, strengthen our economy, address equitable access to the outdoors, and help tackle the climate crisis.

It is worth noting that the request for proposals received an unprecedented response, with applicants submitting 527 proposals requesting a total of \$1.1 billion. The grant slate announced addresses about 10 percent of this overall level of demand, illustrating how much impactful conservation work is ready and waiting for investments like these.

DOI has announced an additional \$115 million for locally led projects to restore rivers and streams and protect aquatic habitat, conserve strategic sagebrush areas and increase outdoor recreation access.

The Department is proud to be working to remove 100 barriers for fish passage and reopen 5,015 stream miles through this year's investments in the National Fish Passage program. This program, which is facilitated by the U.S. Fish and Wildlife Service, has decades of proven experience providing financial, technical, and planning assistance to our partners to improve the health of our waterways, reconnect rivers, improve climate resilience, and enhance local economies.

Minerals Science and Mapping Efforts

While the United States contains abundant earth and mineral resources, we do not yet have a comprehensive inventory of these critical resources, which are necessary to power everything from household appliances and electronics to clean energy technology, like batteries and wind turbines. A lack of geological, geophysical, and topographic data hampers exploration for many of these minerals. Mapping and making geologic and geophysical data accessible to all can enhance interpretation of our mineral resources and deliver information to decision makers which can strengthen national security and create private sector jobs.

In June, DOI announced substantial investments in the U.S. Geological Survey's Earth Mapping Resources Initiative, including over \$74 million distributed in 30 states to invest in geoscience data collection, mapping, data preservation, and scientific interpretation of areas with potential for critical minerals. Funding for this effort included \$64 million from the BIL. These investments will help us improve understanding of critical mineral resources throughout the nation, a key step in securing a reliable and sustainable supply of these important resources.

Tribal Climate Resilience

The U.S. Global Change Research Program and the United Nations Intergovernmental Panel on Climate Change indicate that we will experience more intense and frequent precipitation for shorter periods of the winter, longer and warmer growing seasons accompanied by drought, and earlier snowmelt in higher elevations causing flooding.

Given the increasing impacts of climate change, it is critical to focus on building more resilient communities. Tribal communities are on the front lines of climate change impacts, including from the loss of key cultural species and lands loss due to erosion, flooding, and thawing

permafrost. Funding provided in the BIL provides critical resources for Tribes to plan for and mitigate the impacts on climate change.

The Bipartisan Infrastructure Law provides a total of \$466 million to the BIA over five years, including \$216 million for climate resilience programs. Of that funding, \$130 million is provided for community relocation and \$86 million is provided for Tribal climate resilience and adaptation projects.

In early November, DOI announced \$45 million - \$20 million from the Bipartisan Infrastructure Law - to build climate resilience in Tribal communities. These projects will support Tribes and Tribal organizations in adaptation planning, climate implementation actions, ocean and coastal management planning, capacity building, relocation, managed retreat, and protect-in-place planning for climate risks.

And just two weeks ago, President Biden announced a new Voluntary Community-Driven Relocation program, led by DOI, to assist Tribal communities severely impacted by climate-related environmental threats. Through investments from the BIL and from the Inflation Reduction Act, the Department committed \$115 million for 11 severely impacted Tribes to advance relocation efforts and adaptation planning. Additional support for relocation will be provided by the Federal Emergency Management Administration and the Denali Commission, to total \$135 million. These projects will yield critical information to inform replication in other communities and initiate a long-term strategy for future relocation and climate resilience efforts.

Looking Ahead

DOI hit the ground running when it came to BIL implementation, and we aim to keep up that pace as we continue forward. Already in FY 2023 we have announced \$43 million for BIL projects across the country within the first month of the fiscal year. As new projects and funding opportunities are announced, we will continue our oversight responsibilities to ensure the American people receive efficient implementation and tangible results from this historic investment.

We will continue our productive partnerships with our federal, state, Tribal and non-governmental organization partners to implement the law, in addition to continuing to engage with Congress. We intend to ensure continued efficient implementation by continuing to build

and fine-tune our organizational infrastructure with 600 more skilled staff. We will continue to develop and implement strategies that enable us to focus on Administration and Departmental priorities, including environmental justice and Justice40, increased domestic sourcing, and focus on climate resilience. And we will continue on-the-ground execution of our eight key BIL programs.

Conclusion

The BIL provided a historic investment in our nation and the Department of the Interior and its assets are a significant part of that investment. We have a responsibility to implement the law efficiently and effectively, and we look forward to continuing to implement this landmark legislation to improve our infrastructure, environment, and economy for the American people. Our mission to protect America's great outdoors and power our future has been strengthened by this law and we are honored to be part of the federal family overseeing its implementation.

Chairman Manchin, Ranking Member Barrasso, and Committee members, thank you for the opportunity to appear before you today. I would be happy to answer any questions you have at this time.

The CHAIRMAN. Thank you, sir.

I want to start with our questions now, and I have a few, and I will get started and then we will go right through our list today, but there are quite a few. The Bipartisan Infrastructure bill did quite a few things and directed it, and one of them is the ability to produce cleaner energy anywhere else than they do in the world. That is our main goal. To get that done, we need to stop wasteful natural gas flaring and venting and all the different things that we do with methane. The infrastructure law provided DOI with the authority to accelerate permitting for gathering pipelines. I understand that the reason we were not taking that methane off is because we need the pipeline to take it from the well-head back to market. And so, they were flaring it, and it was damned if you do and damned if you don't, and couldn't get it to the market.

So, what have you all been able to do, because when you implement the gathering line permitting authority from this bill, the Bipartisan Infrastructure bill, that should have happened. Have those permits started so you can remove that methane from being vented or flared into the air?

Mr. BEAUDREAU. Thank you very much, Senator Manchin. I agree completely that part of the solution to prevent the waste of natural gas resources—which again, when we are talking about public lands, belong to the American taxpayer—is an infrastructure question, and establishing gathering lines to collect that gas and bring it to central facilities and ultimately to market, is part of the solution. And so, I appreciate very much the new authority under the infrastructure law to facilitate the permitting of gathering lines. Part of, and this is, you know, part of the broader story with respect to bill implementation, is making adjustments, both in our process and as well as with operators. And so, we have—

The CHAIRMAN. Has there been any permits for any?

Mr. BEAUDREAU. Yes, we have had some examples, including Colorado—

The CHAIRMAN. North Dakota is a big—Senator Hoeven can speak probably more to this than I can, but I am understanding they have had a lot, they have got a lot of flaring up there and they have a lot of venting going on—venting, if you will. Have they started getting some permits to move the methane off?

Mr. BEAUDREAU. So, part of it is working with operators to adjust to the new opportunity, but we have seen examples of using this categorical exclusion to permit gathering lines.

The CHAIRMAN. Let me say this with my time left. First of all, the bills that we have done, and I know that especially the IRA, the Inflation Reduction Act, has been touted as an environment bill, basically, an enviro bill, and I think for people to know what that bill really did, it was an all-in energy policy, basically that you cannot do one without the other. So, the Mineral Leasing Act already required quarterly oil and gas sales for onshore. The Inflation Reduction Act mandated certain offshore lease sales over the next year. The President makes a comment and says basically that there will be no more drilling. If there is no more drilling, there is no more wind, there is no more solar, there is no more anything. And that is why the two are tied together, but no one really knows that because no one has touted that this is an all-in energy policy.

And so, I don't know how you all comply with that when, if you are hearing from the Administration that there will be no more drilling, but on the other hand, it is unable to do wind and solar leasing or rights-of-way without first doing oil and gas leasing—that is in the bill. That was in the bill. So I have been happy to see that you all have reinstated the Gulf sale from last year and will be going forward with mandated lease sales this coming year. So I don't know how you all are navigating that and where your direction has been, or is that just a misstatement?

Mr. BEAUDREAU. So we very much view, as laid out in the IRA, our renewable energy programs, both onshore and offshore as well as our oil and gas leasing programs, as connected. You know—

The CHAIRMAN. You all understand how the bills—how it is connected, that basically it is an all-in energy policy. We are going to do the fossil in the cleanest fashion possible to provide the energy we need today while we are investing in the energy that we will need for the future.

Mr. BEAUDREAU. That is exactly how we view it.

The CHAIRMAN. Okay.

The Bipartisan Infrastructure Law took large steps to address the critical minerals and our vulnerability in the supply chains to do the smart investments requiring Interior to improve the mine permitting process. Can you commit to addressing these overdue items in a timely fashion to get back on track? Because I am understanding we still have critical mineral projects, lithium mines, that are still on hold forever. Have they been moving in a positive way? Have you basically had any of them that have been through the permitting process or are going to be starting production any time soon in the United States?

Mr. BEAUDREAU. With respect to the reports called for under the Bipartisan Infrastructure Law, those are in progress. I chair the Interagency Working Group, along with the Energy Department, very focused on these issues.

The CHAIRMAN. It is a very short timeline that we are trying to get back in production so that we can meet the needs of the market, and right now, we are depending on China.

Mr. BEAUDREAU. Yes, and with respect to lithium projects on public lands, there are a couple significant projects in front of us, both in Nevada, that are moving forward, and you are going to see announcements on those in the coming weeks.

The CHAIRMAN. Thank you.

Senator BARRASSO.

Senator BARRASSO. Well, thank you, Mr. Chair.

Mr. Beaudreau, in June of this year, President Biden said, “Republicans falsely claim that I am blocking production on federal lands.” He says, “But again, that’s nonsense.” Well, I am a Republican, and I do claim that he is blocking production on federal lands. Last month, President Biden said something different. He said, “No more drilling. There is no more drilling.” Joe Biden. When was he lying? Which was the lie? Because clearly the President is lying. Which one?

[A graphic of the poster with the selected quotations follows:]

In June,
President Biden said-

***“Republicans falsely claim that I’m blocking
production on federal lands. But again, that’s
nonsense.”***

20

Last month,
President Biden stated that there will be-

“no more drilling...there is no more drilling...”

Mr. BEAUDREAU. Senator, I think, as you know, production on public lands, both onshore and offshore, has not stopped. In fact, in this Administration, production levels—and this is just EIA information—have increased on public lands to over a billion barrels a year. And so, there has been no attempt by the Administration to block or stop or impede production on public lands.

Senator BARRASSO. So then the President is lying when he says “No more drilling, there is no more drilling.” That is a direct lie into the camera to the American people by the President of the United States.

Mr. BEAUDREAU. So you know, I can’t comment on a quote, sort of, out of context, but clearly there is ongoing drilling on public lands as well as production.

Senator BARRASSO. So under the Mineral Leasing Act, the Secretary is required to hold quarterly lease sales in each state with federal oil and gas resources. By the fall of 2023, two and a half years into the Administration, the Secretary will have held two of the ten required sales in these states. So when will the Department resume quarterly lease sales in the states where federal and oil and gas resources are currently?

Mr. BEAUDREAU. So part of what I appreciate about the Bipartisan Infrastructure Law and now the IRA is that it does lay out a clear path, as we discussed with Senator Manchin, for our oil and gas leasing programs that requires a period of adjustment to comply with the law, but we are moving forward with onshore leasing through the BLM in association with our renewable energy programs on public lands as well.

Senator BARRASSO. So I would remind you that a federal court has directed the Secretary to comply with the Mineral Leasing Act, and I am beginning to question whether the Administration believes that it is in the rule of law, because it is not behaving that way.

Another question. The Department recently released a draft analysis of greenhouse gas emissions associated with 3,600 oil and gas leases issued from 2015 to 2020. Until the Department finalizes this analysis, thousands of leases and permits remain in limbo. When will the Department issue a final environmental assessment of this matter?

Mr. BEAUDREAU. So this is one of the highest priorities in the Department—to complete that work. As I know you are aware, we get buffeted around by various pieces of litigation and judicial rulings. And so, part of what we have to do while we complete that analysis is take into account the latest judicial rulings that impact that analysis. And so, in order to, again, provide defensibility for leases that the Department issues, we have to ensure that that work complies with the latest court rulings.

Senator BARRASSO. So you are saying, basically, a lot of lawsuits slow down the process, muck up the problem—in addition to the red tape, the lawsuits make it worse.

Mr. BEAUDREAU. That is—

Senator BARRASSO. So does the Department have a plan? Yes, go ahead.

Mr. BEAUDREAU. No, that is true.

Senator BARRASSO. Okay. Does the Department have a plan to apply the final assessment to the 3,600 leases so it can issue drilling permits in a timely manner?

Mr. BEAUDREAU. Yes.

Senator BARRASSO. Okay. Thank you.

Finally, in July, the Secretary released a proposed offshore oil and gas leasing plan for 2023 to 2028. One option the Secretary is considering is to offer no leases during the entire five-year time period. I remind you that federal oil production accounts for 27 percent of all U.S. oil production. We are a million barrels a day behind where we should be at this point. How can the Department justify ending offshore oil and gas lease sales when President Biden continues to beg overseas dictators for more oil?

Mr. BEAUDREAU. Again, as we discussed with the Chairman, under the IRA, our oil and gas leasing programs are connected with our offshore wind programs. What you saw in step two of a three-step process in development of a new five-year leasing program is simply a statement of the range of possibilities, from no lease sales under the Secretary's authority to essentially, the same number of lease sales that was included in the previous five-year plan completed at the end of the Obama administration.

Senator BARRASSO. So, to follow up on the issue of the Infrastructure Act—under the Infrastructure Act, Congress appropriated over \$28 billion to the Department of the Interior. This is nearly twice the amount of, and in addition to, the annual budget of about \$14.5 billion. The Democrats' partisan inflation act appropriated another \$6.6 billion to the Department—a staggering amount of money. What new controls and protocols has the Department put in place to prevent waste, fraud, and abuse of this spending?

Mr. BEAUDREAU. Absolutely, and as I think you have heard, you know, the Administration, including the President himself, has placed an extremely high priority on ensuring controls and prevention of waste, fraud, and abuse in the implementation of both of these bills. We take that extremely seriously. I meet with our inspector general every other week to talk about a host of issues, including their programs, and they have new funding under the legislation as well, to work with us to ensure that there are appropriate safeguards. And we are also being mindful about economies of scale as we make these investments, to ensure that the taxpayer gets full value from, again, these transformative investments under both of these pieces of legislation.

The CHAIRMAN. Thank you.

Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Obviously, the Bipartisan Infrastructure Act included a relatively robust amount of spending that Republicans, many Republicans, supported on the floor, but I want to back up to a previous piece of legislation that passed under the previous Administration and previous Congress, which is the Great American Outdoors Act that was passed in 2020. And Mr. Beaudreau, I want you to walk us through that bill's implementation in Fiscal Years 2021 and 2022. Specifically, there were two parts to that bill. There was the funding for the Land and Water Conservation Fund at what is considered, you know, full funding levels, as well as the National Parks

and Public Lands Legacy Restoration Fund, which was an attempt to catch up on infrastructure that had been ignored for decades by the Congress.

So walk us through implementation in Fiscal Year 2021 and 2022 for both of those programs and what percentage of the funding that was approved by Congress made it onto the ground in both of those categories in each of those fiscal years.

Mr. BEAUDREAU. I am very happy to provide, as I think we have publicly, you know, specific detail on the implementation in both of those years. To describe our overall process, we go through a rigorous, bottom-up process to identify areas of investments in order to address the backlog can happen.

Senator HEINRICH. Yes, I am not questioning the process. I just want to understand what percentage of the funding allocated made it onto the ground in each of those categories in each of those fiscal years. So, if \$900 million—okay.

Mr. BEAUDREAU. I will provide that detail. I am very happy to do that.

Senator HEINRICH. So what you are telling me is you do not have it at your fingertips, but you will get it to us.

Mr. BEAUDREAU. Yes.

Senator HEINRICH. Okay.

Let's talk about water. There has been an enormous amount of concern about the Colorado River Basin. That is fully appropriate. We are effectively using more water every single year than we have produced in that Basin at this point. What has gotten less national attention is the Rio Grande Basin, but more than 40 percent of the Rio Grande Basin experienced Exceptional Drought in 2022, following decades of permanent, in my view, aridification, and at a time of rising demand for water resources throughout that Basin. So walk me through how the Department of the Interior plans to allocate funds from the Infrastructure Investment and Jobs Act, as well as from the Inflation Reduction Act, to address the urgent need for sustainable water resources in the Rio Grande Basin.

Mr. BEAUDREAU. Yes, thank you, Senator. And you are quite right, there is a lot of focus, justifiably so, on the Colorado River Basin. That said, the Rio Grande is one of our highest priorities as well. And so, we bring to bear the entire suite of tools that we have within the Bureau of Reclamation, including investments to address drought and water infrastructure under both of these laws, but also our existing programs, including WaterSMART. I traveled to Mexico in October, had conversations, along with former Secretary Salazar, about these issues, and we are carrying forward those conversations with Mexico because they are key partners on the Rio Grande, as well as with the State Department, which helps administer dams on the Rio Grande.

Senator HEINRICH. Can you walk us through what are the most effective tools that you have to be able to, you know, reduce pressure on the system, what you found to work, in order of priority, whether that is WaterSMART, whether that is, you know, leasing—all of the different things you are using to try and balance supply and demand in this current situation?

Mr. BEAUDREAU. Yes. One of the most effective tools we have—and both of these pieces of legislation provide resources for it—is

to increase water efficiency within the system. And so, making investments at the irrigation district, the water conservation district level, on straightforward issues, like lining canals and working with irrigators to wring additional wet water out of the system, is one of our highest priorities to get long-term benefits out of these bills.

Senator HEINRICH. Thank you.

And I just want to bring us back to the fact that it is directly because of our dependence on fossil fuel and the amount of carbon that is in the atmosphere that we have this devastating—and I mean devastating—economically devastating situation across the West. So, while there has been an attempt by some to lead and by some not to lead on that issue, we are dealing with the reality of climate change each and every day—our farmers, our tribes, our cities. And so, thank you to the Department of the Interior for at least recognizing how great a threat that is to our way of life across the West.

Mr. BEAUDREAU. Thank you, Senator.

The CHAIRMAN. Senator Lankford.

Senator LANKFORD. Mr. Chairman, thank you.

Mr. Beaudreau, good to see you again. Thanks for your service to the nation in the task that you take on. I do need to run through several different issues with you.

The infrastructure bill itself required the Department of the Interior and the Forest Service to work on improving the efficiency of permitting. This has been discussed already, that there were some required reports that were to come out to say what are we going to do to improve permitting, especially for critical minerals and mining and other things on that as well. That report was due by November 15 of this year. Has that report been released yet?

Mr. BEAUDREAU. The report has not been released yet.

Senator LANKFORD. When is that coming?

Mr. BEAUDREAU. It will be out early next year.

Senator LANKFORD. So define early for me.

Mr. BEAUDREAU. In the first quarter of next year, it will be complete.

Senator LANKFORD. Great. We will be watching for that. Obviously, that is a major piece to be able to work on the permitting activities and what can be done. There was also a request for some recommendations in that report as well to say here are some things that we need to be able to improve the permitting process on this as well.

I and several other Senators had also sent a letter to the Department of the Interior to be able to ask on some of the issues on flaring. That has already come up. Miraculously, that letter has not been answered in months, and then it came in last night. So, it is always helpful to be able to have a hearing and to be able to go through and to actually get some of the mail that came in. So, when that letter came in last night, there were a couple things on this, because one is, there is—the infrastructure bill, itself, also gives the Department of the Interior the right to be able to use categorical exclusions, to be able to go through some of the process on permitting. The letter itself, let me just read you this section because you may not have read the letter from last night. It said,

“The Bureau of Land Management is implementing Section 11318 of the infrastructure bill through review of rights-of-way and sundry notices submitted by operators for gathering lines and associated fuel compression of pumping units, and may apply the categorical exclusion, if applicable, when processing the authorization.” Help me understand when that categorical exclusion may be used.

[The letter referred to follows]:



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
<https://www.blm.gov>



December 12, 2022

The Honorable James Lankford
United States Senate
Washington, DC 20510

Dear Senator Lankford:

Thank you for your letter to Secretary Deb Haaland dated August 5, 2022, regarding your request for an update on the Department of the Interior's (Department) efforts to implement section 11318 of the Infrastructure Investment and Jobs Act (IIJA). The Secretary asked me to respond on her behalf.

Section 11318 of the IIJA states that the Secretary may consider the issuance of a sundry notice or right-of-way for a gathering line and associated field compression or pumping unit that is located on Federal land or Indian land and that services an oil and gas well to be a categorically excluded action under the National Environmental Policy Act (NEPA), subject to certain statutorily imposed conditions.

The Department recognizes the importance of connecting wells to gathering lines on public lands and seeks to complete review of these requests as quickly as possible. Typically, an operator submits their request for a gathering line and any associated field compression or pumping unit as part of its application for a permit to drill (APD), which the Bureau of Land Management (BLM) reviews to determine whether it meets all of the statutory and regulatory requirements, including NEPA. In the BLM's experience, operators rarely submit any such request post-APD, presumably because this undertaking becomes considerably more complex and expensive if it is not implemented when the drilling operations commence. The BLM is implementing section 11318 of the IIJA through review of rights-of-way and sundry notices submitted by operators for gathering lines and associated field compression or pumping units, and may apply the categorical exclusion, if applicable, when processing the authorization.

Thank you for your interest in reducing methane emissions, a significant contributor to climate change, and in BLM's implementation of the IIJA. If I can be of further assistance, please contact me at (202) 208-3801, or your staff can contact Patrick Wilkinson, BLM Legislative Affairs Division Chief, at (202) 631-6346. The BLM will send a similar response to the co-signers on your letter.

Sincerely,

Tracy Stone-Manning
Director

Mr. BEAUDREAU. Yes, and as I touched on in the discussion with Chairman Manchin, part of the process to increase usage of this new authority is working with operators so that they are aware of it. Currently, we evaluate gathering lines and connection with an existing APD process, and so, it gets subsumed within that. Part of our outreach is to say, with respect to specific gathering lines, we do have this new authority under the law to apply a categorical exclusion. And so, we have seen some operators start to take that up. There are a few examples, but again, part of it is to advertise that we have the authority so that folks can take advantage of that.

Senator LANKFORD. So, has that authority been used at all yet by anyone who have been given it?

Mr. BEAUDREAU. Yes.

Senator LANKFORD. You are saying some operators are aware of it. They have made the request. Has it actually been given?

Mr. BEAUDREAU. Yes. On at least one occasion in Colorado, it has been used.

Senator LANKFORD. Okay. Are there clear guidelines of when it will be used so that when operators request it they will know here are the guidelines to use this categorical exclusion?

Mr. BEAUDREAU. Yes. And I will confirm with the BLM that instructions have been provided to the field offices along those lines. But BLM is aware of this authority under the IRA.

Senator LANKFORD. Right. Well, obviously, we are aware of it. You are aware of it. I want to make sure operators are not only aware of it, but know how to be able to actually get access to it. This issue of flaring is exceptionally important to us. We would rather be able to sell that resource worldwide, as much of Europe is clamoring for that resource, rather than have it burned off. The way to be able to get access to it are these gathering lines. And so, the more that we can literally gather, the more we can bring the price down here for Americans and also provide that resource internationally as well.

Mr. BEAUDREAU. Agree completely.

Senator LANKFORD. Let me ask you a little bit about the Earth Mapping Resources Initiative. There has been literally millions of dollars put out on that. Give us an update of where that mapping is going for what minerals that we actually have here in the United States.

Mr. BEAUDREAU. Again, that process is ongoing through the U.S. Geological Survey, but it is one of the most valuable investments being made under these pieces of legislation to support state operators as well as provide our agencies with the ability to identify resources and engage in deconfliction and accelerate the production.

Senator LANKFORD. When do you think that will be complete?

Mr. BEAUDREAU. Next year.

Senator LANKFORD. So, by December next year? Do you think it is a certain quarter? When do you think it may be complete?

Mr. BEAUDREAU. Again, it is a high priority. It is also an enormous undertaking, as I think you appreciate.

Senator LANKFORD. Right. Well, it is and it is one of the things that we have talked about a lot of how to actually do mineral production here in the United States, identifying them, prioritizing

them when you do the mining here and the processing here. I know that the Biden Administration has allocated some resources through their minerals partnership to literally giving millions of dollars to other countries to be able to identify critical minerals and mining, but we have that here. In Nevada there is a wide spread of lithium that is there, that we know is there, and we are just looking for more priority on how do we actually get to that processing and mining here rather than actually doing it overseas. We are going to need both, but we want to make sure that it is actually getting done here as well.

Mr. Beaudreau, thank you.

Mr. BEAUDREAU. Understood.

The CHAIRMAN. Thank you, Senator.

And now we have Senator King.

Senator KING. Thank you, Senator. I think before we go into this discussion, we should acknowledge, given the mandate of our Committee, the incredible potential breakthrough at Lawrence Livermore National Labs this weekend where there was a net production of energy from nuclear fusion. Two things about that. Number one, this could be literally world-changing in the most profound way. Number two, it came about at one of our national labs, funded through the U.S. Government and the activities of this Committee. I think that is something we should recognize and celebrate.

The CHAIRMAN. If I could add one more thing to that so I do not take away from your time at all—I had a chance to go to ITER in Southern France, and it is unbelievable. Thirty-seven nations are all involved in this, and we are part of it. This could unleash the ability that people who are disagreeing will have to find other reasons to fight a war other than energy. And it is just unbelievable what it is going to unleash, and we have seen the major—it is a 500-megawatt fusion system—you are seeing the concept. They have full production. It will be a production as far as on a grand scale, not just as far as in theory, smaller scales. So we are moving in the right direction.

Senator KING. Thank you.

Mr. Beaudreau, under the infrastructure bill there was funding for transportation support for national parks and some of the backlog of maintenance. That is good. I appreciate that. What bothered me is the Administration's budget for maintenance in the National Parks was inadequate. The general rule of thumb is two to four percent of capital value for maintenance every year. I think the budget this year is about one percent. That is not an indictment of this Administration. That has been the pattern for the past 25 or 30 years. That is how we got into this hole. This Committee and the Congress worked very hard on the Great American Outdoors Act to tackle the maintenance backlog, but it is pretty frustrating to see that we are still digging the hole. So, I hope you will take back to the Department the point that we cannot expect Congress to come to the rescue of the maintenance backlog every four or five years, if indeed the budget is inadequate and makes the hole deeper every four or five years. You take my point?

Mr. BEAUDREAU. No, thank you, and thank you for your leadership and partnership on these issues. I will definitely take that back, including to OMB.

Senator KING. Another provision of the bill which has been discussed, the Chairman discussed, is capping wells. How are you prioritizing where we cap? For example, methane is the low-hanging fruit of climate change. To what extent are we prioritizing capping wells where there are methane leaks?

Mr. BEAUDREAU. Thank you. Again, this is one of the most exciting programs that we have under the Bipartisan Infrastructure Law, and so, we have prioritized getting initial funding grants out to all of the states in order to address high-priority wells. And we have also put forward guidance and are implementing additional state-level grants in order to provide those investments around high-priority wells. And one of the aspects of the guidelines is addressing legacy emissions, including methane emissions and other forms of pollution from these wells.

Senator KING. So there is an effort being made to prioritize?

Mr. BEAUDREAU. Absolutely. And states like New Mexico, believe me, they know the problem wells.

Senator KING. Now, another area of increased funding has been in the Inflation Reduction Act for staffing at the National Parks. And I wanted to inquire if the Department is moving toward implementation. Senator Daines and I have called for 23,000 FTEs at the National Parks because we are having a huge increase in visitation and, in fact, we have lower staffing than we had 15 years ago—10 or 15 years ago. Do you have a hiring plan, and will you be able to get to the 23,000 figure in the reasonably foreseeable future?

Mr. BEAUDREAU. Yes, and thank you. And thank you again for these investments. And the Park Service has developed internal guidance and a hiring plan directed toward this summer. As you know, Senator, you know, the largest demand period and largest stress on our National Parks is during the summer season.

Senator KING. Last summer we had four million people at Acadia National in Maine.

Mr. BEAUDREAU. Yes, absolutely. And so, part of our strategy to take advantage of these resources is focused on seasonal hiring in the coming year, and the Park Service has developed guidance disseminated to the parks for exactly that purpose.

Senator KING. Final question, and this came up in one of our earlier hearings. There is some money allocated in the Inflation Reduction Act for developing solar projects over canals, over waterways, which has a double benefit because a lot of the problem in the West is caused by evaporation. And if you have solar panels resting on top of the water surface you can generate electricity and avoid excessive evaporation. Any update on the utilization of those funds—

Mr. BEAUDREAU. Yes, and again, this is part of what is exciting about the legislation is that type of innovation. So, there is about \$25 million—

Senator KING. Right.

Mr. BEAUDREAU [continuing]. Devoted to exactly this and we are working through design, study, and implementation for pilot projects to demonstrate precisely the benefits that you described. And so, yes, we are taking advantage of that funding and identifying the pilot projects.

Senator KING. Thank you.

Finally, Mr. Chairman, I am going to share a couple of charts with my friend, the Senator from Wyoming, on inflation, that indicate that yes, indeed, federal spending contributes about one tenth of one percent to the inflation according to Moody's Analytics, and also a comparison of our inflation rate to those of other OECD countries, which shows virtually identical, which indicates that—it is hard to argue that spending in our Congress has caused inflation that is happening in France, Japan, and South Korea.

Thank you. I will submit those—

The CHAIRMAN. I think ours is down to—

Senator KING. I will pass those on to Senator Barrasso for his edification.

Senator BARRASSO. Well, the Chairman is correct in terms of what the numbers are out today and it is still a 40-year high for American families, who are suffering, and it is not just the cost at Christmas time of crude, of energy, it is also Christmas lights, decorations, trees are up 15 percent, wreaths are up 15 percent.

Senator KING. I could not agree more. It is a serious problem. The question is what is causing it, and all the data indicates that federal spending is not the cause. It is supply chain. It is energy costs. It is a whole lot of other factors, not to mention excessive profits by most of our larger corporations.

Senator BARRASSO. And I would agree with the Chairman, with my distinguished colleague from Maine, that energy cost as a result of this Administration's ongoing attacks at affordable American energy continue to contribute to the massive inflation that Americans are suffering under today.

Senator KING. Thank you, Mr. Chair.

The CHAIRMAN. We do not want to spend any more energy on this energy concern.

[Laughter.]

The CHAIRMAN. And with that, we will go to Senator Cassidy.

Senator CASSIDY. Thank you. Mr. Beaudreau, nice to see you.

On the orphan well program, to follow up a little bit on what Senator King asked about, I know the initial grants have been sent out but the formula funding has not yet been received. My Louisiana Department of Natural Resources is saying the delay in not being received could decrease the economy of scale of doing a big contract at once, as opposed to multiple small contracts. When will that formula one grant funding actually go out for the orphan well program?

Mr. BEAUDREAU. So, among other things, we are extremely focused on getting that funding out and getting the formulas out. So that will happen early next year.

Senator CASSIDY. First quarter?

Mr. BEAUDREAU. Hopefully first quarter, yes. We are quite focused.

Senator CASSIDY. I hope to have a Merry Christmas, but I am looking at the probability. What is the probability it will be out first quarter?

Mr. BEAUDREAU. I think it is a good probability it will be out first quarter.

Senator CASSIDY. Still kind of wiggle words. I don't mean to be offensive, but that is just—

Mr. BEAUDREAU. And again, not to make excuses, sir, like part of what we are doing is, especially on this program, we are standing up a major program from scratch, and I do take the responsibilities that Ranking Member Barrasso described on making sure there is not leakage from the system or waste or fraud and that we have the controls in place. And so, over the past year, we have been focused on standing up a brand-new program, but ensuring that the right controls are in place around it.

Senator CASSIDY. Sounds good. I thank you for the elaboration.

Let me switch a little bit to a different coastline, then I will come back to mine. Alaska—the Administration recently spoke about, it had published a decision memo which included a royalty rate surcharge of 2.5 percent to account for the social cost of upstream greenhouse gas emissions from the production in the Cook Inlet. I am told this decision memo said, “As lessees internalize the cost associated with carbon emissions, OCS activity and corresponding production could move toward a lower, but more socially optimal level.” On the left and the right, we just agree that high energy costs are contributing to inflation. Clearly domestic production can address that, but here the internal memo is speaking about moving to a lower level of production. Now, I sent a letter to Secretary Haaland in September and still have not received a reply. I wish I had received it last night. But I have not. What does the Administration consider to be a socially optimal level of production, and where is that defined in the law?

Mr. BEAUDREAU. So I don't think the interpretation of that statement is that the Administration has in mind a socially optimal level of production, but rather, presentation on the social cost is an important piece of information for the public to understand the full costs of fossil fuel development and—

Senator CASSIDY. Let me stop you. That begs the question, then—I have limited time, I'm sorry. It begs the question, does the Administration or the Department believe that it is more socially optimal for Venezuela or OPEC nations to produce more oil for U.S. consumption? Because that is really the tradeoff here. So, do you have a socially optimal analysis of Venezuela or other OPEC nations versus domestic production?

Mr. BEAUDREAU. I am not familiar with any statements from the Administration along those lines, Senator.

Senator CASSIDY. Can you share a copy with the Committee of the decision memo where the Department describes the rationale for the royalty increase? I am told this is FOIA-able, but I would rather not FOIA it. I would rather receive it.

Mr. BEAUDREAU. I am happy to follow up on that request.

Senator CASSIDY. Now, because the deepwater gulf leases already pay 18 and three quarters percent royalty, will the Department be including the social cost of greenhouse gas emissions in the bid requirements, rentals, or other fees for gulf operators, and if so, when and where?

Mr. BEAUDREAU. So, under, again through implementation of the IRA, we have not included a social cost of carbon factor in any of those rental royalties or fees.

Senator CASSIDY. And do not anticipate doing so?

Mr. BEAUDREAU. No, we the social cost of carbon as a tool, again, as a disclosure tool, but we have not used—

Senator CASSIDY. Okay, I got you. Thank you.

And lastly, just to put a nail in this coffin, previously, the Department had said that there was a no-lease option. We have talked about how the IRA requires lease sales in order to get wind. But at times the Administration says one thing and frankly does another. So, are you saying that indeed there will be a lease sale, that the no-lease option will not be exercised?

Mr. BEAUDREAU. So, again, we are implementing the IRA mandates in addition to releasing the leases for 257, two lease sales in the Gulf of Mexico, and we are implementing that.

Senator CASSIDY. So there will not be a no-lease sale option exercised, correct?

Mr. BEAUDREAU. We are implementing the law, which requires those lease sales, and we are in the process of finalizing the next five-year plan. And part of the consideration is the requirements of the law that there essentially be Gulf of Mexico lease sales in order to also implement our offshore wind programs.

Senator CASSIDY. Thank you. I yield.

The CHAIRMAN. Thank you, Senator.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you, Mr. Chairman.

Deputy Secretary Beaudreau, it is good to see you. Thanks for joining us, and let me just say thank you for always being responsive to my calls, particularly for helping us with the expansion of the Naval Air Station Range. I really appreciate your work.

Mr. BEAUDREAU. Absolutely, and truly, thank you for all of your work, including with the tribes to—fingers crossed—I think we have been very responsive. So, thank you.

Senator CORTEZ MASTO. Thank you.

Let me jump to water issues and the drought. In 2019, I sponsored the legislation in the Senate to enact the Colorado River Drought Conservation Plan, and in the infrastructure package, we included \$300 million to implement that plan. Also included within the infrastructure package was a piece of legislation that Congresswoman Susie Lee and I worked together on, which dedicated about \$450 million for the competitive grant program, managed by the Bureau of Reclamation, to create a large-scale water recycling project that, as you well know, would have a benefit to serve more than 500,000 households in Southern California and Nevada. Secretary Beaudreau, can you provide me with an update on how the Bureau of Reclamation is implementing these measures?

Mr. BEAUDREAU. Yes, absolutely. And again, one of the more exciting provisions under the law, for all the reasons you said around the benefits with water recycling, so the Bureau of Reclamation, on November 3, published the guidelines for qualification under this program. That is the key step in terms of getting projects through the door to accomplish the goals of this provision. So, on November 3, again, published the guidelines for implementation.

Senator CORTEZ MASTO. Thank you.

And then, similarly, in the Inflation Reduction Act, there was an inclusion of \$4 billion for the Bureau of Reclamation to be used for

western drought assistance. I had sent a letter to the Department asking them to detail how they plan to utilize those funds as well, and particularly had asked the Administration to deliver the detailed plan within 90 days of sending that letter. Can you speak to the status of those funds?

Mr. BEAUDREAU. Yes. This is one of the key tools that we have in order to address the severe crisis on the Colorado River. The Bureau of Reclamation has put out an RFP seeking proposals to access those funds. We have a number of goals around that, including the long-term water efficiency improvements that Senator Heinrich mentioned. I will be at CRWUA later this week to talk specifically about these funding opportunities and some of our goals coming out of it. And so, we have not dictated particular levels. We want states and water districts to come forward with proposals to wring as much opportunity—

Senator CORTEZ MASTO. So, not a set of strict guidelines like previously we, with the funding under the Bipartisan Infrastructure package, this funding is more of a combination of some guidelines, but you are looking for states to come forward as well?

Mr. BEAUDREAU. Correct.

Senator CORTEZ MASTO. Okay.

Mr. BEAUDREAU. We are trying to use it as an incentive for states to come forward and reward conservation in that way.

Senator CORTEZ MASTO. Okay, thank you.

And then, I want to go back to staffing, not just in our National Parks. As you well know, Nevada relies on BLM partnership just because over 80 percent of the land is owned by the Federal Government, most of that managed by BLM. In recent discussions with stakeholders from my home State of Nevada, I continue to hear that BLM does not have enough staff to just even address the pre-existing work that is out there. Can you touch on that? Is it an issue of not enough resources to hire staff or the challenge of actually finding the bodies that are interested in the work?

Mr. BEAUDREAU. Yes, so I could not agree more, Senator. This is one of the major challenges that we have across the Department, including the Bureau of Land Management. And I spend a good deal of time talking with State Director Raby about exactly this issue. Part of it is cost of living and the challenges associated with living in Reno these days, for example. And so, we are trying to come up with innovative solutions to streamline onboarding. I am encouraged that OPM has committed to being a good partner in trying to provide us with streamlined ability to onboard folks, but it is a tight labor market, including in Nevada, and it is one of the challenges we face.

Senator CORTEZ MASTO. So when you talk about cost-of-living issues in Reno, that is going to happen across the country. So, are you looking at a wage increase as well, or the ability to do so, or is that a combination of things that you are—and do you have the ability to implement that, if need be?

Mr. BEAUDREAU. We are trying to be as competitive as possible, including for particular types of positions, trying to work with OPM on direct hire authority to onboard people as rapidly as possible and compete with labor markets. We are also trying to take advantage of expertise from across the Bureau of Land Management in

order to meet priorities, including, for example, in Nevada with renewable energy permitting.

Senator CORTEZ MASTO. Thank you. And I know my time is up, but let me just say, for just the existing work that needs to be done—I think we need to streamline the permitting process. I think that is so important—but just the existing work that needs to be done is a challenge because of the lack of resources when it comes to just bodies for the BLM workers there as well. So, whatever you need, whatever challenges you are facing, if there is a way that Congress can help, please, I would hope that you would reach out.

Mr. BEAUDREAU. I appreciate that very much.

Senator CORTEZ MASTO. Thank you.

The CHAIRMAN. Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman and thank you, Mr. Beaudreau, for being here today and discussing this with us because this bill's implementation is really critical to the State of Mississippi. As I understand it, the Infrastructure Investment and Jobs Act set a one-year time frame for the Department of the Interior to create regulations on granting leases, easements, or right-of-way of the Outer Continental Shelf for long-term sequestration of carbon dioxide, and that BOEM and BSEE are working to draft the regulations for public comment. Would you please provide us a status update on where the Department is with those regulations, and when can we expect to see the guidance on that?

Mr. BEAUDREAU. Yes, thank you, Senator, and this is a really crucial provision in the law that again, I think can provide enormous benefits and take advantage of the robust industry that we have in the Gulf of Mexico to accomplish carbon sequestration. The BSEE and BOEM are focused on developing these regulations. The timeline under the infrastructure law was very aggressive, and as you pointed out, we are behind that timeline, but this is from a regulatory perspective, one of our highest priorities, and we will have the draft regulations out this coming year with the idea of finalizing those regulations as quickly as possible.

Senator HYDE-SMITH. This coming year? As in 2023?

Mr. BEAUDREAU. Yes.

Senator HYDE-SMITH. Okay.

And going back off of the conversation with Senator Cassidy, would you please explain the socially optimal standard?

Mr. BEAUDREAU. Again, not being completely familiar with, you know, the quote he pulled out on that point, I will restate that the Administration does not have a preconceived socially optimal standard for oil and gas production, and so the social cost of carbon is used as a disclosure tool to provide the public with information about the full potential impacts of oil and gas activity, but there is not a preconceived socially optimal level that we work toward.

Senator HYDE-SMITH. Okay, well, can you tell me where the Outer Continental Shelf Lands Act directs the Interior Department to try to create socially optimal levels of oil production? And where is socially optimal defined in the law or in regulations? Where can we find that so we can decide what this is?

Mr. BEAUDREAU. Yes, there is not such a provision under OCSLA that I am aware of.

Senator HYDE-SMITH. At all?

Mr. BEAUDREAU. No, not as you describe, no.

Senator HYDE-SMITH. Okay.

The proposed program includes these two lease sales in 2024. As part of any final record of decision or programmatic EIS, the Department also publishes a multi-state EIS for the individual lease sales. And I am told the Department has not even issued the notice of intent for the multi-sales EIS, which makes it difficult to know if you will even have lease sales in 2024. What is the status of the multi-sale EIS for the 2023 through 2028 offshore program?

Mr. BEAUDREAU. Yes, so, as I discussed earlier, we are implementing the IRA, which means we will implement two Gulf of Mexico lease sales in 2023, as required by the law. We are also in the process within BOEM, looking at the analyses necessary, both to finalize the five-year program, but not predetermining what's in that program. And so, you know, we have not publicly moved forward with what used to be called the multi-sale EIS for the program that has yet to be finalized.

Senator HYDE-SMITH. Okay, thank you. I yield, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman, and thank you, Deputy Secretary Beaudreau, for being here today, also for visiting our state. We appreciate having you come up there.

The first thing I want to ask you about though, is the permitting for the Center Mine, which supplies coal to the Milton R. Young Power Plant. That is a 700-megawatt plant. Now, this plant is undertaking what is called Project Tundra, which will be one of the largest carbon capture projects in the world. The intent is to store four million metric tons of CO₂. So it is a very large carbon capture project. And right now, there is a new federal mine plan in front of Laura Daniel-Davis at the Department of the Interior and it has been under environmental review for 17 months. And the Center Mine and Milton R. Young Power Station need to get a resolution of that and they really need it by the end of the year, otherwise, they have to move, you know, one of these huge drag lines and that will cost them, you know, I think, well over \$30 million just to go to a different place to mine. And of course, then it also penalizes other coal in the area that is not federal coal, it is owned by private individuals.

And so, what can you do to make sure that this gets advanced after already 17 months of review, holding up and costing a lot of money to a power plant that is actually undertaking one of these huge carbon capture projects. So they are making the investment to do this and, you know, you are impairing their ability to do it by not getting this done in a reasonable time.

Mr. BEAUDREAU. Yes, thanks very much for the question, Senator. I am aware of this project, as well as Project Tundra, and the opportunity with the Energy Department on a really, sort of, innovative and exciting CCS program with respect to this project, specifically. Part of the challenge, and again, I don't want to sound like I am making excuses, but part of the challenge is making sure that our analyses can withstand judicial scrutiny, and we have had a number of approvals from the BLM, as well as OSM, attacked and vacated in courts around, sort of, coal expansions. And so, part

of the process we have been going through, and unfortunately, it has taken time, is working with our solicitor's office to ensure that we have appropriate NEPA coverage on the mine expansion. But it is an issue that I am focused on. I know, as you mentioned, Laura is focused on as well as OSM.

Senator HOEVEN. Will you commit to expedite or helping expedite getting it done?

Mr. BEAUDREAU. Yes, I am focused on it, yes.

Senator HOEVEN. Thank you, Secretary.

And the next is, a lot of the flaring that we see occurring in North Dakota, and I think the Chairman referred to it earlier, and he is not wrong about it, is on the reservation, and the key there is what can you do to help them get expedited permits so they can capture that methane? They want to do it, but they have to have the gathering systems to do it, and in the state, we can't permit those. That has to be federally permitted. That is why they have higher flaring.

Mr. BEAUDREAU. Yes, no, fair enough, and I agree that part of our challenge in ensuring that methane is captured and brought to market is an infrastructure issue with these gathering lines.

Senator HOEVEN. But, and again, that goes to this new rule that was put forward where you have, you know, split ownership of the land, and it contemplates delaying flaring where you have federal minerals alongside private minerals. So you are also disenfranchising, again, private ownership. So look, this is one where you can actually help individuals who have, you know, private ownership along with the federal ownership—a split estate in that respect—but also, reduce flaring. I mean, these companies want to do the flaring and get more natural gas at a time when we need more natural gas to help bring down energy costs which is a key component of inflation.

Mr. BEAUDREAU. I agree, and also acknowledge that split estate is a particularly acute issue in North Dakota.

Senator HOEVEN. Yes, we have a checkerboard setup. I know you have been out there to see it. We appreciate it, but we need your efforts here now to help us get these things done.

Mr. BEAUDREAU. Understand.

Senator HOEVEN. The last piece is that the Administration has only leased a little over 126,000 acres. That is the fewest for an Administration since the 1940's. So they are holding this up. What can you do or what are you willing to do to help us get more of these leases in place? And remember, it is one thing to have a lease. It is another to get the permit to actually drill it.

Mr. BEAUDREAU. Yes.

Senator HOEVEN. So we have got to get those permits.

Mr. BEAUDREAU. Yes. Thank you. And you know, as I mentioned previously, you know, under the IRA, there is a new framework for us to work under—Tracy Stone-Manning and the BLM are very focused on implementation within that framework. Of course, you know, there is a period of adjustment, but we are moving forward.

Senator HOEVEN. Yes, again, we need your efforts and thank you for being here.

Mr. BEAUDREAU. Thank you, Senator.

The CHAIRMAN. Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman.

Deputy Secretary Beaudreau, thank you for testifying today. We have spoken before about the megadrought that is affecting the Colorado River. We are facing the worst hydrological conditions in perhaps over a thousand years. And the Department and the seven Basin States have some tough choices ahead, as you know. And all parties need to work together on this to figure out the conservation and the augmentation of water on the river. The Infrastructure Law provides unprecedented resources for this—\$8.3 billion for western water infrastructure and aquatic ecosystem restoration. The Department should be forward-leaning in using this funding for drought resiliency in the Colorado River Basin. The Infrastructure bill was signed into law about one year ago. So does the Department have enough staffing so that funding for things like the WaterSMART grants, for aging infrastructure projects, for water recycling and desal are quickly deployable in the Colorado River Basin?

Mr. BEAUDREAU. As with BLM, with the Bureau of Reclamation, staffing is an issue. In order to implement these funding opportunities through the Bureau of Reclamation, we are focused on bringing onboard about 400 new staff into Reclamation. To date, we have brought on about a quarter of that. And so, not where we want to be, but for all the reasons you described, you know, one of our priorities is having the staff available to implement.

Senator KELLY. What is a timeline for the additional 300 staff members?

Mr. BEAUDREAU. So, it is taking us, you know, the past year to bring on about a quarter of it. We think we have the positions described and the structure for it that I am hopeful we can substantially close the gap in the coming year.

Senator KELLY. Any particular area that is more hard to find individuals?

Mr. BEAUDREAU. As you know, given the technical challenges around this and the specialties of the Bureau of Reclamation, finding qualified engineers and folks who understand the hydrology is a challenge.

Senator KELLY. Yes, all right

Another question, about Glen Canyon Dam, actually Grand Canyon and Glen Canyon Dam. So, Grand Canyon National Park, as you know, is not isolated from the effects of this drought and I understand the Department of the Interior operates a collaborative science-based program to protect native fish species and natural beaches in the Grand Canyon. It involves releasing water from Lake Powell using the bypass tubes of Glen Canyon Dam. And that program is a challenging balancing act because the water is needed for storage and hydropower generation. But that water is also needed to protect the ecosystem of the Grand Canyon. We secured funding for aquatic ecosystem mitigation, including \$50 million specifically for this Grand Canyon program. So is the Department planning to implement high-flow experiments this year? And is the Infrastructure Law funding available for protecting the Grand Canyon and mitigating the impacts of those releases?

Mr. BEAUDREAU. So we have, as you said at the very outset, we have, you know, very difficult decisions in front of us in the coming

year that are going to be largely dictated by the hydrology. And so, Bureau of Reclamation and the Department have not predetermined any use at this point, including, you know, high-flow experiments. That said, for all the reasons you described, the ecosystem within the Grand Canyon is an important priority for the Department. And so, part of the conversation that we are going to be taking into CRWUA later this week is how to have a sustainable system that generates power, provides water necessary for a host of services, including agriculture, but also can sustain ecosystems, including in the Grand Canyon.

Senator KELLY. Well, thank you, Mr. Secretary, and thank you, Mr. Chairman.

The CHAIRMAN. Senator Barrasso.

Senator BARRASSO. Thanks, Mr. Chairman.

Mr. Beaudreau, Title IX of the Infrastructure Act contains funding for water projects. The key parts of the new funding for public safety have been slow to roll out. This is a concern for me because, I think, other, less immediate priorities have moved forward. And the area I am focusing on is the Bureau of Land Management's Fiscal Year 2023 spending plan, which references the LaPrele Dam in my home State of Wyoming—Converse County. The state has said the dam, which was built under the Carey Act, is a serious threat to the public and it needs to be replaced. Of the \$100 million for the repair or replacement of Carey Act dams, only \$5 million is in the Bureau's spending plan, but the money is there. Do you believe it is urgent for the Department to distribute funds for dams that are a serious threat to public safety?

Mr. BEAUDREAU. Absolutely. Dam safety is one of our highest priorities.

Senator BARRASSO. Do you know if there is some justification for not distributing the funds for the dam repair and replacement in a quicker manner?

Mr. BEAUDREAU. I can look into a particular project and we will follow up on that.

Senator BARRASSO. I would very much appreciate hearing back from you. Thank you.

And then, during Thanksgiving week, the Bureau of Land Management released seven new policies on oil and gas leasing and permitting. Taken together, these policies give Bureau officials even more opportunities to block oil and gas leasing and permitting. For example, they now have the discretion not to lease acreage because it is not near existing oil and gas production. These officials will also be able to add new lease requirements at will. Is it fair to say that these policies are intended, as you put it, to fundamentally change the oil and gas leasing program?

Mr. BEAUDREAU. So the purpose of those policies is to facilitate implementation of the leasing programs, including consistent with the IRA. For a host of reasons, you know, giving land managers direction to focus on the highest potential areas is a priority. I think that is where the most interest is. It is a way to encourage production, but it is not meant to be a blanket exclusion either.

Senator BARRASSO. I want to follow up with something Senator Lankford started on, and he was talking about critical minerals. Our adversaries, specifically China, control the world's supply in

terms of the supply chains of critical minerals. With mineral demand expected to grow dramatically, specifically to electric vehicles, the critical minerals there, our dependence on China is going to also increase. I think it is not too late to reduce this vulnerability, but we need to look at our resources here at home and Senator Lankford made reference to it. It is estimated that over half of the federal lands are already off limits to mineral production. The Biden Administration has made the situation worse. It has withdrawn over two million acres from mineral production. Given our dependence on China, how does the Administration continue to justify withdrawing federal lands from mineral production?

Mr. BEAUDREAU. Critical mineral development is a priority of the Administration. You have seen that through the President announcing various initiatives, including domestic sourcing of critical minerals for battery production. You know, one of the challenges we have, which I know you are familiar with, is the 1872 Mining Law. And so, I would be very—and this will be included in the report called for under the bill—we will be very interested in working with this Committee and with Congress on how to equip us better to lease for critical minerals.

Senator BARRASSO. It just seems that we have seen over the last number of years, technology evolving in ways that make previously unrecoverable resources now accessible. We have done amazing things protecting the environment, getting to resources. So, you know, I just worry how we account for the possibility that these lands, which have now been withdrawn, you know, withdrawn permanently and could impact our ability to get things later that we are clearly going to need as a nation.

Mr. BEAUDREAU. Yes, thank you, Senator. And again, I think having approved authorities with the Department to avoid conflicts would be extremely useful in critical mineral development.

The CHAIRMAN. Thank you. Thank you, Senator.

I will just follow up real quick. The five-year leasing plan, I am really concerned about the five-year, you know, it is supposed to go through '24 to '29. It is supposed to be done, I think, by next year. We should have it by this time next year. Do you know where we are on that, if it is going to get done in time?

Mr. BEAUDREAU. Yes, so I work on a regular basis with the Bureau of Ocean Energy Management on this issue because the Inflation Reduction Act includes lease sales through September—

The CHAIRMAN. Well, you have done—Cook Inlet has been done, right?

Mr. BEAUDREAU. Yes, Cook Inlet is going to happen in a couple weeks, before the end of the year. We will have a March lease sale in the Gulf of Mexico and then a September lease sale. And we are working towards finalizing the plan—

The CHAIRMAN. For the five-year?

Mr. BEAUDREAU [continuing]. Based on that schedule.

The CHAIRMAN. They all know the urgency of that and how important it is, basically, for us to have continuing production that we are truly dependent upon.

You used guidelines, references called preference criteria of how you decide acreage will be offered for onshore leasing, I think is what you all put out? It is important and helpful for both oil and

gas developers and probably, you know, the BLM has a clear and consistent criteria for deciding. However, what we are understanding is that, basically, any acreage, even though it has high potential, gets designated as low priority if it is not close to an existing oil or gas field. Is that accurate?

Mr. BEAUDREAU. No, I think, you know, part of what the guidance has meant to accomplish, again, is focusing on areas that can be brought into production as quickly as possible. And so, part of those criteria are, you know, the geology potential, but also proximity to infrastructure. It is a relevant consideration.

The CHAIRMAN. Well, it says here, Thomas, in particular it states that all acreage will be assigned a low priority for leasing if it is not located near existing oil and gas production. That is your new guidance.

Mr. BEAUDREAU. Yes, and again, you know, setting priority around resource potential as well as proximity to infrastructure is meant to encourage focus on prospective areas.

The CHAIRMAN. But I am saying, if we are still developing, we are still depending on so much energy coming from our federally owned lands, if you will, and if there is not—if we don't have any more production or any more high reservoirs in areas that have already been produced and we have got to move from there, I guess the infrastructure being built and whatever it takes to get that to market is going to factor into that, but to leave it stranded is not going to be an answer either.

Mr. BEAUDREAU. I understand. It is a matter of priority.

The CHAIRMAN. Yes. Again, you know, I think that people need to realize that the Bipartisan Infrastructure bill and the IRA are all, in succession, a combination of one, trying to get energy security in our nation to be able to be independent and be secured. National security is based upon energy security and for us, being the superpower of the world, we are trying to use all of the above. Every Administration has a different priority of how they look at energy and how we are going to be developing it, but if we are doing the best that we possibly can in the cleanest way possible, I think that that is going to be the success that we are going to have over countries. I am concerned about when I see what happened in Europe right now, especially with Germany. They went down that path of thinking that well, we will just eliminate our way to a cleaner environment. And now, they are almost throwing caution to the wind on any environmental oversight because they need any form of energy they can to keep their citizens from freezing or starving or whatever. It is just awful. And we can't afford to go down there, but it says we directed the BOEM to issue the rules needed to implement programs by last month, but not even a proposed rule has been issued yet, and that is on the Offshore Environmental Office of—CO₂, the capturing of the CO₂ in that, we think it has a great promise. And I don't know if it's just something that we are not going to go down, we don't think it is worthwhile, or if it is too much of a challenge.

Mr. BEAUDREAU. No, absolutely not. I think that is one of the more exciting provisions in the law. BOEM and BSEE are committed to that rulemaking. I think it has enormous potential, including for the Gulf of Mexico. It is a complex undertaking to reori-

ent our programs for putting stuff in rather than taking it out, so we do intend to complete that rulemaking.

The CHAIRMAN. With that, we are going to wrap this up, and I just want to say that all the members will have until tomorrow to offer any other questions they would like to have in the record.

And we just want to thank you for coming and being, I think, very informative and very direct, and I think there are still some concerns you might have to follow up on with some of the Senators that had questions with you today that have not gotten adequate answers or timely answers. If you could do that, it would be greatly appreciated.

With that, the Committee is adjourned.

[Whereupon, at 11:33 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 22 2023

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

Dear Mr. Chairman:

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

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

Sincerely,

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

Enclosure
cc: The Honorable John Barrasso
Ranking Member

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

Questions from Chairman Manchin

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

Questions from Ranking Member Barrasso

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%2011%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

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

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

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

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

Response: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%2011%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%2011%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

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

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

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

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

Response to a-c: The Administration is currently reviewing how to best report available data on the status of Bipartisan Infrastructure Law spending. In the interim, please review the latest BIL spending data as included in the SF-133 Report on Budget Execution and Budgetary Resources, posted here: <https://portal.max.gov/portal/document/SF133/Budget/FACTS%2011%20-%20SF%20133%20Report%20on%20Budget%20Execution%20and%20Budgetary%20Resources.html>.

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

Questions from Senator Hickenlooper

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

Questions from Senator Risch

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

Response: See the response to the previous question.

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

Questions from Senator Daines

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

[The Questions for the Record, as sent to the witness, did not include a Question No. 7]

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

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

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

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

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

Response: Once every quarter of a year.

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
 United States Senate
 Implementation of the *Infrastructure Investment and Jobs Act*
 December 13, 2022

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

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

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

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

Questions from Senator Cassidy

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

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

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

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

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

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

Committee on Energy and Natural Resources
United States Senate
Implementation of the *Infrastructure Investment and Jobs Act*
December 13, 2022

Question from Senator Marshall

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

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

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

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

United States Senate

WASHINGTON, DC 20510

December 1, 2022

The Honorable Deb Haaland Secretary U.S. Department of the Interior 1849 C Street, NW Washington, D.C. 20240	The Honorable Thomas J. Vilsack Secretary U.S. Department of Agriculture 212A Whitten Building 1400 Independence Avenue, SW Washington, D.C. 20250	The Honorable Gina Raimondo Secretary U.S. Department of Commerce 1401 Constitution Avenue, NW Washington, DC 20230
--	---	---

Dear Secretary Haaland, Secretary Vilsack, and Secretary Raimondo,

We write today concerning the extensive delays internet service providers are experiencing when obtaining permit approvals. As you know, these permits are required when installing telecommunications infrastructure on federal lands or for projects seeking federal funding through a multitude of programs dedicated to broadband deployment. It is crucial we close the digital divide by expanding access to high-speed internet—a top priority for our rural areas—and we cannot accomplish that without improving the permitting process.

According to the most recent Federal Communication Commission Broadband Deployment report, approximately 14.5 million Americans in rural areas lack access to basic broadband service.¹ However, due to mapping issues, this number may be significantly higher. Additionally, as reported by the Congressional Research Service, the federal government owns 45.9% of the land across 11 western states, and about 28% nationwide.² Many of our communities rely on rights of way and service corridors through federal lands for transportation and essential utilities. Furthermore, duplicative permitting processes delay permit approvals for broadband infrastructure, drastically slowing down efforts to close the digital divide, especially on federal lands.

Over the years, presidential administrations have identified opportunities to streamline this permitting process. Most recently, the National Telecommunications and Information Administration (NTIA)—the agency that is principally responsible for advising the President on telecommunications issues—required States and eligible entities to “expedit[e] permitting timelines and waiv[e] fees where applicable, where doing so does not undermine other critical policy goals.”³ Federal agencies should similarly expedite permitting timelines and waive fees in accordance with existing environmental protection and historic preservation laws.

The current process has a significant impact on our communities. For example, one Wyoming internet provider regularly waits between 12 and 36 months for a permit to be approved from the Bureau of Land Management (BLM), and in New Mexico, permitting for broadband projects on BLM or National Forest

¹ FCC Annual Broadband Report Shows Digital Divide Is Rapidly Closing. Federal Communications Commission, Docket/RM: 20-269. Jan 19, 2021. <https://www.fcc.gov/document/fcc-annual-broadband-report-shows-digital-divide-rapidly-closing>

² Federal Land Ownership: Overview and Data. Congressional Research Service, R42346. February 21, 2020. <https://crsreports.congress.gov/product/pdf/R/R42346>

³ Notice Of Funding Opportunity: Broadband Equity, Access, And Deployment Program. NTIA. <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

Service land can take anywhere between 16 and 48 months. In Utah, one provider waited almost three years for approval from the U.S. Forest Service to repair a fiber optic line on federal land. The Forest Service often tells a Colorado provider that they don't have the resources to process an application and will instead look at it the following year. Prolonged delays jeopardize broadband projects by increasing costs and may even cause a provider to default on their buildout deadline that accompanies federal funding. This process should not take years.

Additionally, rural broadband providers have reported significant delays between the notice of an award and receipt of the funds necessary to deploy the proposed broadband networks. While the delays seemingly occur at many steps throughout the process, those posed by environmental and historical preservation reviews significantly contribute to the long wait times leading up to the disbursement of funds to an awardee. We urge you to expedite permitting timelines and waive fees in accordance with existing environmental protection and historic preservation laws.

The burden of these delays falls heavily on small businesses and unserved families in our most rural areas. Access to high-speed internet is crucial for economic development. The internet is also essential to educating our children as well as connecting Americans with their healthcare providers through telehealth services. In the Western United States, first responders are often called to areas on remote federal lands with little-to-no access to communications networks. A lack of strong communications capabilities for our first responders puts the public at risk, and these continued delays are worsening the problem.

We urge you to build upon recent actions taken by Congress and various federal agencies to streamline permitting on federal land. We are encouraged by the recent agreement to streamline permitting for high-speed internet projects on Tribal lands⁴ as well as the recent proposed rule announcement by BLM.⁵ To build on this progress, we request the following information regarding the permit approval process:

1. What are your plans for modernizing the environmental review and permitting process to expedite the approval of applications for broadband projects on federal land?
2. Do your respective agencies have sufficient staff and resources to meet current statutory and regulatory requirements to process permit applications and meet the expected increase in permit applications for broadband projects in a timely manner?
3. Do your respective agencies require additional appropriations or new statutory authority to expedite permitting approval?
4. What is the escalation process for resolving potential permitting bottlenecks and conflicts?
5. In May of 2022, the White House announced a Permitting Action Plan to accelerate Federal permitting and environmental reviews. The plan requires the Federal Permitting Improvement Steering Council to improve coordination among agencies to avoid potential bottlenecks, and identify and share best practices. How are you leveraging this existing program to address conflicts, improve communication, and accelerate information sharing amongst agencies?
6. What actions are the Council and the respective agencies taking to reduce permit approval times to close the digital divide as quickly as possible?

⁴ NTIA and BIA Sign Agreement to Streamline Environmental Permitting for High-Speed Internet Projects on Tribal Lands. NTIA, August 9, 2022. <https://www.ntia.doc.gov/press-release/2022/ntia-and-bia-sign-agreement-streamline-environmental-permitting-high-speed>

⁵ Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way. Bureau of Land Management, Nov 7, 2022. <https://www.regulations.gov/document/BLM-2022-0002-0001>

7. In August, NTIA and BIA announced an agreement to coordinate responsibilities in ensuring compliance with environmental, historic preservation, and cultural resources requirements related to the Tribal Broadband Connectivity Program. Is there a similar agreement between NTIA, FCC, and the federal land management agencies under USDA and DOI?
8. How many outstanding broadband infrastructure projects are awaiting permit approvals on federal lands?
9. What is the average time for agencies in your department to approve such permits?
10. What is the average interval between a USDA ReConnect award announcement and the final disbursement of funds to the applicant?
11. What is the average interval between a NTIA Tribal Broadband Connectivity Program award announcement and the final disbursement of funds to the applicant?
12. What amount of time do you expect between a NTIA Broadband Equity, Access, and Deployment award and final disbursement of funds to subgrantees?

Thank you for your consideration of this matter. We look forward to your response.

Sincerely,



John Barrasso, M.D.
United States Senator



Ben Ray Lujan
United States Senator



Lisa Murkowski
United States Senator



Michael F. Bennet
United States Senator



Mike Crapo
United States Senator



Ron Wyden
United States Senator



Cynthia M. Lummis
United States Senator



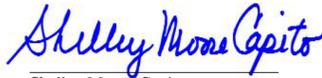
John Hickenlooper
United States Senator



James E. Risch
United States Senator



Mark Kelly
United States Senator



Shelley Moore Capito
United States Senator



Patty Murray
United States Senator



Mike Braun
United States Senator



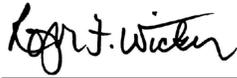
Jacky Rosen
United States Senator



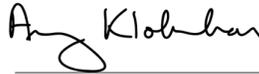
Dan Sullivan
United States Senator



Catherine Cortez Masto
United States Senator



Roger Wicker
United States Senator



Amy Klobuchar
United States Senator