

**OVERSIGHT OF THE BUREAU
OF LAND MANAGEMENT**

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

—————
JUNE 13, 2024
—————



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

WASHINGTON : 2025

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	BILL CASSIDY, Louisiana
JOHN W. HICKENLOOPER, Colorado	CINDY HYDE-SMITH, Mississippi
ALEX PADILLA, California	JOSH HAWLEY, Missouri

RENAE BLACK, *Staff Director*

SAM E. FOWLER, *Chief Counsel*

CHARLIE SHULL, *Counsel*

JUSTIN J. MEMMOTT, *Republican Staff Director*

PATRICK J. MCCORMICK III, *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	1
Barrasso, Hon. John, Ranking Member and a U.S. Senator from Wyoming	4

WITNESS

Stone-Manning, Hon. Tracy, Director, Bureau of Land Management, U.S. Department of the Interior	6
--	---

ALPHABETICAL LISTING AND APPENDIX MATERIAL SUBMITTED

Barrasso, Hon. John: Opening Statement	4
Cramer, Hon. Kevin et al.: Letter from Senators Cramer and Hoeven and Representative Kelly Arm- strong, addressed to BLM Director Stone-Manning, May 2, 2024	32
Hawley, Hon. Josh: Washington Post article entitled “Tree Spiking an ‘Eco-Terrorist’ Tactic” by Jack Anderson and Dale Van Atta, published March 5, 1990	38
Letter from Michael W. Merkley, Special Agent (retired), USDA Forest Service, addressed to Chairman Manchin and Ranking Member Bar- rasso, July 14, 2021	41
Manchin III, Hon. Joe: Opening Statement	1
Chart entitled “All U.S. Energy Projects Completing NEPA Environ- mental Impact Statements: 2010–2018”	3
Murkowski, Hon. Lisa: Political cartoon by Michael Ramirez of the Las Vegas Review-Journal, published in the Washington Post, 2024	26
Stone-Manning, Hon. Tracy: Opening Statement	6
Written Testimony	8
Questions for the Record	55

OVERSIGHT OF THE BUREAU OF LAND MANAGEMENT

THURSDAY, JUNE 13, 2024

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

The Committee met, pursuant to notice, at 9:30 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

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

The CHAIRMAN. The Committee will come to order.

I want to apologize upfront—I have to leave immediately after I give my statement because we are in NDAA markup and I have to be there, and Senator Heinrich will take over and conduct the meeting from there on.

This morning the Committee is convening to conduct oversight of the Bureau of Land Management, also known as BLM, which is situated within the Department of the Interior. I would like to welcome Director Stone-Manning back to the Committee. Thank you for joining us this morning. I also sit on the Armed Services Committee, which you know, and that is where I am going to be going to.

Though West Virginia has very little BLM-managed lands as compared to other states, as Chairman of this Committee and as an American, I am always astonished at how much land in the United States is managed by the Federal Government, especially in the western states. My sympathy to all of you.

Senator BARRASSO. Thank you.

The CHAIRMAN. In total, the BLM is responsible for more than one in every ten acres of land in the United States and approximately 30 percent of the nation's minerals. That is approximately 245 million acres of surface land and 700 million acres of subsurface mineral estate. This land, together with all its natural resources and beauty, is owned by the American people, and it has been entrusted to the BLM to "sustain its health, diversity, and productivity for the use and enjoyment of present and future generations." This includes managing wildfires and drought and protecting and restoring watersheds, native and recreational fisheries, and ecosystems across BLM-managed lands. BLM also plays a significant role in providing for our nation's energy and mineral security. Roughly ten percent of U.S. oil and gas production occurs on BLM-managed lands. In Fiscal Year 2023, we produced 516 million

barrels of oil from federal onshore lands, and 3.7 trillion cubic feet of natural gas. This is why it is so important that the Inflation Reduction Act ensured onshore oil and gas leasing will continue by tying BLM's authority to issue rights-of-way for solar and wind projects to whether substantial oil and gas lease sales are also occurring on public lands. And really what it's about is an all-in energy policy, using everything we have in the cleanest fashion. And we are producing this energy more cleanly than ever while also addressing the legacy impact on our energy communities through initiatives like the \$4.7 billion Congress provided in the Infrastructure Law for the Orphaned Well Program, which is managed by the BLM.

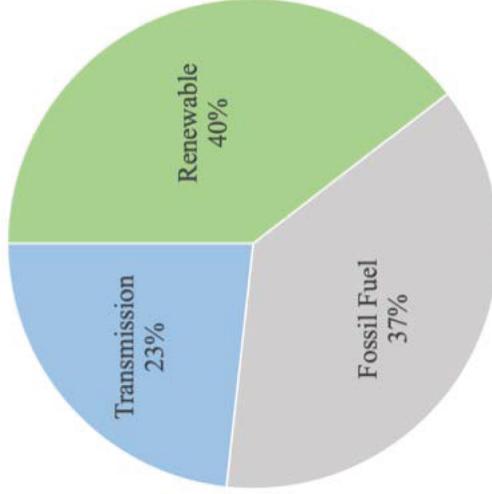
I was also pleased to see the Ninth Circuit Court of Appeals earlier this year finally overturn the Executive Branch's decade-long moratorium on new federal coal leasing, given that nearly 40 percent of our nation's coal comes from the Powder River Basin in Wyoming and Montana, much of it on BLM-managed lands. But unfortunately, the BLM quickly followed that up by choosing "no more coal leasing" as their preferred option on those federal lands. I guess when you look at the regulations this Administration is putting out, it's clear they think that coal won't be needed anymore, which I disagree with, respectfully. But I am here to tell you that what it's actually doing is putting our grid reliability at risk right now, and the problems aren't limited to fossil fuels. The Administration doesn't want to talk about that. There is nearly a 300-mile transmission project across Oregon and Idaho that has been trying for over 18 years to get permitted and constructed. When complete, the 500-kilovolt line would deliver badly needed energy and increased reliability to the nation's electric grid. But just when the developer thought they were about to cross the finish line, BLM decided to restart the previously completed cultural and historical surveys.

I have heard similar challenges with geothermal developers, where nearly 30 percent of their capital is tied to just the environmental reviews. They simply cannot afford to be stuck in the endless permitting nightmare while their remaining financial support rides on whether they can ever obtain a permit to start their commercial operations to produce geothermal energy. To show how bad the problem is, this chart behind me is based on work from Stanford University, and looked at every single environmental impact statement completed from 2010 to 2018 across the entire Federal Government.

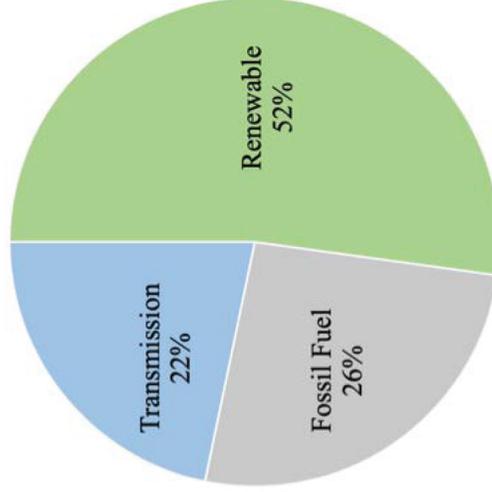
[The chart referred to follows:]

All U.S. Energy Projects Completing NEPA Environmental Impact Statements: 2010-2018

Projects Litigated



Projects Cancelled



“Renewable” includes hydro, wind, and solar
“Fossil Fuel” includes fossil production (oil, gas, and coal), pipelines, and LNG terminals
“Projects Litigated” includes only NEPA litigation

Data: M. Bennon and D. Wilson, NEPA Litigation Over Large Energy and Transport Infrastructure Projects, Stanford, 2023

The CHAIRMAN. The BLM led more of these EISs than any other agency. Stanford found that solar is the most frequently litigated and canceled project type, with wind a close second in terms of cancellation. In almost all of these cases, the litigants were environmental groups. As evidenced by the research from Stanford, comments submitted to BLM's regulations, and feedback I have heard directly from developers, it is clear there remains a major challenge permitting energy projects on BLM-managed lands, regardless—and I will say that again—regardless of the type of energy that will be produced. Unfortunately, the situation for critical minerals on public lands is just as bad.

Put that up again, if you will. I don't know if—kind of move it around. If you all are able to see—where it's coming from, what has been litigated, and what has been canceled. It is astonishing, and I think people don't realize—we all need permitting reform. And some people think that helps one group more than the other, and it really doesn't. It basically levels the playing field so we can have reliable energy and a grid system that works.

Some estimates say that more than 300 new mines will be needed in order to meet projected demand for critical minerals. According to the International Energy Agency, demand for electric vehicle batteries will increase from around 340 gigawatt-hours today to over 3,500 gigawatt-hours by 2030, requiring as many as 50 new lithium mines, 41 new nickel mines, and 11 new cobalt mines. This demand simply cannot be met through recycling alone, and new mines must be built in the U.S. and on BLM-managed lands. We directed the BLM in the Bipartisan Infrastructure Law to provide us with a report on how we can do that and how we can improve and expedite the permitting around our domestic critical minerals supply chain. The report we received, which was many months late, recognized the hard truth that demand for critical minerals will at least double by 2040, but then it clearly failed to meet the requirements set by Congress. It barely contained any concrete recommendations to actually accelerate mine permitting. Instead, it calls for more regulations, more staff, more funding, less mining wherever BLM believes permitting will take longer, and a multi-year effort to completely overhaul the entire mining regulatory system. The report was so bad, in fact, that Interior's own Inspector General found the Department failed to meet Congress's direction and instructed Interior to provide the additional legally required information. We really need you to do better.

Director Stone-Manning, I fully appreciate your responsibility to manage our nation's precious resources. I also implore you not to forget your role in our nation's economic and energy security.

Now I am going to recognize Senator Barrasso for his opening statement.

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

Senator BARRASSO. Well, thanks so much, Mr. Chairman. Thank you for holding this important hearing. This is the first time that Ms. Stone-Manning has appeared before the Committee in three years. The Director of the Bureau of Land Management has a profound impact on the people of my home State of Wyoming. I saw

it and heard about it last weekend in Wyoming as I met with the Wyoming Mining Association and with the Wyoming Stock Growers Association—our ranchers. I heard about it again last night on a conference call with each of our Wyoming County Commissioners from each and every one of our 23 counties. And it's because nearly half of the land in Wyoming is owned by the Federal Government, and nearly 70 percent of the minerals in Wyoming are owned by the Federal Government, and the Director manages most of this land.

In Wyoming, the Director's decisions have a significant effect on people's jobs, on their family budgets, on the quality of public education, and on our entire state's economy. That is why I find Ms. Stone-Manning's record and her unwillingness to appear before us until now so very troubling. Since 2021, Ms. Stone-Manning has been busy making decisions which will crush Wyoming's economy and lay waste to our local communities in the years ahead, and the examples abound. In August 2023, the Bureau's Rock Springs Field Office issued a resource management plan that would devastate communities in Southwest Wyoming. This is the home of some of the nation's largest deposits of natural gas and a mineral called trona. These resources support tens of thousands of good-paying jobs. Under this plan, the Bureau would lock up over two million acres of federal land from productive use. It would prohibit future energy and mineral development, prohibit grazing, and even recreation—recreation. The governor, the state legislature, our entire congressional delegation, and the county commissioners all strongly oppose the Bureau's plan. We know what will happen if the plan goes forward.

The Director is making similar decisions in other parts of our state. Last month, the Buffalo Field Office issued a proposal to end new coal leasing in the Powder River Basin. Last year, the Powder River Basin supplied 45 percent of all of the coal mined in the United States of America. Wyoming's coal production is the lifeblood of Gillette and Northeast Wyoming. It supports tens of thousands of jobs, it helps fund K–12 public education in our state, and there is absolutely no reason to pursue this irresponsible and irrational proposal.

We all know that President Biden wants a carbon-free grid. As of now, this is a pipe dream. And according to experts the world over, without an extraordinary technological breakthrough, it will likely never happen—never. In the meantime, we must not block access to the nation's single richest area of abundant, available, and reliable energy. The Bureau is also wreaking havoc in other areas of the state. In March of this year, the Bureau issued a resource management plan to address the greater sage-grouse. For over 15 years, the State of Wyoming has been at the forefront of efforts to protect the species and conserve and restore its habitat. Wyoming has done so while balancing the need for economic development. The Bureau is now proposing to undo Wyoming's efforts and block access to millions of acres of federal land.

The list goes on. In April, the Bureau finalized its so-called Public Lands Rule. This rule turns multiple-use—the Bureau's decades-old bedrock principle of federal land management—turns it on its head. It will allow third parties to lease federal lands in order

to block the productive use of the land. This is land which by law is to be used for grazing, for energy, for mineral development, and for recreation. Again, families and communities in Wyoming and throughout the West depend on federal lands for energy and mineral development, for grazing, for forest management, and for recreation. Multiple-use is enshrined in federal law. Yet, Ms. Stone-Manning is attempting to repeal it all on her own. If this were not enough, Ms. Stone-Manning is also sabotaging her own Bureau's oil and gas program. She has failed to hold quarterly lease sales, she has nearly tripled timelines for permits, and she has refused to deliver leases to the winning bidders. She has issued a series of regulations to make it prohibitively expensive to explore and produce on federal lands. None of this should surprise us. I fought her nomination because Ms. Stone-Manning has long shown her hostility to the people of this country who live near and depend on federal lands. And I am glad today that the Committee will finally call her to account.

Thank you, Mr. Chairman.

Senator HEINRICH [presiding]. Ms. Stone-Manning.

STATEMENT OF HON. TRACY STONE-MANNING, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Ms. STONE-MANNING. Mr. Chairman, Ranking Member Barrasso, and members of the Committee, I am Tracy Stone-Manning, and I have the honor of serving as the Director of the Bureau of Land Management. Thank you for the opportunity to testify on the priorities and mission of the BLM. We are the nation's largest land manager, responsible for one in ten acres in this country. The multiple-use, sustained-yield mission established by the Federal Land Policy and Management Act, or FLPMA, directs us to sustain the health, diversity, and productivity of 245 million acres of public lands and 700 million acres of the mineral estate for multiple uses. These lands provide food, fiber, minerals, energy, clean water, habitat, and lifetime memories for countless families. We owe a great deal of gratitude to the nearly 10,000 BLM civil service employees that do the hard work, day-in and day-out, of balancing our mission.

New and growing challenges over the past few decades have made it more difficult for the BLM to achieve this careful balancing of the many resources and uses of public lands and what they offer to all Americans. As the stewards for more land than any other agency, we have experienced increasingly negative effects associated with climate change, including extreme drought, elevated and longer fire seasons, and greater disruption to sensitive species of wildlife and plants. To address these challenges, the BLM aims to prioritize landscape health in order to ensure that our public lands can provide the countless resources and experiences that they always have. While the BLM has taken many actions to prioritize landscape health during this Administration, I am going to focus on two: restoring public lands and waters and facilitating the transition to a clean-energy economy.

Prioritizing landscape health means ensuring future generations inherit public lands in as good or in better shape than we found

them. It means making public lands more resilient to the impacts of climate change. It means fulfilling our mission. Healthy, resilient landscapes sustain numerous communities and economies and they are essential to the BLM's ability to manage public lands for multiple-use and sustained-yield. The BLM is working to improve the health of our lands and waters and enhance overall ecosystem function through key regulatory updates that will help safeguard the health of public lands and waters for current and future generations. We are also making historic investments on the ground for land and water restoration.

Last month, the BLM finalized the Public Lands Rule, which will help guide balanced management of public lands. This important rule provides tools for the BLM to help improve the health and resilience of public lands in the face of a changing climate, conserve important wildlife habitat and intact landscapes, and facilitate responsible development and better recognize unique cultural and natural resources on our public lands. The BLM's efforts to prioritize the health of our public lands and waters also include historic on-the-ground investments. As part of President Biden's Investing in America agenda, the BLM has identified 21 large landscapes across the West for targeted efforts to restore degraded or damaged public land resources. These efforts include restoring wildlife habitat in the sagebrush steppe of the high desert, recreating wetland meadows, and repairing watersheds on former industrial timberlands, just among many other projects.

As we work to keep public lands and waters resilient from the effects of a changing climate, we must ensure we do our part to help reduce carbon pollution and other greenhouse gas emissions, the primary drivers of climate change impacts to our public lands. President Biden has asked us to ensure an electricity sector free of carbon pollution by 2035, and economy-wide by 2050, and our public lands play an important role in that work. During this Administration, the BLM has approved over 7.3 gigawatts of renewable energy projects, helping to surpass the Administration's goals of permitting 25 gigawatts of clean energy projects on public lands by 2025. To help foster this work, the BLM finalized the renewable energy rule last month, which will help guide where renewable energy development occurs, improve project application processes, and incentivize developers to continue responsibly developing solar and wind projects on our public lands. While the BLM has made great progress transitioning to the clean energy future, oil and gas production continues to be a substantial part of BLM's energy portfolio. Our work, which has included the first comprehensive update to our oil and gas leasing regulations in many decades, has ensured that conventional energy development is as environmentally responsible as possible and that it provides a fair return to the American taxpayer.

Thank you for the opportunity to testify today on the important work the Bureau is undertaking to manage the nation's public lands for present and future generations. I welcome any questions you may have.

[The prepared statement of Ms. Stone-Manning follows:]

**Statement of
Tracy Stone-Manning
Director
Bureau of Land Management
U.S. Department of the Interior**

Senate Committee on Energy and Natural Resources

“Bureau of Land Management Priorities”

June 13, 2024

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to provide testimony on the priorities and mission of the Bureau of Land Management (BLM). The BLM plays an essential role in achieving the environmental, conservation, and economic goals of the Biden-Harris Administration, while working in partnership with thousands of communities nationwide, mostly across the American West and in Alaska.

Overview

Managing over 245 million acres of surface land and 700 million acres of subsurface mineral estate on behalf of the American people is a tremendous honor for the BLM. As directed by the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM sustains the health, diversity, and productivity of the nation’s public lands for multiple uses, such as conventional and renewable energy development; livestock grazing; conservation; mining; watershed protection; and hunting, fishing, and other forms of recreation. This multiple-use, sustained yield mission demands a thoughtful, science-based approach to management of our public lands and waters, as it enables the BLM to sustain the economy, create jobs, and produce domestic energy, while generating a fair return to American taxpayers for the use of public resources. The BLM is also charged with conserving, protecting, and restoring public land resources and nationally significant landscapes for the benefit of current and future generations.

New and growing challenges over the past few decades have made it more difficult for the BLM to achieve this careful balancing of the many resources and uses that public lands offer to all Americans. As the steward of one in ten acres of land in the United States, the BLM has experienced firsthand the increasingly negative effects associated with climate change, including prolonged periods of extreme drought and aridification, elevated wildland fire risk, and greater disruption to sensitive species of wildlife and plants. At the same time, population growth throughout the West has resulted in significantly increased demand for outdoor recreation and commercial uses on BLM-managed public lands that are closer to the places that people live. In many cases, the recreational facilities and associated infrastructure that the BLM previously developed can no longer safely accommodate all who wish to use them in a manner that minimizes impacts to other resources and uses.

To address these challenges, the BLM aims to prioritize landscape health in order to ensure that our public lands can provide the countless resources and experiences that they always have. This

focus will, in turn, help the BLM achieve our mission under FLPMA over the long-term. Some of that work is highlighted below.

Restoring Public Lands & Waters

Prioritizing landscape health is critical to making public lands more resilient to the impacts of climate change, as well as the pressures driven by population growth and significantly increased demand for recreation. Resilient landscapes sustain numerous communities and economies, and they are essential to the BLM's ability to manage public lands for multiple use and sustained yield. Under the Biden-Harris Administration, the BLM is working to improve the health of our lands and waters and enhance overall ecosystem function through key regulatory updates that will help safeguard the health of public lands and waters for current and future generations; historic investments in on-the-ground land and water restoration projects; and improvements in the management of wild horses and burros.

Updating Regulations to Guide Balanced Management

On May 9, 2024, the BLM finalized the *Conservation and Landscape Health Rule*, which will guide balanced management of public lands. Informed by more than 200,000 comments from individual Americans, State and local governments, Tribes, industry groups, and advocacy organizations, and reflecting the efforts of numerous BLM career staff, the final rule will support multiple use and sustained yield of the public lands into the future, helping to ensure the BLM continues to protect land health while managing other uses of the public lands, such as clean energy development and outdoor recreation.

Successful public land management that delivers natural resources, wildlife habitat, and other benefits requires a thorough understanding of the health and condition of the landscape, especially as conditions shift on the ground due to climate change. The final rule directs the BLM to manage public land uses in accordance with the fundamentals of land health, consistent with the BLM's multiple use and sustained yield framework. In addition, the final rule directs the BLM to identify and conserve intact landscapes. As such, the final rule will help watersheds support soils, plants, and water; ecosystems provide healthy populations and communities of plants and animals; and wildlife habitats on public lands protect threatened and endangered species. It is also important to note that our decision making will be more durable under the final rule's requirement that the BLM better incorporate the best available scientific information and data, including Indigenous Knowledge.

Additionally, the final rule provides a mechanism for restoring and protecting public lands through restoration and mitigation leases. Restoration leases will provide greater clarity for the BLM to work with appropriate partners to restore degraded lands. Mitigation leases will provide a clear and consistent mechanism for developers to offset their impacts by investing in land health elsewhere on public lands, like they currently can on State and private lands. While the leasing system is still in development, the final rule clarifies who can obtain a restoration or mitigation lease, limiting potential lessees to qualified individuals, businesses, non-governmental organizations, Tribal governments, conservation districts, or State fish and wildlife agencies. Foreign entities are not permitted to hold restoration or mitigation leases, and restoration and mitigation leases will not be issued if they would conflict with existing authorized uses.

Lastly, the final rule will help ensure that the BLM responds to FLPMA's direction to give priority to designating and managing Areas of Critical Environmental Concern (ACEC) to protect important historic, cultural, and scenic values, as well as fish and wildlife and other natural resources, and to address natural hazards. The final rule establishes a clear and comprehensive framework for identifying, evaluating, and considering the need for special management attention for each ACEC during the land use planning process. It also details how the BLM will proceed when potential ACECs are identified outside of a land use planning process.

Investing in Landscape Restoration

The BLM's efforts to prioritize the health of our public lands and waters also include historic on-the-ground investments. As part of President Biden's Investing in America agenda, the BLM has identified 21 large landscapes across 11 western states for targeted efforts to restore degraded or damaged public land resources. Once-in-a-generation funding from the Inflation Reduction Act and the Bipartisan Infrastructure Law is being directed to these areas because they are where concentrated, strategic investment can make the most difference for communities and the resources under the BLM's management. In addition, these landscapes hold significant potential for additional cross-boundary partnerships and investments from other Federal natural resource agencies; State, Tribal, and local governments; private landowners; and partner groups, which could increase the scope and scale of restoration work.

The BLM's efforts in the selected landscapes are collaborative and partnership-driven, supporting coordinated investments from across the agency, including from the fuels management, range, wildlife, forestry, aquatics, and recreation programs. Activities aim to address the multiple threats that are limiting ecosystem function. They include restoring wildlife habitat in the sagebrush steppe of the high desert, re-creating wetland meadows, and repairing watersheds on former industrial timberlands, among others.

In Alaska, for example, the BLM is undertaking projects to address impacts to streams and rivers from historic mining practices. Historic mining in interior Alaska in the Birch Creek and Fortymile Wild and Scenic River systems has left of legacy of impaired water quality, solid waste, hazardous materials, and unreclaimed areas. Restoration efforts will focus on supporting fish habitat, public safety, and increased recreation opportunities. This initiative, "Gravel to Gravel," was born from requests from Alaska Natives, and the investments contribute to a significant cross-agency effort to restore salmon habitat in the Yukon, Kuskokwim, and Norton Sound regions.

In New Mexico, the BLM is continuing its long-term restoration investment through partnerships in the Lower Pecos River landscape. Restoration efforts will remove mesquite, which has invaded this landscape and damaged fragile soils, reduced native grasses, and decreased groundwater recharge. Restoring this landscape will improve water quality, increase wildlife habitat and forage for livestock, and enhance recreation and hunting opportunities for rural communities in southeast New Mexico and west Texas.

Finally, as another example, in Utah, among other restoration activities, the BLM is investing in its ability to manage a significant increase in demand for recreation access and services on public

lands in the southern part of the state. The St. George area is the second largest population center in Utah and one of the fastest growing metropolitan areas in the nation. Investments in trails, facilities, road improvements, and campgrounds – as well as habitat improvement for the greater sage-grouse at the southernmost part of its range – will strengthen the BLM’s ability to serve the local communities and recreators who increasingly depend on our public lands in southern Utah.

Improving the Management of Wild Horses & Burros

Even with these important updates to the BLM’s regulations and investments in restoration projects, the current overpopulation of wild horses and burros across the West presents unique challenges to the BLM’s ability to improve and maintain landscape health. The Wild Free-Roaming Horses and Burros Act of 1971 requires that the BLM manage wild horses and burros in a manner that is “designed to achieve and maintain a thriving natural ecological balance on public lands.” The appropriate management level (AML) is the population range the BLM sets to best maintain that thriving natural ecological balance. As of March 2024, there were approximately 73,500 wild horses and burros across the 177 herd management areas that the BLM administers – exceeding the nationwide AML of 27,000 animals by over 170 percent. Of the 177 herd management areas, 80 percent are above AML.

The BLM has worked diligently in the last few years to address this problem, reducing the on-range population from a peak of 95,000 wild horses and burros in 2020 to approximately 73,500 today, but we have more work to do. Climate change-induced lack of forage and water, as well as competition among wild horses and burros, big game species, and livestock over these limited resources, have made it even more difficult for the BLM to achieve this necessary ecological balance, resulting in further degradation of the range. When managing wild horses and burros, inaction is not an option. Had we done nothing since the on-range population peaked in 2020, our estimates suggest the situation would be far worse; based on a National Academies of Sciences assessment of wild horse growth trends, an unmanaged population could be as bad as 164,000 animals on the range today.

The BLM is focused on addressing the management challenges with this program, particularly through use of fertility control treatments and permanent sterilization efforts and through private placements of animals. However, the substantial growth in the cost of off-range holding and care has impacted the BLM’s ability to deliver fertility treatments or remove wild horses and burros from the range while balancing the obligations to ensure the wellbeing of the approximately 63,000 horses off-range in our care (as of May 2024) – an increase of almost 13,000 since 2020. Given the significant challenges associated with the management of wild horses and burros in the face of a changing climate, the BLM would welcome the opportunity to work with the Committee on this issue.

Facilitating Responsible Energy Development While Transitioning to a Clean Energy Economy

Prioritizing landscape health can and must extend across all the BLM’s work, from recreation to energy development. This includes doing our part to help reduce one of the primary drivers of climate change impacts to public lands – carbon emissions. As conventional energy sources continue to play an important role in our economy, the BLM is advancing the development of renewable energy by providing sites on public lands for environmentally sound renewable

energy production and transmission projects. BLM-managed public lands provide excellent solar, wind, and geothermal energy potential and are an important component of the Administration's broader strategy to rapidly reduce U.S. greenhouse gas emissions by at least 50 percent by 2030 and achieve a carbon pollution-free electricity sector by 2035.

Consistent with the Energy Act of 2020, the BLM continues to accelerate responsible permitting of renewable energy projects on public lands. Since January 21, 2021, the BLM has permitted projects that are expected to provide over 7.3 gigawatts of clean energy – enough to power nearly 2.4 million homes. These efforts contributed to the Administration recently surpassing the goal of permitting 25 gigawatts of clean energy projects on BLM-administered public lands by 2025. In addition to specific project approvals, the BLM has also leased eight new areas in Solar Energy Zones with the capacity to generate nearly 2.5 gigawatts of additional clean energy. As of April 2024, the BLM is currently processing 65 utility-scale onshore clean energy projects – including solar, wind, geothermal, and transmission interconnect projects – with a combined potential to add approximately 32,500 megawatts of renewable energy. The BLM is also undertaking the preliminary review of almost 200 applications for solar and wind development, as well as almost 100 applications for solar and wind energy testing.

The complexities involved with authorizing utility-scale energy generation and associated transmission lines necessitates extensive stakeholder engagement and coordination and thorough environmental review of project proposals, all of which the BLM works diligently to carry out. We consistently work with project proponents and stakeholders to facilitate renewable energy development in places where conflicts with other uses are low. To this end, on May 1, 2024, the BLM finalized its *Rights-of-Way, Leasing, and Operations for Renewable Energy Rule*, which will lower the cost of developing solar and wind projects, improve renewable energy project application processes, and incentivize developers to continue to responsibly develop solar and wind projects on public lands. These changes are expected to translate, over time, to a reduction in the average cost of wind and solar energy, which will stabilize or even reduce the cost of energy to consumers, even as the cost of other energy sources may experience increased volatility. Consistent with the Administration's commitment to create high-quality jobs in the clean energy economy and support American manufacturing, the final rule includes incentives for projects to use project labor agreements and American-made materials.

While the BLM has made great progress facilitating renewable energy development, a substantial part of the BLM's energy portfolio consists of oil and gas production from public lands. Since January 21, 2021, the BLM has approved more than 11,000 new drilling permits – including over 3,800 in 2023 alone – and onshore oil production from Federal lands is at an all-time high. At the same time, the BLM has focused on efforts to ensure that conventional energy development is environmentally responsible and provides a fair return to the American taxpayer.

On April 23, 2024, the BLM finalized its *Fluid Mineral Leases and Leasing Process Rule*, which codifies fiscal provisions that were enacted in the IRA. These changes revise outdated fiscal terms for the onshore Federal oil and gas leasing program, including royalty rates and minimum bids, and will ensure a fair return to American taxpayers for the use of their resources and disincentivize speculation. The rule also strengthens bonding standards to help ensure that taxpayers are not saddled with paying industry's cleanup costs. The rule is the BLM's first

comprehensive update to the Federal onshore oil and gas leasing framework since 1988, the first update to minimum bonding levels since 1960, and the first increase in royalty rates in more than a century. The rule also implements recommendations from the Department of the Interior's *Report on the Federal Oil and Gas Leasing Program*, which responds to the President's direction in E.O. 14008, and will guide BLM efforts to focus oil and gas leasing in areas that are the most likely to be developed – areas with existing infrastructure and high oil and gas potential – providing transparency and clarity for industry, while better managing public lands for other important uses.

Additionally, on April 10, 2024, the BLM finalized its *Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule* to curb the waste of natural gas during the production of oil and gas on Federal and Tribal lands. The final rule modernizes regulations that are more than 40 years old, and it will help hold oil and gas companies accountable by requiring operators to avoid wasteful practices and find and fix leaks, while ensuring that American taxpayers and Tribal mineral owners are fairly compensated through royalty payments. By building on technological advances and best management practices to help reduce waste, the rule is expected to generate more than \$50 million in additional natural gas royalty payments each year to taxpayers and Tribal mineral owners, while conserving billions of cubic feet of gas that might otherwise have been vented, flared, or leaked from oil and gas operations.

Finally, given the importance of critical minerals to the clean energy transition, the BLM has advanced permits for five critical mineral mines and is actively processing other applications. The agency is working across the Federal government to update mining policies, improve permitting efficiency, and promote a robust, environmentally, and socially responsible domestic mining industry. Some of these efforts, including much needed reforms to the General Mining Law of 1872, will require the assistance of Congress. The Administration looks forward to continuing to work with the Committee on this issue.

Enhancing & Expanding Recreation

Improving recreational experiences, increasing access and accessibility, and repairing and expanding recreation infrastructure are also essential components of prioritizing landscape health. More than 120 urban centers and thousands of rural towns are located within 25 miles of BLM-managed public lands and waters in the western United States. This makes the BLM a key part of connecting Americans to the exceptional and one-of-a-kind outdoor opportunities that contribute to and solidify the social fabric of the nation, bond families across generations, and preserve the character and spirit of the American West and Alaska. Public lands and waters are widely recognized as a “backyard to backcountry” treasure, affording a variety of accessible recreation opportunities – from neighborhood trails to world-class destinations and a diverse mix of camping, boating, off-highway vehicle riding, recreational shooting, horseback riding, hunting, fishing, wildlife viewing, and many others.

As a result of the unique opportunities, resources, and experiences our public lands offer, recreational use has skyrocketed. In Fiscal Year 2023, the agency recorded more than 82 million visits, representing a 41 percent increase in use since 2012, with almost a third of that increase occurring since the start of the global pandemic in 2020. In response to this significant growth in recreation use, the BLM last year released its *Blueprint for 21st Century Outdoor Recreation*,

which is intended to guide investments, partnerships, outreach, and program development, so the bureau can more effectively respond to current demand and chart a course to assess and meet future needs. This strategy presents several major shifts in how the BLM prioritizes and supports outdoor recreation.

Through this strategy, the BLM aims to expand and diversify its engagement with partner groups to achieve our shared goal of maintaining or enhancing visitor service and recreation infrastructure in the face of rising visitation. This will be key to improving recreation opportunities and safeguarding vulnerable natural and cultural resources despite the demands of increased recreation combined with the challenges of climate-driven impacts to BLM resources. Working together with our partners, we also hope to mitigate the recreation related impacts that are beginning to occur beyond the BLM's resources and boundaries, as local communities and counties face strains on law enforcement, emergency, and other services linked to new visitors.

To meet these challenges and support recreation on public lands, the BLM will also strive to grow and develop external partnerships and leverage outside donations. In addition, the BLM will examine fee collection to ensure that opportunities for collection available under current law are fully implemented. Significantly higher investment in the BLM's recreation program from diverse sources will help the agency better manage recreation in a way that will enable future generations to enjoy the same types of experiences that current visitors expect. This would allow for important investments in recreation planning, infrastructure, interpretation, access, community engagement, and partnerships.

Implementing the *Blueprint for 21st Century Outdoor Recreation* will require collaborative planning and diverse funding. The BLM is committed to both, and we are working with the public and stakeholders to gather feedback on the best ways of achieving these objectives.

Protecting Nationally Significant Places

Finally, prioritizing landscape health requires us to acknowledge that some of our public lands are so exceptional that they deserve long-term protection. As specified in the Omnibus Public Land Management Act of 2009, the BLM's National Conservation Lands “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” The National Conservation Lands currently encompass 905 units covering over 37 million acres, including national monuments, wilderness, wilderness study areas, wild and scenic rivers, national conservation areas, and national scenic and historic trails. Designated by Congress or the President, the National Conservation Lands represent some of the nation's most spectacular landscapes and are also the current and ancestral homelands of Tribal Nations and Indigenous peoples, many of whom have deep cultural, historic, and spiritual connections to these places. Conserving these lands means collaborating with local, State, and Tribal governments and other Federal partners; enhancing and maintaining recreational access; and engaging communities to foster shared stewardship efforts.

Over the past two and a half years, President Biden has designated, expanded, and restored protections for five national monuments on BLM-managed public lands in Utah, Nevada, Arizona, and California. These lands are the sacred, ancestral homelands of Tribes who have

lived there for thousands of years. Their protection is a commitment to future generations, but protection is just the first step. As directed by the President and Secretary Haaland, the BLM will manage these monuments alongside the Tribes that know them best through historic co-stewardship agreements. For example, the BLM, U.S. Department of Agriculture Forest Service, and five Tribes entered into a cooperative agreement to ensure that Tribal expertise and traditional perspectives remain at the forefront of decision-making for the Bears Ears National Monument in Utah. With enduring partnerships, we can ensure that these living landscapes continue to inform our nation's deeper understanding of the land and its history.

Conclusion

The BLM is committed to managing America's public lands in a balanced, science-based manner. It is incumbent on us as stewards of our public lands to ensure their use is sustainable and beneficial to current and future generations of Americans, regardless of who they are or where they live, and we take that responsibility seriously. I look forward to working with the Committee on our shared natural resource, climate, and economic goals. Thank you for the opportunity testify here today.

Senator HEINRICH. Thank you for your testimony, and I want to start by just thanking you and all of the employees of the BLM for your stewardship of places that are particularly important to my constituents, from the Rio Grande del Norte National Monument to the Oregon Mountains–Desert Peaks, Cabezon Wilderness Study Area to Chama River Canyon, the BLM manages some of the places that New Mexicans have the most identity with, the most pride with. And then I want to thank you for your work on permitting transmission and renewable energy projects. The Arizona and New Mexico offices of the BLM have been critical in moving the SunZia project forward. And for a little context, SunZia is going to facilitate about three and a half gigawatts of clean energy onto the grid. That is bigger than the Hoover Dam. That is the single biggest renewable energy project ever built in the Western Hemisphere, and it would not have been possible without the employees at the BLM.

Can you tell us a little bit about, you know, we have heard a lot of hyperbole about the Public Lands Rule. Talk about how the Public Lands Rule fits into the multiple-use mandate of the Bureau of Land Management.

Ms. STONE-MANNING. Thank you, Senator, for the question. The Public Lands Rule is going to help BLM build and maintain the health of public lands in three important ways. It's going to ensure that we protect the most intact landscapes, it's going to help us restore the degraded lands that need it, and it's going to help us make wise decisions across our development portfolio that are backed by data and science to make those decisions durable. The Federal Land Policy and Management Act, as you know, tells us to do many things, and in those multiple uses, it tells us to manage for fish and wildlife habitat, for conservation, for natural and scenic values. FLPMA tells us to do these things, and for the first time, we are going to put some consistency to how we deliver the conservation part of FLPMA's charge to us.

Senator HEINRICH. Great. Yeah, I don't think it's too much to ask that the BLM manage for fish and wildlife habitat.

Ms. STONE-MANNING. Yeah.

Senator HEINRICH. That is something near and dear to many of my constituents.

I hear more and more from tribes in New Mexico who want to help care for and steward public lands alongside federal agencies, including the Bureau of Land Management. And I know the BLM and the Forest Service are working with Tesuque Pueblo on an agreement for the Caja del Rio area. I believe you met with Tesuque leadership when you were in New Mexico last month. Can you give us a little update on those discussions?

Ms. STONE-MANNING. Thank you, Senator, for the question. I did meet with the Tesuque Pueblo—here in DC, actually—but I have been out on the Caja and recognize the need for us to work together to improve that habitat and maintain the incredible connectivity that it delivers to New Mexicans. I am confident that we are going to soon sign a co-stewardship agreement with the Tesuque and the Forest Service so that we can manage these lands together.

Senator HEINRICH. Great.

We are seeing delays in project approvals for projects on BLM land in New Mexico, and very frequently, I think, the cause is a lack of sufficient realty staff to finalize things like rights-of-way, land acquisitions, surveys. It's an issue that dogs the Forest Service as well, but this affects everything from recreation, to land exchanges, to renewable energy development. What can we be doing to get more staff at the BLM offices in New Mexico so that we can speed up these project approvals?

Ms. STONE-MANNING. Yes, thank you, Senator, for that question. Hiring realty specialists, for people watching online—we are hiring. It is really vexing across our portfolio, across all of our states. But I am pleased to tell you that when we came in, in January 2021, there were roughly 8,800 BLM employees. We typically land between 10,000 and 10,500. We have made great progress. We are over 9,600 now, so we are getting there and rebuilding to the place that BLM career employees deserve and the country deserves. We are using every tool in the toolbox to try and specifically target realty specialists and could use—any ideas would be welcome.

Senator HEINRICH. Before my time is expired, I just want to touch on one other thing, which is the Legacy Restoration Fund. Those are the Great American Outdoors Act funds. The Bureau has only obligated 69 percent of the funds in the three-year window. How can we be getting more deferred maintenance dollars out the door and onto the ground for everything from campgrounds to all the other infrastructure that supports the public on our BLM lands?

Ms. STONE-MANNING. Yes, thank you for this question, Senator. As you know, deferred maintenance projects are multi-year projects. They take some running time. We have dozens and dozens in the pipeline now, and I can get you those specific numbers, but I am feeling pretty good that we are going to catch up, and hopefully, the Congress will reauthorize the Great American Outdoors Act. So now that we have a pipeline, we can continue to fund those projects.

Senator HEINRICH. Thank you.

Senator BARRASSO.

Senator BARRASSO. Thank you, Mr. Chairman.

Ms. Stone-Manning, the Bureau's Rock Springs Resource Management Plan will devastate the people of Southwest Wyoming, lock up millions of acres of land, local communities. The entire state relies on those lands. The Governor, state legislature, county commissioners, and local communities all strongly oppose this plan. So why are you ignoring Wyoming's opposition to the plan across the board?

Ms. STONE-MANNING. Senator, thanks for the question. As you know, the Rock Springs plan is—there is a draft out. There was a public comment period. There was a lot of hyperbole about facts that were not true about the plan. So we have done a lot of education work with your constituents about what is in the plan. More importantly, we extended the public comment period and worked with the Governor. He stood up a task force, and those folks got to walk in the shoes of our BLM field staff in Rock Springs to give us recommendations for the final. We are digging in, looking at

those recommendations, and I am certain that Wyomingites will see their voices reflected in the final.

Senator BARRASSO. Well, I just hope the BLM does not dig in, but actually reverses course on this issue.

Last month, the Bureau took steps to prohibit coal leasing in the Powder River Basin. The Bureau claims that coal production in the region won't be impacted until the year 2038, so 14 years from now. The Bureau claims that existing leases are sufficient to meet expected demand for coal. My question then is, why is the Bureau taking this action now if you don't say it's going to have any impact for at least 14 years?

Ms. STONE-MANNING. Senator, thanks for the question. As you know, the President has asked us to turn and transition to a clean energy economy. The lands in the Powder River Basin are leased through 2041. And so, you see the draft, or the final before you, the record of decision is still in formulation.

Senator BARRASSO. Well, I point out that the front-page story in the New York Times, not too long ago, pointed out that this President's pipe dream is not actually something that can be possibly done in our country, and our needs for energy, as the Committee hearings have shown again and again and again. I think this plan is completely reckless. Last year, the Powder River Basin supplied 45 percent of all the coal mined in the United States, and if this carbon-free grid doesn't materialize, and I don't believe it will, what do you do? Suggest that we start importing coal from China and other places?

Ms. STONE-MANNING. Senator, I have great faith in the ingenuity of the American people. We are hard at work every day. We have permitted 7.9 gigawatts in just three and a half years. I believe we can reach the transition the President has asked us to reach.

Senator BARRASSO. Well, I agree with the ingenuity of the American people. It's really hard when your agency continues to block efforts to produce the critical minerals that we need and so much of the product that we need for the American economy.

So in April, your Bureau issued a rule that will dramatically raise bonding requirements on oil and gas producers. This is money that producers must pay upfront in order to operate on federal lands. According to the data from your own department, there were only 37 abandoned wells on lands managed by the Bureau. That is less than one tenth of one percent of all the wells that the Bureau manages. So how do you justify your decision to increase bonding requirements by as much as 25-fold?

Ms. STONE-MANNING. Senator, both the Government Accountability Office and the Inspector General have written reports that suggest, I think rightly so, that our bonding rates, which are over 60 years old, are not high enough. We have thousands of idled wells on our public lands, and idled wells are the last stop before they become orphans. Not all of them become orphaned, but the GAO found that thousands of them will.

Senator BARRASSO. Well, I don't buy it. This rule, to me, is completely arbitrary, it's punitive, and you are trying to drive oil and gas producers off federal land. I think it's disgraceful.

Finally, in my remaining time, Wyoming is home to a large population of greater sage-grouse and its habitat. For over 15 years,

with Republican Governors and Democrat Governors working together, Wyoming has been at the forefront of adopting new management approaches to protect the species. Instead of working with Wyoming, your Bureau plans to upend the state's successful efforts at balancing conservation with economic development. Why are you ignoring a state that has proven time and again that it can successfully protect the species?

Ms. STONE-MANNING. Senator, respectfully, I have a different view on our work with your state. We have been meeting twice weekly with the State of Wyoming as we develop the sage-grouse plans. The only way to make these plans work is to work together with our partners in the states, and we have been doing so. And Wyoming has been helping us lead the way with the Sage-Grouse Task Force at WGA. We are literally line editing the documents together. So I believe that they are going to have the durability that they need for success for the sage-grouse.

Senator BARRASSO. Yeah, John Kennedy spoke at the University of Wyoming in 1963, and it was part of his Tour of Conservation in the West. And he said, "we need to maintain a living balance between man's actions and nature's reactions." I have a picture of him giving that speech. Tom Udall's dad, who was Secretary of the Interior, was with him that day in Wyoming. And it just seems that the BLM has gone a long way away from maintaining a living balance and basically trying to shut down the State of Wyoming.

Thank you, Mr. Chairman.

Senator HEINRICH. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Director, thank you for being here. I have to say, I do agree with former President Kennedy as well as our Ranking Member. We need to maintain a living balance, and that is why I appreciate you working with us, particularly in Nevada because you know the footprint BLM has in Nevada.

I do want to talk a little bit about the resource management plan modernization in Nevada for that reason because I think this is part of that living balance. Last year, I sent a letter supporting efforts by the BLM state office in Nevada undertaking that statewide resource management plan to allow for a comprehensive science-based approach to determine management for BLM lands across the whole state, and would thus be able to incorporate entire ecoregions, competing land use needs, and varied stakeholders. The effort is important, as you well know, in Nevada, because there are about 48 million acres of BLM-managed land in my state. That is three-fifths of Nevada's total landmass. And currently, there are 12 resource management plans in effect, with some completed over 36 years ago. These plans are out of date. They are impacting BLM's multiple-use management mission across Nevada.

Several rules are being processed at the department level that have significant impact to how the lands are managed in my state, which is very confusing for our state and local users, our local stakeholders, and local governments, including—let me just name a few—the oil and gas leasing rule, the solar PEIS, the Public Lands Rule, I can go on and on. There are over 12 of them. So I have been asking this, and I hope your answer today is similar to—at the end of the day, what I am looking for is an alignment of all

of this so that our stakeholders know what to anticipate. And so my question for you is, how are you managing the alignment of these nationwide rules with the particular needs in my state and other western states that are dealing with these as well?

Ms. STONE-MANNING. Senator, thank you for the question, and it gets at sort of the through line to our work, which is managing for landscape health and doing so in a responsible way that is fair to the American taxpayer. So you will see how the renewable energy rule, for example, lists priority criteria for helping to drive where development goes. It incentivizes that development by dropping fees by 80 percent. That, coupled with the Public Lands Rule, that ups our game on using science and data to inform our decision-making, to make those decisions more durable. Those then would be driven by resource management plans that allocate uses across the landscape. And so I think that the statewide RMP for Nevada is—I am hoping it will be a model for the BLM. We have not done that anywhere else where we have one big overarching RMP. And so we are committed to seeing that through and perhaps having Nevada lead the way, like it is on renewable energy.

Senator CORTEZ MASTO. Do you have a time frame on—do you anticipate when that is going to be done?

Ms. STONE-MANNING. These processes take time, and we are behind. I inherited a backlog—tens of millions of dollars of backlog of planning—but it's in the mix and it's a priority. So it will be moving forward here shortly.

Senator CORTEZ MASTO. Yeah, and I appreciate that. Just keep in mind, all of the clean energy projects, the economic development, the environmental protection, all of the above, is put on hold at times waiting for the BLM to respond in this resource management guide that I think is important for the reasons that you just said.

Ms. STONE-MANNING. Yeah, and the chart that the Chairman held up earlier, I mean, if we have up-to-date resource management plans, that makes our decisions more durable.

Senator CORTEZ MASTO. Yes. Let me jump really quickly to protecting Ash Meadows. Ash Meadows in Southern Nevada is a national wildlife refuge in the Devils Hole unit of Death Valley National Park in that county. It's a spectacular resource. The fish there are being threatened by a proposal to drill into the sensitive groundwater, which would dry up seeps and springs that are at the core of the refuge. I toured this last month. And let me just say, every community leader that lives in that area, they are unanimous in wanting to see the Department move forward with a withdrawal as quickly as possible—land withdrawal—to protect this area. Now, I get that Ash Meadows is managed by a different agency, but the withdrawal comes within BLM's responsibility.

Can I get your commitment to work with me and our constituents in working on that withdrawal to protect not only the fish there, but that whole wildlife refuge?

Ms. STONE-MANNING. Yeah, Senator, I commit to you that I am going to come and visit it and learn about it firsthand so that I can speak with the Secretary about it. She, of course, is the person who has the authority to do mineral withdrawals, but I commit to you that I will dig in and learn about this issue.

Senator CORTEZ MASTO. And then, finally, I am going to submit for the record, affordable housing.

Thank you for the work that you are doing in Nevada around affordable housing. I would like to know, though, the most recent agreement that was entered into, and thank you, with HUD—

Ms. STONE-MANNING. Yes.

Senator CORTEZ MASTO. Is it working? And maybe we can have a follow-up on that. I know my time is up.

Ms. STONE MANNING. Yes, thank you, Senator. That agreement happened because you asked me about it in my confirmation. Thank you.

Senator CORTEZ MASTO. Thank you.

Senator HEINRICH. Senator Lee.

Senator LEE. The Conservation and Landscape Health Rule that you recently finalized elevates non-use either on par with or arguably above multiple-use. Now, according to FLPMA, BLM is required to manage for multiple-use and for sustained-yield with multiple-use referring to things like grazing, timber harvesting, energy, mining, and recreation. Can you cite a provision of FLPMA that allows for you to depart from that standard and to prioritize non-use instead of multiple-use and sustained-yield? What provision of FLPMA allows you to do that?

Ms. STONE-MANNING. Title I, Section 103 is where the multiple-use definition occurs in FLPMA, and it is very explicitly clear that managing for fish and wildlife habitat, managing for natural and scenic values—those are direct words from FLPMA—is our responsibility and—

Senator LEE. Look, I understand that, and it is part of the recreation portfolio and you have the ability to do that. I don't think there is anything in there though that authorizes you to do exactly what you are doing here, which really is for deliberate, long-term non-use. This is a frustration that I have and it's not just me that has it. I hear every day, all the time, from constituents, from local officials, who are increasingly frustrated at the direction that BLM has taken under your lead. Now, keep in mind, the Federal Government owns 67 percent of the land in my state, and the biggest share of that is Bureau of Land Management.

And so, we live as subjects—subjects to the Bureau of Land Management. And increasingly, BLM, under your leadership, seems to have taken an approach that manages these lands like a museum. It's a "you can look, but you can't touch" sort of approach. These are in people's backyards. You can hardly throw a rock in any direction in Utah and not hit federal land. Now, that portion of the land in my state, the portion of the 67 percent of the land in my state owned by the Federal Government—your portion of it—amounts to 22 million acres in Utah. That is seven million acres more than all of the land, not just federal land, but all the land in the State of West Virginia. And month after month, a sweeping new policy or management plan seems to be imposed by your agency harming Utahns who rely on the land for their livelihood, who rely on the land for all sorts of things. Now, the agency has strayed pretty far from its statutory mandate to manage this land for multiple-use and sustained-yield. The Conservation Rule is a pretty blatant example of this museum approach, of "you can look, but

you can't touch," one that has taken over the BLM. And I don't think it can be fairly reconciled with FLPMA.

Now, Nada Wolff Culver currently serves as the Director of Policy and Programs at BLM. And as you know, Ms. Culver previously worked as Senior Counsel and Director of the BLM Action Center at the Wilderness Society. While in that position, Ms. Culver was personally involved in advocacy and litigation regarding travel management planning and route closures in Utah. And in fact, Ms. Culver helped negotiate the settlement agreement a few years ago between various environmental NGOs and the Obama Administration that established the process and the timelines for updating Utah travel management plans. Last fall, BLM closed 317 miles of historic roads in Utah as part of the update to the Labyrinth Rims/Gemini Bridges Travel Management Plan. Director Stone-Manning, Ms. Culver reports to you in her current role as Deputy Director. So I would like a yes or no answer on this—did Ms. Culver have any involvement in the decision-making for the Labyrinth Rims plan?

Ms. STONE-MANNING. Principal Deputy Director Culver does report to me, and that Labyrinth Travel Management Plan decision came from the ground, where it should come from and it was part of a legal settlement. We got sued and—

Senator LEE. No, I get that, but that's not my question. My question is whether she herself had any involvement in that?

Ms. STONE-MANNING. Senator, decisions like that sometimes come to headquarters for review. I don't know if that particular plan came for review or not.

Senator LEE. Okay, so look, she either recused herself from that decision or she didn't. Which is it?

Ms. STONE-MANNING. Senator, she worked for the Wilderness Society and was wildly competent in that job—

Senator LEE. Oh, I don't doubt that. That is not the subject of my question. What I want to know is, was she or was she not involved in that?

Ms. STONE-MANNING. She does not have to recuse herself from the Wilderness Society. She is out of the recusal period.

Senator LEE. Okay, so you are saying that it's okay for someone with a history of advocacy and litigation on these routes, not just routes like these, but on these specific routes she was involved in litigation as an advocate, specifically on these routes. Her name, I believe, is on the settlement—the consent decree documents that resulted in this process. You are saying that it's okay for her to do this and she can impartially oversee the BLM's travel management planning in that area?

Ms. STONE-MANNING. Senator, we adhere to high ethical standards at the Department and we have done so here.

Senator LEE. All right.

Senator HEINRICH. Senator.

Senator LEE. Can I ask one follow-up? I will be quick.

Senator HEINRICH. Very quickly, please.

Senator LEE. All right, look, your updated Western Solar Plan expands solar development on public lands. How are you going to ensure that the expansion doesn't disproportionately limit other

critical land uses, things like recreation and wildlife conservation and grazing?

Ms. STONE-MANNING. Senator, you have hit the nail on the head on what we do every day, which is balance all of those uses, and the Western Solar Plan is going to help us guide solar development to places so that those decisions become more durable, so we have this programmatic look at where development should go so that when we do the individual NEPA analysis it becomes more durable.

Senator HEINRICH. Senator Hickenlooper.

Senator HICKENLOOPER. Great. Thank you for your service. Thanks for being here.

Let me start with the Public Lands Rule. And I, again, want to discuss its impact on the clean energy deployment, particularly at the state and local levels. Some clean energy advocates worry that the rule is going to hinder projects if it's not properly implemented, if we don't get the right framework in place. How are you going to—how well do you collaborate with state and local officials to ensure we continue advancing clean energy you know, so we get to those goals in clean energy on public lands?

Ms. STONE-MANNING. Senator, thanks for that question. We work very closely with our partners in the states. The fish and game agencies are critical to our work, informing our work about where we should avoid developing and where it's okay to develop. I think the Public Lands Rule is going to help renewable energy development in a couple ways. Again, it's going to make—now that we are assessing all of our work against land health standards—all of our work is going to be more durable. And the mitigation portion of the Public Lands Rule that allows mitigation leasing on our public lands will give these energy development companies the ability to offset their impacts. And that kind of mitigation typically had been done on private ground. And now, we have a consistent way to invest those dollars on our public ground. There is just great conservation success from mitigation and now we get to see that success on public lands.

Senator HICKENLOOPER. Great. Thank you.

Another issue—separate issue completely. We continue to be falling behind in securing critical minerals—essential minerals—the kinds of things we are going to need to really make a transition to a clean energy economy—lithium, copper. I mean, we are going to need more copper than we have ever really imagined. And we are falling behind in securing supply chains for these minerals, and consistently that is making us more and more vulnerable to our rivals, like China, that are investing more and making, I think, setting up broader, larger supply chains. Given BLM's role in permitting and resource production on federal lands, how are you coordinating with the Department of Defense, for instance, or the Department of Energy to ensure reliable supply chains for our critical minerals, and overall, our energy security?

Ms. STONE-MANNING. Senator, thanks for the question. One of the frustrations about the 1872 Mining Law is that we don't get to drive what kind of minerals we are going for and where. We react to the proposals that come in the door. And I am proud to say that we have permitted five critical mineral mines in this Ad-

ministration. We have another big one in the works at Rhyolite Ridge, and the Thacker project is going forward, and is going to produce probably 20 percent of the world's lithium supply. So we are working very hard to, again, get these projects done and, again, make sure they are durable and stand the test of time.

Senator HICKENLOOPER. Well, I appreciate that. And it's strange bedfellows in a way, that people that really believe in protecting the environment recognize climate change and need to find ways to get mines open in order to protect the planet from severe change.

Ms. STONE-MANNING. It's what I love about the BLM. The multiple-use mission is hard, and it's why our employees are so excited to go to work every day, because they like hard things.

Senator HICKENLOOPER. Gluttons for punishment, I might say.

Obviously, BLM offers access to the great outdoors on many different levels. In Colorado, it's just, as you know, it's a really big deal, from hiking, to mountain biking, to fishing, you know, all manner of outdoor recreation. Just on BLM lands alone, we have about \$1.4 billion of economic activity, which is basically about ten percent of our overall \$14 billion economic activity on outdoor recreation in total. But along with the abundance of great trails in the BLM lands, there is also a major need, you know, to maintain these lands. And so, how is your agency responding to the growing interest in BLM lands and this risk that people are going to love them to death?

Ms. STONE-MANNING. Yes, thank you for that question. Eighty-two million people visited our public lands last year—a record. I think that they were rediscovered in the pandemic and folks are going back, which is a great thing, right, that people love their public lands, they want to visit. I asked the team to put together a recreation blueprint for the 21st century to help guide our work. You know, we have not been seen as a recreation agency, but the American public sure sees us that way. And so we are trying to catch up, using this recreation blueprint to then get some state implementation plans to help guide the work. Funding is an issue. You know, for every visitor to Park Service lands, there is \$5.20 cents appropriated. For every visitor to the Forest Service, it's about \$1.70. For us, it's 79 cents. So we are doing a lot with a little. And that means we are going to have to create partnerships. I am very excited about the Foundation for America's Public Lands that is helping us build those partnerships so that we can get the resources we need to take care of these lands.

Senator HICKENLOOPER. Great. Thank you so much for being here. Thanks for your service.

Ms. STONE-MANNING. Thank you.

Senator HEINRICH. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Director Stone-Manning, you have said that what BLM does every day is try to achieve balance, but yet, in my state, in Alaska, it seems that you have abandoned any pretense of balance. Except for the reapproval of Willow, following the law—we appreciate that—BLM is restricting development however and wherever it can. And we have seen this in our petroleum reserve. We have seen this in the 10-02 area, through the public land orders, resource

management plans, the rejection, just recently, of the Ambler Access Project. It feels like an onslaught to me, and it is not just me that is noticing this, it's other people who are making a joke out of it. It's not a joke. You see it—"they are putting sanctions on oil and gas production. Where? Iran? Venezuela? No, Alaska. It's a red state."

[Poster of cartoon displayed to follows:]



Senator MURKOWSKI. It's a joke there, but it's not a joke back home. It's not a joke at all because it has direct consequences on our jobs, on our revenues. It hurts our energy, our mineral security. Despite the press releases coming out of the Administration, it doesn't help the environment, because what it's doing, it is helping to degrade global ecosystems by incentivizing foreign projects to move forward without the protections and the standards that we would have here.

So I am angry. I am frustrated. You know that I have suggested that we need to clean house. We need to cut BLM's budget, at least until the agency realizes that they have to follow federal law, that it actually matters, that the commitment to balance matters.

So let me start my questions with something that we just learned about yesterday. And unfortunately, we didn't learn about it from BLM. We didn't learn about it from DOI. We learned about it from the Governor's office, who asked for information from my office about what's the deal with PLO 5150. So you know very well what I am talking about. BLM recently finalized its Central Yukon Resource Management Plan—it's RMP. And as part of that, BLM decided not to lift PLO 5150 for the Taps Pipeline corridor. The state had selected this decades ago as part of its statehood entitlement. And by law—by law—BLM is supposed to convey the selected lands in a timely manner. They had not been moving on it, so I passed a law—20 years ago. My law in 2004 directs BLM to lift PLOs in Alaska. And then in 2006, BLM recommends lifting PLOs on over 50 million acres, and recommended that the best way to do that is through the RMP process.

So we have an RMP process. We got it for the Central Yukon. It has been going on for over a decade, and now what happens? BLM reverses course from the previous Administration, refuses to lift PLO 5150 as part of its land planning process. Instead, we have a new promise here. What we are going to do is launch a new process with a tiered environmental assessment as soon as the Central Yukon Plan was finished. And this was going to allow BLM to finalize the RMP and then move forward on a compromise for PLO 5150. And this was going to be a compromise developed by the State of Alaska that would protect subsistence and involve far less changing ownership. We didn't really think that that was perfect, but everyone that I knew of was willing to support it. BLM repeatedly—repeatedly—until like last week, told my office and Alaska DNR that they were going to do it. And so the state worked with the BLM for more than a year.

And you are very well-read into this because you drove the Dalton Highway last summer with the Commissioner and the Deputy Commissioner. And then, this week, we learned—nope, it's not happening. It's over. The plan is dead. The commitment is revoked. The Central Yukon RMP is over. It's done. There won't be a supplemental process to lift the outdated PLO for the pipeline corridor. I don't understand how you can sit here and how those in your Department, all the way up to the Secretary, can sit here and make these empty promises and then break them whenever you feel like you want to break them. And so I want to know, who canceled BLM's commitment to move forward on the State of Alaska's compromise on PLO 5150, and if it was not you, who was it?

Ms. STONE-MANNING. Senator, I know this is really important to you—

Senator MURKOWSKI. Yeah, it's really important, and we got zero word. Zero. Nothing.

Ms. STONE-MANNING. And—

Senator MURKOWSKI. Is it happening?

Ms. STONE-MANNING. I wouldn't call it canceled.

Senator MURKOWSKI. Okay. What would you call it?

Ms. STONE-MANNING. My conversation with the Commissioner last week was about how we are up against some timing issues and some workload issues throughout the Department.

Senator MURKOWSKI. What does that mean?

Ms. STONE-MANNING. And our plates are full. And that we are not moving forward with the EA in the timeline that we had originally thought.

Senator MURKOWSKI. I don't understand what you have just said. Is the project canceled?

Ms. STONE-MANNING. No.

Senator MURKOWSKI. Is the project delayed?

Ms. STONE-MANNING. The EA is, yes. I guess delay is the right word.

Senator MURKOWSKI. Is the project delayed for the duration of this Administration or are you continuing to work on it? Is it dead as far as your office is concerned?

Ms. STONE-MANNING. Senator, no. It is not dead as far as my office is concerned.

Senator MURKOWSKI. Then what's happening?

Ms. STONE-MANNING. As I was saying, we are—our plates are full. I like to make sure that we get things done and—

Senator MURKOWSKI. Who made this decision?

Ms. STONE-MANNING [continuing]. Done well.

Senator MURKOWSKI. Who made the decision?

Ms. STONE-MANNING. It was a collective decision about workload, which I always—

Senator MURKOWSKI. Was it you? Was it someone at the Department? Or was it out of the White House itself?

Ms. STONE-MANNING. It was a collective decision about workload with the Department.

Senator MURKOWSKI. With the Department? So the White House wasn't directing this?

Ms. STONE-MANNING. Not that I know of.

Senator MURKOWSKI. Okay, I am actually just stunned with your response here today. You knew we were going to have an opportunity to discuss this. And the fact that you can't give me, really, a straight answer as to where you are. Workload? Give me a break. You have been working on this for ten years—ten years. And now you have come and you can't tell me whether or not it's canceled, it's delayed, if it's going to continue, if it's dead for the duration of this Administration.

My time is over, but I am hopeful we will have a second round.

Senator HEINRICH. Senator Wyden.

Senator WYDEN. Thank you very much, Mr. Chairman.

And I want to talk briefly about a bill that is really historic for Oregon, and that is the Malheur County Empowerment for the

Owyhee legislation. There has been gridlock on this issue for literally 50 years in my state. And now, we have been able to bring together the ranchers and the environmental folks. It has passed this Committee. Senator Barrasso has given us valuable input, you know, in terms of grazing flexibility. And we are very excited about what is at hand. And what we want to do is make sure, apropos of today, that issues like grazing, for example, are compatible with conservation objections on the landscape. And I would like to hear your thoughts with respect to the rule that you are talking about because I am particularly interested in getting input on how we keep building on this goodwill. In other words, it's not an accident that it has taken 50 years to get common ground. I mean, this is a very challenging area. People back east, for example, call this, you know, Oregon's version of the Grand Canyon. My constituents call it home, and they want to have the ranchers and environmental folks get together, and made a lot of headway. We continue to make more headway with respect to grazing flexibility.

So tell us a little bit about how our approach fits in with what you all want to do, particularly on grazing?

Ms. STONE-MANNING. Senator, thank you for the question. Grazing and conservation could and should and do go hand in hand. We are really clear about that in the preamble of the Public Lands Rule—that grazing, done well, is a tool for conservation. You and I have seen it on the ground. I have seen dry desert turn into riparian oases through grazing done well. And so we see our permittees across 155 million acres as partners in this work.

Senator WYDEN. Will you commit this morning, because I think that what we are doing with grazing flexibility has a lot of potential. In other words, in my conversations with Senator Barrasso and other Senators of both political parties, I said, you know, we are trying to get our Owyhee legislation passed but we got a concept here that can be, you know, a winner in an area, again, where there has been intractable kind of gridlock. And you know, I look at what my ranchers say they want. They really just want some flexibility so that when they are doing good work, they are going after noxious weeds or something like that, they can have the flexibility to do it.

So will you commit to working with the rural communities in my home state and in other states to make sure that we really look at ways to tie grazing and conservation and other approaches so that there is flexibility for all users? And we don't operate under the assumption we are going to throw safety and environmental issues in the trash can. We are just getting some flexibility. Will you commit to working with rural communities in the days ahead in Oregon and elsewhere on getting that done?

Ms. STONE-MANNING. Yes, Senator, I would be really pleased to do so. We do need those flexibilities.

Senator WYDEN. Great, thank you.

Thank you, Mr. Chairman.

Senator HEINRICH. Thank you.

Senator Risch.

Senator RISCH. Ms. Stone-Manning, we are going to talk today about the Lava Ridge project. You are familiar with it?

Ms. STONE-MANNING. Yes.

Senator RISCH. Okay, that's good.

I represent 1.8 million angry people—angry at you, personally. And it isn't just the people of Idaho. We have the legislature voting unanimously, House and Senate, objecting to this project, saying "don't do it." We have the seven Idaho counties that are affected unanimously adopting a resolution of disapproval, saying "don't do it." Your own BLM Resource Advisory Council voted unanimously not to do this, and said "don't do this." The Shoshone-Bannock Tribes submitted two comment letters in opposition to this project. The Friends of Minidoka, Minidoka Pilgrimage Planning Committee, and Japanese American Citizens League, who operate the sacred ground in there where they had a Japanese internment camp in World War II said "don't do this." We don't want this. We are angry about this.

And I want to put this anger for you into perspective that you will understand. You remember previously your foray with Idaho was engagement in a conspiracy to spike trees in the National Forest in Idaho. You recall that after you did that, the people who were charged, that you testified against in return for an immunity agreement, went to prison over it. Idahoans were angry. They were angry with those people. They were angry with you. Now they are seeing the same thing out of you because none of them want the debauchment of this hundred thousand acres with these 660-foot towers on it. So do you understand how angry we are about this?

Ms. STONE-MANNING. Senator, I can hear the anger in your voice, and I know that change is difficult. This wind proposal is big. But what we did do with your constituents was listen very hard and the proposal now—

Senator RISCH. No, you didn't.

Ms. STONE-MANNING. The proposal now is halved. And yet, it will still provide energy for up to 500,000 homes, almost a gigawatt of power.

Senator RISCH. Where are those homes located? I will tell you—California. You know that. You think that makes us happy? Why don't you put this project in California? If they need the energy so bad, do it down there. We don't want this project in Idaho. So I have a question for you. You did this—by the way, you were talking about the shortage of your manpower. You put out this 852-page environmental impact statement that is nothing but drivel. In this statement, you know what I can't find? Anybody who supports this from Idaho. Can you name somebody or some entity in Idaho that supports this project?

Ms. STONE-MANNING. Senator, I have seen a couple hundred comments in support from Idaho—

Senator RISCH. Compared to how many opposed?

Ms. STONE-MANNING. I don't know the vote count—

Senator RISCH. I will help you out.

Ms. STONE-MANNING. Yeah.

Senator RISCH. It is in the tens of thousands. Nobody wants this. Nobody wants this. Can you name anybody or any entity that wants this?

Ms. STONE-MANNING. Senator, the anger that you are talking about is of concern to me on the ground. I am not going to rise to the rhetoric and name names.

Senator RISCH. So what are we going to do about this? With all the opposition from Idaho and us getting no benefit out of this whatsoever, what are we going to do about this? Do you just set that aside and proceed on? Who wants this? Who is it that is pursuing this? Is it you?

Ms. STONE-MANNING. Senator, we responded to an application from a company to develop public lands. It's what we do every day.

Senator RISCH. So it is a company that came forward and you are responding to them and ignoring 1.8 million people, plus the entire establishment of our government in the State of Idaho, you are ignoring that for the company that came in and said, "oh, here, we want to debauch 100,000 acres and put 241 windmills up on this land." That is how you are going to proceed?

Ms. STONE-MANNING. Senator, the final EIS does call for that. The original proposal called for 400 turbines, and we listened to your constituents. We listened to—

Senator RISCH. You didn't hear any constituents say cut the 400 in half. Every constituent said don't do this. So you didn't listen.

Ms. STONE-MANNING. Senator, I hear the frustration and anger in your voice. We have issued the final environmental impact statement, and of course, it is not the final decision that comes at the record of decision phase.

Senator RISCH. You know, I warned everyone when your confirmation was up. If you had someone who had such disrespect for the natural resources of America, for our country, and for my state, Idaho, this is what we were going to see. You ought to be ashamed. The Administration ought to be ashamed. The Secretary of the Interior ought to be ashamed. This is awful, awful management of our public lands. It's not multiple-use, it's abuse of our public lands.

Thank you, Mr. Chairman.

Senator HEINRICH. Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman.

Director, right now you are working on a draft resource management plan, RMP, for BLM lands in North Dakota. On that, you put out a preferred alternative that we have serious concerns about. Myself, Senator Cramer, and Representative Armstrong sent a letter to you expressing those concerns, and I would like, Mr. Chairman, to ask unanimous consent to make that letter a part of the record.

Mr. Chairman.

Senator HEINRICH. Without objection.

Senator HOEVEN. Thank you.

[The letter referred to follows:]

Congress of the United States

Washington, DC 20515

May 2, 2024

The Honorable Tracy Stone-Manning
U.S. Department of the Interior
Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Director Stone-Manning:

We write to share our serious reservations with the Bureau of Land Management's (BLM) draft Resource Management Plan (RMP) for the State of North Dakota. Given the BLM's proposal will inflict serious harm on North Dakota and our nation by curtailing access to federal energy reserves, we urge you to revise this draft RMP.

While no partnership is perfect, North Dakota and the BLM have collaborated for decades to adhere to the multiple use mandate, addressing the proper stewardship of federal mineral deposits and the prevention of natural resource waste. The Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act prescribe a cooperative model benefiting the states and local citizens who use federal land for their livelihoods and operate critical infrastructure and schools from the revenues generated, not to mention the budgetary benefits to federal coffers and agencies.

As you know, the BLM has authority for the oversight and administration of over 245 million acres of land and 700 million acres of subsurface minerals nationwide. The disparity in surface and subsurface acres is on full display within North Dakota where the BLM manages only 58,500 acres of surface compared to over 4 million acres of coal, 489,300 acres of fluid minerals, and 362,600 acres of other minerals at the subsurface level. Unlike large continuous tracts of federal lands more common in the Western United States, federal subsurface acres in North Dakota are scattered and intermingled with state and privately-owned minerals. When federal agencies like the BLM impose restrictions, they inevitably dilute or cut off the development of resources not under their control. More than anything, federal preemption of state and private rights is our central concern with the draft RMP.

If implemented, the BLM's new RMP will effectively remove large tracts of intertwined private, state, federal, and Indian minerals from production. As a consequence, North Dakota and the nation will be denied access to vital energy reserves and corresponding economic activity. Economic data provided by the state of North Dakota in its comments estimates the state will be deprived of \$34 million annually in royalties and tax revenue if this RMP is implemented. This is for oil and gas alone and does not include coal production or royalties to private mineral owners. Of particular concern is the harm this will inflict on schools throughout North Dakota. Upon statehood, the federal government set aside large tracts of land to North Dakota to produce revenues for the building and provisioning of schools, colleges, and universities. The BLM's preferred alternative under the draft RMP will jeopardize significant income streams for the state's schools. In just one of a number of examples the state identified, a state-owned section situated in a highly productive area of the Bakken oil field may never be developed and cost the Common Schools Trust Fund a minimum of \$50 million.

The North Dakota Public Service Commission and coal producers also identified a number of concerns with the RMP proposal. Again, given the unique federal subsurface footprint, prohibiting or inhibiting leasing and permitting of these tracts with minimal federal minerals only results in less efficient mining where the surface is still disturbed and environmental impacts are increased. Some of these negative impacts have already been observed due to bureaucratic foot-dragging or outright obstruction. The arbitrary four-mile buffer around an existing permit area conflicts with BLM's legal requirement to maximize economic recovery of coal within a mining unit. Specifically, the proposed Alternative B. 1 "reduces the potential for expansion of federal coal mining at all active North Dakota mines: BNI Center, Coyote Creek, Falkirk, and Freedom." Reducing access to vast lignite reserves is particularly harmful and counter to supporting low-cost and dependable electricity for communities across our state. Building on this fundamental need for rural electrification with good environmental stewardship, North Dakota is embarking on world-leading carbon capture and storage projects at the Milton R. Young Station (Project Tundra), Coal Creek Station, and the Great Plains Synfuels Plant. Locking away access to affordable and reliable fuel supplies for these projects will unnecessarily drive up operational costs and negate significant federal, state, and private sector investments aimed at making carbon capture technology commercially viable.

Further, the proposed RMP ignores North Dakota's innovative development of critical rare earth minerals sourced from lignite deposits. Congress has authorized agencies to help develop these supply chains and our state is a leader in locating these resources as well as developing environmentally responsible means of extraction and refining.

For these reasons, we respectfully request the BLM revise this draft RMP and select a new preferred alternative to maximize the continued responsible development of federal energy resources, consistent with the multiple use mandate. Thank you for your attention to this matter.

Cc: Sonya Germann, BLM Montana-Dakotas State Director

Sincerely,


Kevin Cramer
United States Senator


John Hoeven
United States Senator



Kelly Armstrong
Member of Congress

Senator HOEVEN. Essentially, this preferred alternative would close off new leasing to 45 percent of potential federal oil and gas acreage and it would close off new leasing to 95 percent of federal coal acreage. Now, it's important to understand that in the grasslands, the BLM lands in North Dakota, you have checkerboard issues, it's a split-estate ownership. So in a lot of cases where the Federal Government may own the surface acreage, they don't own the minerals. Those are privately owned by private individuals. So the net result is, because of the checkerboard on the surface and then the split-estate ownership where the Federal Government may own the land but not the minerals underneath, by restricting this access, you are restricting private owners from accessing their property. You are disenfranchising them. In essence, taking with no compensation.

And so, in this draft management plan, that is exactly what you are doing. You are stranding private owners' mineral rights and denying them their ability to receive very significant revenue for their minerals. So please explain to me how that is in any way reasonable or fair to do that under this type—I mean, how can you do that in a resource management plan and in any way, shape, or form, believe that it's fair and equitable?

Ms. STONE-MANNING. Senator, thanks for the question. A resource management plan, of course, is about land and mineral allocation. We have issued the draft. We are hearing the comments, and I look forward to reading your letter. I don't think I have seen it yet, but I will find it and read it.

Senator HOEVEN. Would you agree, though, for example, if you were the owner of whatever property rights, and the Federal Government was preventing you from utilizing those in full compliance with the law, that that would be an unfair taking?

Ms. STONE-MANNING. Senator, I am not an attorney, but what I do know is—

Senator HOEVEN. Well then, just on the common sense, and just common-sense fairness. So, I mean, it's your neighbor—you restrict your neighbor from the use of his property arbitrarily. Is that a fair or reasonable thing to do? Just in general.

Ms. STONE-MANNING. Senator, I hear your frustration. What we try to do is balance the laws and the objectives of the administration.

Senator HOEVEN. But the laws require multiple-use on these federal lands. So whether it's this resource management plan or your recent April 18th rule regarding public lands where you are now putting in place restoration or mitigation leases, okay, which lock away the ability for multiple-use. Once you have put these mitigation leases in place, and we don't even know for how long, now that is limited to one use. That violates the law of multiple-use. So on the one hand, you have an unreasonable taking, and second, you are in violation of the law that requires multiple-use. How can you go down that track and say that you are either being fair to people or complying with the law? You are doing this through executive fiat. You are not adhering to some new law. There was no law passed that suddenly said you can abrogate all fairness and former laws—or laws on the books. There is nothing that says that. You

just, through executive fiat, are blowing right by the absolute requirements of the law.

Ms. STONE-MANNING. Senator, with respect, mitigation leases will not be single use.

Senator HOEVEN. Oh, really?

Ms. STONE-MANNING. Yes.

Senator HOEVEN. Tell me about that. So you are going to allow farming, you are going to allow energy development, all those things on these mitigation leases?

Ms. STONE-MANNING. So—

Senator HOEVEN. Because I would like to see that in writing, because you and I—that'll be great. I want to see that in writing from you.

Ms. STONE-MANNING. It is in the rule that there are often overlapping uses in what we do. So for example, there could be a grazing permittee who has a grazing lease on a piece of ground. A mitigation company wants to come in and say, hey, I would like to improve your grass. Can I work with you? Can we put a mitigation lease on this? They come to the BLM and say they would like to do a mitigation lease. And so those uses then become compatible. Transmission line across the section, for example, can be compatible with the increased production we are trying to get to through the mitigation.

Senator HOEVEN. We will want those assurances from you in writing. So we will want you to come out and explain that to our ranchers and to our energy industry, to our tourism industry. We truly do have multiple-use—

Ms. STONE-MANNING. Yes.

Senator HOEVEN. In compliance with the law, which benefits everybody, and we are going to want your commitment that that can continue.

Ms. STONE-MANNING. It is exactly what the rule envisions.

Senator HEINRICH. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman.

Before I start, Mr. Chairman, I want to say thank you for your strong statement on the RECA legislation yesterday and for your leadership on this issue. It is much, much appreciated.

Director Stone-Manning, let me just start with this. When you came before this Committee in 2021—this was before I was a member of the Committee—you were asked as part of your confirmation whether you had ever been investigated, arrested, or charged by any federal, state, or local law enforcement authority for the violation of any federal, state, or local law, regulation, or ordinance, other than a minor traffic offense. We ask that question of all people before the Committee. You answered no. Do you stand by that testimony?

Ms. STONE-MANNING. Senator, I do stand by that testimony and was proud to be confirmed to do this job.

Senator HAWLEY. What is tree spiking, Director?

Ms. STONE-MANNING. Senator, again, this Committee engaged quite a bit and—

Senator HAWLEY. No, that is a factual question. Do you know what it is?

Ms. STONE-MANNING. I do. It's when—

Senator HAWLEY. Do you want to tell us? Go ahead.

Ms. STONE-MANNING. Yes. It is when people illegally put metal objects into trees so that they prevent a timber sale.

Senator HAWLEY. What happens if a chainsaw hits a spike?

Ms. STONE-MANNING. Sometimes, when a chainsaw hits a spike, it can buck the saw.

Senator HAWLEY. Yeah, violently recoil, potentially kill or seriously maim the loggers.

Ms. STONE-MANNING. Yeah, which is why I notified the federal authorities that I had heard that had——

Senator HAWLEY. Loggers, like, for instance, George Alexander. This is from an article in the Washington Post, explaining what happens when trees get spiked.

[The article referred to follows:]

From the Washington Post, March 5, 1990:

🕒 This article was published more than **34 years ago**

Democracy Dies in Darkness

TREE SPIKING AN 'ECO-TERRORIST' TACTIC

By JACK ANDERSON and DALE VAN ATTA

March 5, 1990 at 12:00 a.m. EST

George Alexander, a third-generation mill worker, was just starting his shift at the Louisiana-Pacific lumber mill in Cloverdale, Calif., when the log that would alter his life rolled down his conveyor belt toward a high-speed saw he was working on.

It was May 1987, and Alexander was 23. His job was to split logs. He was nearly three feet away when the log hit his saw and the saw exploded. One half of the blade stuck in the log. The other half hit Alexander in the head, tearing through his safety helmet and face shield. His face was slashed from eye to chin. His teeth were smashed and his jaw was cut in half.

Alexander had never even heard of a sabotage tactic called tree spiking until he became a victim of "eco-terrorism." Someone who objected to tree cutting had imbedded a huge steel spike in the log that violently jammed the saw.

Now the whole timber industry knows, and searching for tree spikes has become a fact of life in lumber mills.

After years of fruitless battles in court and pleas to Congress, some radical environmentalists are using guerrilla warfare to save the woods.

Armed with spikes, bolt cutters and sledgehammers, the growing militant faction is combing the countryside disrupting timber, mining and ranching operations, all in the name of protecting Mother Earth.

Tree spikes are among the most vicious of the strategies. While the tree is still in the forest, the spike is driven in at an angle so the head is hidden in the bark. It can shatter a chain saw on impact, sending pieces of razor-sharp steel flying.

"The purpose of tree spiking is not to hurt anybody; it's to keep trees from being cut," said Dave Foreman, co-founder of Earth First, the most radical arm of the environmental movement.

Since its formation in 1980, Earth First has lived by the slogan "No Compromise in Defense of Mother Earth." Its followers have been known to chain themselves to trees, lie down in front of bulldozers and vandalize machinery. Many Earth First followers don't take part in the eco-sabotage, but the tactics advocated by the group have made it the target of FBI scrutiny. Foreman is awaiting trial on a charge of conspiracy to tear down an electrical tower.

He published a book, "Ecodefense: A Field Guide to Monkeywrenching," and it is an underground best seller. He borrowed the term "monkeywrenching" from the late Edward Abbey, whose book, "The Monkey Wrench Gang," romanticized environmental sabotage.

Foreman's book includes diagrams for tree spiking and instructions on how to cut down power lines, flatten tires, burn machinery, jam locks and set stink bombs. "This is where the ecoteur can have fun," Foreman wrote.

This kind of "fun" brings the radicals into direct conflict with mainstream environmentalists. Eco-saboteurs told our reporter Melinda Maas they think militant tactics will bring quicker results and that the mainstream plodders are selling out. The moderates fear that monkey wrenching sets back the entire environmental movement.

Senator HAWLEY. Loggers, who are blue-collar workers, by the way, these are not wealthy people. These are not people who have had the advantages, perhaps, you and others have had. People like George Alexander, who, for example, in May 1987 at age 23, his chainsaw hit a tree spike. I am quoting: "His face was slashed from eye to chin. His teeth were smashed. His jaw was cut in half." That is a typical reaction when a logger hits a spike. Now, you just said, I think just a second ago, that you were involved. There were two people convicted in 1989 of putting 500 pounds of spikes in an Idaho forest. Senator Risch mentioned this just a moment ago. You testified you sent a letter to the Forest Service on their behalf. I have it here. The letter says, among other things, "this letter is sent to notify you that the Post Office sale"—that is the forest sale in Idaho—"has been spiked heavily . . . the reason for this action is that this piece of land is very special to the earth. It is home to the elk, deer, mountain lions, birds, and especially the trees." It goes on: "I would be more than willing to pay you a dollar for the sale, but you would have to find me first and that could be your worst nightmare. P.S., you bastards go in there anyway and a lot of people could get hurt."

Why did you send this?

Ms. STONE-MANNING. Senator, as I said at the time, over 30 years ago, a really angry and turns out violent person handed me that letter and said, "will you send this to the Forest Service?"

Senator HAWLEY. And you did. Why?

Ms. STONE-MANNING. What you just talked about in 1987, to a logger, this is 1988–89?

Senator HAWLEY. Nine.

Ms. STONE-MANNING. I understood that people could get hurt.

Senator HAWLEY. Why didn't you notify the federal authorities? Why did you send this threatening letter on behalf of these two men who were convicted of crimes?

Ms. STONE-MANNING. I was terrified of them and wanted no involvement with them.

Senator HAWLEY. You wanted no involvement but you sent a letter that says "you bastards go in there anyway and a lot of people could get hurt?" Why didn't you just contact the FBI, or anybody, any local authority?

Ms. STONE-MANNING. Because the person who did this act threatened people's lives if they disclosed who did it.

Senator HAWLEY. In fact, you were investigated for being involved, weren't you? Here we have a letter sent to this Committee from the Special Agent of the USDA Forest Service, Michael Merkley, who was in charge of the investigation.

[The letter referred to follows:]

07/14/2021 WED 12:53 FAX

July 14, 2021

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

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

Dear Chairman Manchin and Ranking Member Barrasso:

Allow me to introduce myself. My name is Michael Merkley. I am an Army veteran, having served our country during the Vietnam War. I am also a retired Special Agent criminal investigator for the U.S.D.A., Forest Service, where I worked for over twenty eight years.

I was the special agent assigned to investigate the spiking of trees that were part of the Post Office Timber Sale in the Clearwater National Forest in the spring of 1989. After seeing the reports in the news over this past month regarding President Biden's nominee to be director of the Bureau of Land Management, Tracy Stone-Manning, and knowing of her involvement in that incident that I was in charge of investigating, I feel compelled to come forward by writing this letter.

Many of the news reports covering the tree-spiking incident in the Clearwater National Forest in 1989 are inaccurate or incomplete. They have represented Ms. Stone-Manning as a bystander or a victim, and Ms. Stone-Manning has represented herself as a hero. As the criminal investigator assigned to this case, I believe that I am the only other person, besides Ms. Stone-Manning, who knows the full and complete truth in this case and I feel that it is my duty to present the facts to you.

Contrary to many of the stories in the news, Ms. Stone-Manning was not an innocent bystander, nor was she a victim in this case. And, she most certainly was not a hero. Ms. Stone-Manning was not only a member of Earth First!, but she played an active role in the Earth First! hierarchy. The group would not describe itself as one that has

07/14/2021 WED 12:53 FAX

designated leaders, however, it was clear to those of us familiar with the activities of the group that she not only was an active participant but also wielded significant influence among its members.

In 1989, the supervisor of the Clearwater National Forest in Orofino, Idaho received an anonymous, threatening letter regarding trees in the Post Office Timber Sale having been spiked. My investigations later revealed that this letter had been not only collaboratively composed, but also was then typed, and sent by Ms. Stone-Manning. When I inspected the site of the timber sale area, I discovered numerous trees painted with graffiti and many that had been spiked. Some of the spikes in the trees were plainly visible, but on others, the spikes had been deliberately covered with sap and sometimes even had bark stuck on top of the sap, in deliberate attempts to hide the spikes. It should be noted that in this case, damaging government property, including old growth trees, was a federal felony because of the value of the timber. The goal of spiking trees is to prevent loggers from cutting down the trees and can cause serious injury to the loggers if their chain saws strike a spike.

I obtained a federal search warrant that ordered me to search a residence, commonly known as the Sherwood House, that had been identified as the local Earth First! residence in Missoula, Montana. The members of Earth First! had recently been involved in a tree-spiking seminar at the University of Montana, where they taught participants how to properly and effectively spike trees. My law enforcement investigative team and I went through the house and seized computer disks and other evidence that tied the residents of the house to Clearwater National Forest tree spiking. After presenting this evidence to Assistant U.S. Attorney, Mr. George Brietsmeter, he scheduled the case to be heard by a federal grand jury seated in Boise, Idaho. After hearing my testimony, the grand jury issued subpoenas for hair samples, hand writing exemplars, and finger prints. These subpoenas were served on persons suspected of having knowledge of the incident, including Ms. Tracy Stone-Manning.

Throughout this initial investigation in 1989, Ms. Stone-Manning was extremely difficult to work with; in fact, she was the nastiest of the suspects. She was vulgar, antagonistic, and extremely anti-government. She was very uncooperative and refused to provide the hair, hand writing exemplars, and fingerprints as ordered by the federal grand jury. It was not until after we informed her that she would be arrested if she did not comply with the subpoena that she reluctantly provided those samples to me. However, she refused to answer any of my other questions. Eventually, after further investigation, I discovered that she had known all along who had perpetrated the crimes in the

07/14/2021 WRD 12:54 FAX

Clearwater National Forest.

In December 1992, I received a call from the FBI in Boston, asking if I knew anything about a tree-spiking incident in the Clearwater National Forest in the spring of 1989. I replied that I did and the FBI agent told me they had a young woman in their office who had come forward with information concerning the spiking. Ms. Guenevere Lilburn told the FBI agents she could identify those involved in the incident. I flew to Boston to interview her. Ms. Lilburn gave me several names of those involved, including Ms. Stone-Manning's. She described how Ms. Stone-Manning typed and mailed the letter to the Forest Service. She also recounted a conversation she had overheard wherein Ms. Stone-Manning along with other co-conspirators planned the tree spiking and discussed whether to use ceramic or metal spikes in the trees. Through Ms. Lilburn's account, it became clear that Ms. Stone-Manning was an active member of the original group that planned the spiking of the Post Office Timber Sale trees.

As a result of Ms. Lilburn's testimony, the grand jury sent Ms. Stone-Manning a "target letter" which meant she was going to be indicted on criminal charges for her active participation in planning these crimes. She hired an attorney who negotiated a deal with the Assistant United States Attorney to gain immunity in exchange for her testimony against the other defendants. While she did provide testimony against her co-conspirators, she still was not forthright about the role she herself played in this case.

Let me be clear. Ms. Stone-Manning only came forward only after her attorney struck the immunity deal, *and not before* she was caught. At no time did she come forward of her own volition, and she was never entirely forthcoming. She was aware that she was being investigated in 1989 and again in 1993 when she agreed to the immunity deal with the government to avoid criminal felony prosecution. I know, because I was the Special Agent in Charge of the investigation.

I retired from the Forest Service in 1997. When I retired, I was honored with several awards and letters of appreciation. One, from Betty H Richardson, U.S. Attorney for the District of Idaho reads, "Special Agent Michael Merkley, in recognition of and appreciation for outstanding effort, leadership and commitment during your law enforcement career, including assistance to the United States Attorney's office for the District of Idaho." Another, received from D. Marc Haws, Chief - Civil Division, who worked for U.S. Attorney Betty Richardson reads, "Whenever I took one of your cases to court, I always felt that the case was well put together and the objectives we were

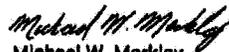
07/14/2021 WBD 12:55 FAX

advancing would further the causes of justice and preservation of our great forest reserves. I always had great confidence because I knew of the high esteem which the judges hold for you." In another letter received from Mikel H. Williams, Chief United States Magistrate Judge, United States District Court, Boise, Idaho, Judge Williams thanks me for professionally presenting and thoroughly investigating cases which I helped present in his court. I believe that these letters of recommendation and appreciation demonstrate that I was a respected public servant who conducted his job with dedication and integrity.

My experiences over the last several years of my career with the Earth First! organization is the primary reason I retired early. During the last years of my career with the Forest Service, this eco-terrorist organization harassed me and my family. In fact, I received death threats from them and at one point and was made aware that they had solicited a contract to kill me and harm my family. Although it's been more than 25 years since then, I am still concerned about what the members of this group could do to me and my family.

However, despite this, and because I know that Tracy Stone-Manning has been nominated as a candidate for the Director of the federal government's Bureau of Land Management, I feel compelled to come forward and share the truth with you. In order to properly evaluate this nominee, you must have the facts and the whole truth. That is what I have presented in this letter. The decision regarding her qualifications for this role is up to you. As a citizen, I trust our Senators to judge what will be best for our country, but in my estimation and given the facts, confirming Ms. Stone-Manning to this position of influence and public trust would be a terrible mistake. Thank you for your time and consideration of my letter.

Sincerely,


Michael W. Merkley
Special Agent (retired)
U.S.D.A. Forest Service

Senator HAWLEY. He says, and he details this in the letter to this Committee, that he investigated you for your involvement. He says, and I am going to quote now: "Grand jury subpoenas were issued for hair samples, handwriting exemplars, fingerprints. These subpoenas were served on persons suspected of being involved, having knowledge of the incident, including Ms. Tracy Stone-Manning." You have testified you were never investigated, ever, for anything. Why did you lie to this Committee?

Ms. STONE-MANNING. Senator, this Committee delved deeply, went into the court records where I testified against these men.

Senator HAWLEY. Were you issued subpoenas?

Ms. STONE-MANNING. No.

Senator HAWLEY. You were not issued subpoenas?

Ms. STONE-MANNING. Well, I was issued a subpoena to appear before a grand jury with about 13 people.

Senator HAWLEY. Really? Because here's what he says: "Ms. Stone-Manning was extremely difficult to work with. She was antagonistic. She was uncooperative. Refused to provide her hair, handwriting exemplars, and fingerprints as ordered by the grand jury. It was not until after we informed her she would be arrested if she did not comply with the subpoenas that she provided the samples to me."

So you were subpoenaed.

Senator HEINRICH. Senator Hawley.

Senator HAWLEY. You were the target of an investigation.

Senator HEINRICH. Your time is expired. Do you have a question?

Senator HAWLEY. But you were the target of an investigation. You lied to this Committee. Why?

Ms. STONE-MANNING. Senator, I never received a target letter. I am curious. I understand why this Committee jumped over 30 years of my career in considering my nomination and went to a salacious moment from graduate school where I tried to protect people. What I don't understand is why we are not looking at the last three and a half years now.

Senator HAWLEY. Here's why—

Senator HEINRICH. Senator Hawley.

Senator HAWLEY. It's because people are killed in these kinds of incidents. It is an act of terrorism.

Senator HEINRICH. Your time is expired.

Senator HAWLEY. A special agent in charge found that you were involved. You lied to this Committee in saying that you were never investigated, were never the target of investigation.

Senator HEINRICH. Senator Hawley.

Senator HAWLEY. In fact, you were.

Senator HEINRICH. Your time is expired.

Senator HAWLEY. You lied to us blatantly and you know it.

Senator HEINRICH. Senator Daines.

Senator DAINES. Chairman, Ranking Member, thank you.

Director Stone-Manning, I would like to talk about the last three and a half years.

Ms. STONE-MANNING. Great.

Senator DAINES. This is the first time you are in front of the Committee since your nomination back in June of 2021. Since then, the actions your agency has taken, or failed to take, have been dev-

astating to Montana and the rural communities that depend on federal lands for their livelihoods. It's no secret that the Biden Administration, the EPA, the Department of the Interior, and the BLM are doing everything they can to eliminate oil, eliminate gas, and eliminate coal production in the United States. And if anybody doubts that, go to the *whitehouse.gov* website. You can see, it says "Stop LNG, eliminate fossil fuels." At least they are public about it.

Let me name just a few actions that impact Montana. On day one, President Biden cancels the Keystone XL Pipeline, a gut punch to so many eastern Montana counties. A million barrels a day, stopped by Joe Biden. Day one, Biden starts stopping oil and gas leasing on federal lands. And then, we have had an onslaught of rules from the EPA. Methane rules targeting small oil and gas producers. The MATS and Clean Power Plan 2.0 that is targeting the Colstrip Power Plant. We are now on a path, two of our four Colstrip units have been shut down, power units, the last two now will be shut down unless these overreaches coming from the Biden Administration are stopped. The Department of Energy stops—they said "pause"—good grief, they stopped LNG export permits. The Office of Surface Mining slow-walks coal permits in Montana in hopes the mines will be forced to close down.

And now, the BLM. The BLM has only held two oil and gas lease sales in Montana since Biden took office. This is under your watch. You are supposed to have at least four a year. BLM's new Public Lands Rule seeks to sideline oil and gas production. BLM's new oil and gas leasing rule sets bonding requirements so high, our small producers can't keep up. And just last month, the BLM announced a proposed plan to eliminate coal leasing in Montana and Wyoming. Wyoming is the number one coal producer. Montana has the most coal potential of any state in the United States. And these are just the tip of the iceberg. The Biden Administration has one goal. It is radical. It is to end oil, gas, and coal production in the United States. And you aren't hiding it.

Director Stone-Manning, the proposed Miles City and Buffalo Management Plans seek to end all coal leasing in the Powder River Basin. This extreme proposal seeks to end leasing in the largest coal producing area in the United States, where almost half of all the country's coal is produced, and where coal mines serve as a key driver of the economy and maintain strong support from local communities and leaders. What reasoning, besides simply being opposed to coal, does the BLM have for closing leasing on America's largest coal field?

Ms. STONE-MANNING. Senator, the President has asked us to transition to a clean energy economy free of carbon pollution by 2035 and economy-wide by 2050. Lands leased in the Miles City Field Office are leased through—

Senator DAINES. Do you agree with the President's goal in that? Is that the right goal?

Ms. STONE-MANNING. I do.

Senator DAINES. So you think we should shut down oil and gas and coal?

Ms. STONE-MANNING. I think—we are at record production—

Senator DAINES. Should we shut down—I mean, you just told me you are trying to go to zero. Do you believe we should shut down oil, gas, and coal production in the United States?

Ms. STONE-MANNING. I believe that we should become energy secure through—

Senator DAINES. You are not answering my question. You just said you want to go to zero carbon. If you agree with the Biden Administration's objective and vision, I am asking you, do you think we should shut down oil, gas, and coal?

Ms. STONE-MANNING. If you can let me finish my sentence.

Senator DAINES. Okay.

Ms. STONE-MANNING. I would say to you, I believe that we need to transition to a clean energy economy built on renewable energy, which will keep this country secure—

Senator DAINES. Okay, that's greenspeak. I just want—would you just answer the question? Does that mean by getting to that that we shut down oil, gas, and coal?

Ms. STONE-MANNING. We are going to use oil and gas and coal for decades through the transition, but ultimately—

Senator DAINES. But you believe we should ultimately shut it down?

Ms. STONE-MANNING. We need it through the transition.

Senator DAINES. But you believe we should shut it down?

Ms. STONE-MANNING. I believe that we are going to need it through a transition to a clean energy economy.

Senator DAINES. You should go talk to the Germans about that vision, see how that is working out for them.

Have you personally talked to Montana coal communities and the families who will be negatively affected by your proposed plan? Have you talked to the Montanans out there?

Ms. STONE-MANNING. Senator, as you know, I had the honor of serving—

Senator DAINES. I know you did, under Governor Bullock. I just want to know, have you talked to Montana families about this? Have you talked to the families impacted by the Keystone pipeline when you shut it down? Have you been to Colstrip and talked to the families out there that are scared to death of what is going on with the Biden Administration, shutting down their livelihoods?

Ms. STONE-MANNING. I have been in Colstrip, in front of 400 people when I was DEQ Director.

Senator DAINES. No, wait, no, I know—how about as—now you are a fed. Have you been out there since you have been out implementing these policies to shut it down?

Ms. STONE-MANNING. I have not spoken directly with families.

Senator DAINES. Okay, that is what I was asking, yes.

Ms. STONE-MANNING. No.

Senator DAINES. I didn't think so, because if you did, you might get a little different view. You probably might get my view versus the view you are getting from Joe Biden, which is so out of touch with where most Montanans are.

The BLM's—

Senator HEINRICH. Senator Daines, your time is expired. I am going to try to give everyone a second round.

Senator DAINES. Okay.

Senator HEINRICH. We are limited on time. I am going to forgo my second round of questions, but I would ask people to try to keep their questions to three minutes so that we can get through everyone who wants a second chance.

Senator DAINES. Thank you, Mr. Chair.

Senator HEINRICH. Ranking Member Barrasso.

Senator BARRASSO. Thank you, Mr. Chairman.

Ms. Stone-Manning, the Bureau has yet to issue leases to the winning bidders of the December 2020 oil and gas leases. So it's now 2024—2020 to 2024. When do you plan to issue the leases?

Ms. STONE-MANNING. Senator, thank you for that question. We are still working our way through multiple court decisions. When we issue them, we want them to be durable and stick.

Senator BARRASSO. Because, you know, the law requires you issue the leases within 60 days, and it's now been over three and a half years. So when do you plan to—give me a date of when you plan to issue these leases that by law should have been leased?

Ms. STONE-MANNING. Senator, I don't have a date for you at this time.

Senator BARRASSO. Okay. Three and a half years—long time. Again, we need a date.

Next, in June 2022, the Bureau settled a lawsuit related to oil and gas leases that it had issued between 2015 and 2020 in Wyoming. In that settlement, the Bureau agreed to update the environmental analysis of the leases. So the Bureau's Wyoming office, the state office in Wyoming of the Bureau of Land Management, says they finished updating exactly what you wanted last summer—finished what you asked for last summer. So why has your Bureau not then released this updated analysis?

Ms. STONE-MANNING. Senator, again, as I was mentioning, we are reconciling different court decisions and opinions throughout the West and we want to make sure that we are consistent.

Senator BARRASSO. Well, it seems like a lot of foot dragging. The state officers then can't issue the permits to drill on these leases—refuse to until the Bureau releases the updated analysis, which was done a year ago. So, again, when will the Bureau release that analysis?

Ms. STONE-MANNING. I'm sorry, which analysis?

Senator BARRASSO. The one that was done a year ago by Wyoming's Bureau of Land Management based on the 2022 settlement.

Ms. STONE-MANNING. Yes, again Senator, I don't have a date for you.

Senator BARRASSO. Yes, well we need a date, and you can see how every member of this side says this is a deliberate sabotage of American energy by an Administration with this approach, which is a pipe dream about their view of when we can get to a carbon-free America, and as our hearing showed last week, Mr. Chairman, China has beaten us to this because they are putting all the energy into AI, and that puts us at a competitive world disadvantage.

Final question, because we are trying to keep this under three minutes. So last weekend, I was at the Wyoming Stock Growers Summer Convention in Douglas. A number of folks expressed concern about the process by which your Bureau considers public com-

ments. Does the Bureau require individuals who submit public comments to identify who they are and where they are from?

Ms. STONE-MANNING. Senator, I believe that is the case. And if I could revisit your last question, I don't think it's sabotage to be at record production highs for oil and to issue 11,000 APDs.

Senator BARRASSO. It is a sabotage of the multiple-use of the public lands.

Well, this is the question—getting to the question in front right now. So someone from a country like China or Russia, or a computer, which doesn't want us to develop our energy or our mineral resources, are they allowed to submit public comments? Is that correct? Because that is what we are hearing.

The answer is yes.

Ms. STONE-MANNING. Yes, I assume they are.

Senator BARRASSO. Yes, so they—can the Bureau even determine then whether a comment has been submitted by a human or by a machine?

The answer is no. You can't.

In light of all this, shouldn't the Bureau give the most weight to comments from the people and the communities who actually live—as my friend and colleague just said of what is happening in Idaho—who actually live in and are most affected by the proposals?

Ms. STONE-MANNING. You might have suggested that your colleague has bots putting in comments. I don't think that is true. We read the comments very thoroughly. I think that we can tell when it's a bot and when it's a Russian and when it's an actual Idahoan, as the case is with what we got from the Lava Project. I don't understand what you are getting at, Senator.

Senator BARRASSO. We are getting at the fact that it seems that the comments coming in and are being counted as equal are those that have been on the land for five generations and those coming from Communist China.

Thank you, Mr. Chairman.

Senator HEINRICH. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Let me just try to wrap up where we were with PLO 5150. Do you have any idea the cost of the process—what it took to get to the draft RMP EIS?

Ms. STONE-MANNING. For Central Yukon?

Senator MURKOWSKI. Yes.

Ms. STONE-MANNING. I don't. It's in the millions of dollars, but I don't have the draft here.

Senator MURKOWSKI. The 2020 draft RMP EIS cost the BLM a little over \$5 million to produce. The final RMP EIS document says that it cost the lead agency, BLM, \$6.7 million to produce. To kind of put that into perspective, the FY25 budget request—\$28.8 million for the entire Alaska conveyance account. So you can see my frustration here. You spent somewhere between \$5 and \$6 million of a \$28 million entire budget—ten years, and have gotten nowhere. And what you have told me is you have a manpower issue, which makes no sense to me that you would invest this money, invest this time, and then say—well, later. You made a commitment to me when you were before this Committee three years ago and you said “you have my commitment that I understand the job is

to follow the law and that the Federal Government has commitments to the State of Alaska.”

You acknowledged those commitments to the State of Alaska. You know very well the Alaska Land Transfer Acceleration Act, because I asked you about it then. I mentioned the report in 2009, the updated report in 2019, finding that the lifting of the vast majority of these withdrawals for the PLOs would be “consistent with the protection of the public interests in these lands.” Approximately 95 percent of these withdrawals that could be lifted are consistent with the protections of the public’s interest. So you have these findings. You have the recommendation. I don’t understand how the recommendation within the Central Yukon RMP to not lift any of the public land orders in that area is consistent with the Act, consistent with your commitment to me that says “I get it, I know that the Federal Government has commitments to the State of Alaska. They are outlined in the law.” And then, ten years, millions of dollars, and nevermind, because that is where we’re feeling like we are right now.

Ms. STONE-MANNING. Senator, I am going to get back for the record for you on the budget question. It’s my understanding that the Central Yukon RMP budget came out of our planning budget, not the conveyance budget.

Senator MURKOWSKI. So whether it came out of the conveyance budget or the planning budget, you spent millions of dollars.

Ms. STONE-MANNING. Yes.

Senator MURKOWSKI. Ten years and you have gotten nowhere.

The last thing that I would like from you is, in her hearing on May 2, Secretary Haaland was before this Committee, and in response to me, on the Ambler Road, she promised that she would “be happy to follow up with me on specific legal justifications.” I asked the Secretary to make clear where it says that the access is superseded—Ambler’s access is superseded by general right-of-way authorities for BLM provided by FLPMA. So, as a lawyer, I looked at that and said that makes no sense to me. So I asked her, give me the specific legal justification. She said, “happy to follow up.” That was over a month ago. Can you give me that analysis that the Secretary promised?

Ms. STONE-MANNING. Senator, the legal underpinnings, especially on our 810 requirements under ANILCA for subsistence are going to be outlined and documented in the record of decision, which is forthcoming.

Senator MURKOWSKI. Well, it seems to me that when I asked the Secretary and she says, “I will be happy to follow up” with me on specific legal justifications, I don’t feel like I should have to wait until I get a final record of decision to understand that. I think I had a commitment from the Secretary, as I think I had a commitment from you three years ago, and I don’t think that either one of you are following up on it.

Thank you, Mr. Chairman.

Senator HEINRICH. Senator Risch.

Senator RISCH. Well, thank you, Mr. Chairman.

I guess I can see you are a little aggravated that we are after you for something that happened quite some time ago. But I want you to know that ecoterrorism is so bad that when someone com-

mits that, they certainly ought to be disqualified from management of public resources. That is why we are angry about this. Now, Senator Hawley wasn't here, but I was here when you had your hearing. And you didn't tell us anything about that. You swore that you had never been investigated. And you knew better than that. In fact, you had an attorney. That attorney negotiated an immunity agreement so that you wouldn't go to prison. Isn't that true?

That is a yes or no, Ma'am.

Ms. STONE-MANNING. Senator, I never received a letter saying I was under investigation. That was the question. And I—

Senator RISCH. There was never a question about whether you received a letter that you were under investigation. The question that was asked to you was, "Have you ever been under investigation?" And you knew you were under investigation. We were never able to cross-examine you on this, and as a matter of fact, after that, when it came to light, we started sending letters asking questions about it and you wouldn't answer those letters. And you wound up getting confirmed on a party-line vote, of course.

Ms. STONE-MANNING. Senator, all of this came out, also, in my Senate confirmation at the State of Montana, where we went into great depth about—

Senator RISCH. I don't know anything about the State of Montana. I am talking about sitting right here, looking like this, where you were trying to become the head of the Bureau of Land Management.

Let me say something else that really troubles me, which is the lack of remorse for your involvement in this. You are saying over there I was handed a letter and I had to send it because I was scared. The investigation had things very different than that. There is a statement in there by the investigator that says Stone-Manning "was an active member of the original group that planned the spiking." There is a quote in here from a witness who overheard you. She said that she had overheard a conversation where Ms. Stone-Manning, along with other co-conspirators planned the tree spiking and discussed whether to use the ceramic or metal spikes in the trees. And we all know the difference—how important that is, whether to use metal or ceramic.

Lastly, the ringleader of the whole thing, Mr. Blount, said after your hearing, and you said, well, you know, I did not know anything about this until they handed me the letter. He said—this is the ringleader of your conspiracy—he said, "she knew about it far in advance, a couple of months before." So your lack of remorse here is despicable, to be honest with you.

Ms. STONE-MANNING. Senator, I have to say for the record that none of what you just said is true.

Senator RISCH. Well, somebody sure thought it was. Did you sign an immunity agreement?

Ms. STONE-MANNING. I actually couldn't tell you the difference between a ceramic and a metal spike. I actually don't know the difference.

Senator RISCH. Well, the difference, as you know, is when they go through the mill they are x-rayed, and if there is metal in it, they will be able to kick it out. If you put a ceramic spike in, they will never pick it up and it will kill millworkers. That is the dif-

ference between ceramic and metal, and they overheard you having this conversation with someone else.

Look, I can't tell you how deeply disappointed I am, not only in what you have done, you wanted us to look at the last three and a half years. The last three and a half years have been a disgrace, as you have heard here today.

Thank you, Mr. Chairman.

Senator HEINRICH. Senator Daines.

Senator DAINES. Chairman, thank you.

I want to talk about bonding. The BLM's most recent oil and gas leasing will increase its minimum lease bonds from \$10,000 to \$150,000. It's a radical change. It disregards the cost to reclaim a Montana well. It punishes the small family-owned oil and gas producers in our state. Simply put, Montana's oil and gas producers can't afford a 1,500 percent increase in bonding. Did you talk to Montana producers on how this new rule affects them?

Ms. STONE-MANNING. Senator, we—first I will start with—

Senator DAINES. That's a simple question. Did you speak directly with any Montana producers on how this rule would affect them?

Ms. STONE-MANNING. I spoke with the Western Energy Association, and I think there were Montana producers in the room, but I can't remember.

Senator DAINES. You can't think of a Montana producer that you spoke to, because I will tell you, they would have given you an earful on this because they are giving me an earful on them.

Ms. STONE-MANNING. So the bonding rates have not been raised in over 50 years. The GAO and the Inspector General both advised that we do so to protect the American taxpayer.

Senator DAINES. But do you think it might be good, I mean, to maybe go out to Montana and ask the producers what a 1,500 percent increase might do to these small producers?

Ms. STONE-MANNING. Well, we did that in a draft comment period. That is what it is for.

Senator DAINES. But it's helpful to go talk to the people that are going to be affected. Just a good lesson in life.

I want to talk about what's going on with grazing. The grazing on federal lands provides billions of dollars each year in ecosystem services. Your agency feels the need to attempt to separate grazing from other conservation values. Do you believe that grazing provides a conservation benefit?

Ms. STONE-MANNING. It can. I do.

Senator DAINES. You do. Great. Will you commit to ensuring that the implementation of the Public Lands Rule will not push Montana ranchers off their BLM grazing allotments?

Ms. STONE-MANNING. Senator, in no way does the Public Lands Rule envision that.

Senator DAINES. So if you see any of that, would you confront it and say we have to change something here so we are not pushing grazing activities off of BLM lands?

Ms. STONE-MANNING. Yes.

Senator DAINES. Okay, thank you.

Ms. STONE-MANNING. Yes.

Senator DAINES. Areas of Critical Environmental Concern are public lands where special management is needed to protect unique

resources and scenic landscapes from hazards. I have a question. They have put these implementations as restrictions on land while waiting for formal change to land use plans. What public input would be required prior to these restrictions being put in place?

Ms. STONE-MANNING. Sorry, I missed the beginning of that.

Senator DAINES. So it's the Areas of Critical Environmental Concern.

Ms. STONE-MANNING. Oh.

Senator DAINES. Right. So what input is required before putting these restrictions in place, do you think?

Ms. STONE-MANNING. So, as you know, Areas of Critical Environmental Concern are only designated through management plans. And management plans last decades in some cases. If somebody brings us a nomination for an ACEC, or something arises that we need to address, we look at the relevance and importance criteria, as FLPMA tells us to do. If we find that it meets that criteria, that it's relevant and important and requires specific management, we can put that temporary management into place until we get into the next planning period.

Senator DAINES. One follow-up question, Mr. Chairman, and then I will be finished.

Back on the increase here in the bonding, would you meet with some of the Montana producers so you can hear firsthand from them?

Ms. STONE-MANNING. I would love to.

Senator DAINES. Okay, I would love to set that up. So if you commit to that, we will get the Montana producers because I think you are going to hear that a 1,500 percent increase all at once here is something that is going to be very detrimental back home in Montana.

Thank you.

Senator HEINRICH. Thank you to our witness. Members will have until close of business tomorrow to submit additional questions for the record.

And this Committee stands adjourned.

[Whereupon, at 11:09 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
 June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
 Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Questions from Ranking Member John Barrasso, M.D.

[No response was received at the time of publication]

Question 1: It is critical that BLM manages federal land under the principles of multiple-use and sustain yield, and efficiently permits energy development. Yet BLM fails to complete oil and natural gas applications for permit to drill (APD) in a timely manner. According to BLM data, it took an average of 321 days to complete an APD in 2023, despite Congress mandating a 30-day deadline. In the Rock Springs Field Office in Wyoming, the average wait was 586 days.

- a) Since January 2021, what percentage of APDs has BLM approved within 30 days of receipt of a completed application?
- b) Are the Bureau's delays in processing oil and gas permits acceptable?
- c) What steps is BLM taking to improve oil and gas permitting timelines?
- d) Has BLM considered remote processing of APDs by staff in other offices with lighter workloads?

Question 2: BLM shared a detailed permitting report with majority and minority committee staff prior to the hearing. This report included the average APD processing time for each individual field office and the number of permits processed in each office. Yet the publicly available data only shares these numbers by state office. Statewide datasets are far less valuable in determining where permitting activity is taking place than field office-level numbers.

- a) If APD data is gathered at the field office level, why is it aggregated at the state level online?
- b) Is there anything that would prevent BLM from making this dataset – including the timelines for individual field offices – available to the public online on a monthly basis?

Question 3: BLM's data report claims that, of the 321 days on average it takes to process APDs, 151 days are supposedly spent waiting on the operator. Yet according to impacted companies, BLM records days spent waiting on a BLM Natural Resources Specialist (NRS) to conduct a site visit as part of the operator waiting time, among other examples. How can BLM justify recording those days as time spent "waiting on the operator" when companies are in fact waiting on an NRS to get out on site – a period which can take months due to BLM's staffing issues?

Question 4: Companies developing all types of energy resources on federal land have raised concerns that BLM's process is unpredictable and inconsistent across its field, district, and state offices.

- a) How can you improve coordination between all levels of BLM offices to expedite permitting for all types of energy projects?
- b) What steps is BLM taking to ensure that developers have access to accurate and up-to-date information regarding the permitting timeline for their project?
- c) How do you ensure that all required agency consultations are completed by the deadlines imposed on the environmental review process by the Fiscal Responsibility Act?
- d) The permitting process, including fidelity to timelines, is inconsistent across BLM field offices. How will you make the process consistent, regardless of the office?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

- e) Does BLM track the effectiveness of individual field offices in processing permits and allocate resources in order to meet congressionally-mandated deadlines?
- f) Has BLM identified best practices for field offices in processing permits and reducing backlogs?
- g) What measures is BLM taking to appropriately staff field offices? For example, the Carlsbad, NM field office has more than 70 open positions.

Question 5: BLM is in the process of implementing the Fluid Mineral Leases and Leasing Process rule, the Conservation and Landscape Health rule, the Waste Prevention rule, and the National Environmental Policy Act Phase 2 rule.

- a) With so many new regulatory requirements for BLM employees to process, how will staff be able to practically implement all these rules, especially given current staffing shortfalls and the manpower problem you cited during the hearing?
- b) How will BLM improve its efforts to meet the congressionally-mandated oil and gas permitting deadlines when so much staff time must now be spent on implementing new rules?

Question 6: Of the 3.6 million acres of BLM-administered surface lands under the draft Rock Springs Resource Management Plan Amendment (RMPA), approximately “1,000 acres of invasive species-infested areas within the planning area are treated annually.”

- a) Does BLM believe treating 1,000 acres annually is adequate to combat native ecosystem degradation in Sweetwater County?
- b) Do you believe this management strategy is sufficient to reduce hazardous fuels in the fight against wildland fires in the West?

Question 7: Given BLM reported that approximately one-third of BLM-managed lands are impacted by noxious and invasive weeds, can you describe how the agency plans to address this ecological disaster?

Question 8: Regarding the public comment process on proposed lands rules through regulations.gov, can you describe how the agency ensures that the comments that are received and taken into account are from US citizens?

Question 9: Please provide a list of all meetings you and BLM staff held on the Public Lands rule prior to the release of the final Conservation and Landscape Health rule?

Question 10: Did you give the final authorization on the “no leasing” alternative that was chosen for the Buffalo environmental impact statement in Wyoming?

Question 11: The Bureau estimates that there are nearly 9,000 wild horses in Wyoming. Yet for the past two years, the Bureau has canceled and delayed wild horse gathers in Wyoming, particularly near the Lander complex.

- a) Is the Bureau going to conduct a sufficient number of wild horse gathers in Wyoming this year?
- b) Will the gather near the Lander complex finally be completed this year?

Question 12: In the draft Rock Springs RMPA, ravens are listed as raptors and given special protection status.

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: Oversight of the Bureau of Land Management
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

- a) Why were ravens included in the raptor definition on page GL-24?
- b) Do ravens need to be a listed species under the Endangered Species Act?
- c) How will the special protection status for ravens affect the Greater Sage-Grouse population?

Questions from Senator James E. Risch

Question 1: You specified in your testimony that you felt public pushback on the Lava Ridge Wind Project was premature, due to the stage of events. Under what circumstances would the Bureau of Land Management reverse course from their Final Environmental Impact Statement (FEIS) preferred alternative, and change your decision in the Record of Decision (ROD)?

Question 2: On October 17, 2023, the Idaho Delegation sent you a letter requesting that your office revisit a BLM decision that the Idaho Water Resource Board (IWRB) was ineligible to utilize the provisions in the 2021 Consolidated Appropriations Act (the Act), (P.L. 116-260), specifically Sec. 1105. Aquifer Recharge Flexibility, (c) Flexibility to Allow Greater Aquifer Recharge in Western States, (3) Conveyance for Aquifer Recharge Purposes, which states:

The holder of a right-of-way, easement, permit, or other authorization to transport water across public land administered by the Bureau of Land Management may transport water for aquifer recharge purposes without requiring additional authorization from the Secretary where the use does not expand or modify the operation of the right-of-way, easement, permit, or other authorization across public land.

In your reply to this letter on February 20, 2024, you make reference to a settlement agreement that the BLM and the Idaho Water Resource Board entered into to resolve BLM's protest to IWRB's recharge water right applications 37-23110 and 37-23111. In that settlement agreement, the IWRB agreed to get new rights of way (ROWs) for both the in-canal and out-of-canal uses under those rights. You state that BLM "need not address the legal question" of whether the Aquifer Recharge Flexibility Act allow for the IWRB's use of existing irrigation ROW's for in-canal recharge further because "this issue was as [sic] settled pursuant to the BLM and IWRB's March 7, 2022 agreement."

That statement, however, misunderstands the purpose of the Delegation's letter. First, the IWRB has never taken the position that the Aquifer Recharge Flexibility Act applies to new out-of-canal recharge basins that do not already have a ROW. Such new uses of BLM land clearly require a new ROW. While the IWRB chose to settle water right application 37-23110 and 37-23111 by agreeing to get new in-canal ROWs for its recharge activities under those rights, it did not and does not agree with BLM's legal position that the Aquifer Flexibility Act does not allow a third party, such as the IWRB to use an existing in-canal ROW for recharge purposes. IWRB has always maintained that the Aquifer Recharge Flexibility Act, by its plain language, allows the IWRB to use an existing in-canal ROW for recharge purposes. The "legal question" of whether the Aquifer Flexibility Act allows the IWRB to use existing ROWs, which are owned by a third-party, for its recharge activities is the very question the IWRB seeks to have answered.

- a. The intent of Sec. 1105(c)(3) of P.L. 116-260 was to allow the IWRB to utilize existing irrigation ROWs to move recharge water and not have to obtain another easement from BLM. If BLM is requiring changes to P.L. 116-260 for this to be possible, will you provide language for an amendment to the Aquifer Recharge Flexibility Act that will allow the use an existing ROW by a third-party for in-canal recharge purposes?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 3: Please give a report on the effects of linear fuel breaks that were authorized in the Programmatic EIS for Fuel Breaks in the Great Basin in 2019 and the Programmatic EIS for Fuels Reduction and Rangeland Restoration in the Great Basin in 2020.

- a. Where has this option been utilized?
- b. How many linear miles have been implemented?
- c. What results have been reported?
- d. Will these efforts be expanded?

Question 4: Can you please report on your efforts to reduce cheatgrass infestations on BLM-managed rangelands through timed and targeted grazing practices?

Question 5: As you know, Idaho is one of many western states which have wild horse herds far above appropriate management levels.

- a. How many wild horses are currently in the designated wild horse management areas in Idaho?
- b. How many wild horses are in the holding pens south of Boise? How long have they been there on average?
- c. What are the maximum numbers allowed under the management plans? If you are above or near the limits, what are your plans to reduce the herd size to ensure the range is not damaged?

Question 6: Despite the explicit directive from Congress to manage public lands for multiple use, including recreational opportunities such as hunting, recreational shooting sports, and fishing, I have noticed serious reductions in lands designated for such activities. For example, the BLM recently announced a finalized resource management plan that bans target shooting on 98% of the Sonoran Desert National Monument.

- a. Can you explain why on 486,000+ acres of federal land, only a mere 2% are suitable for target shooting?
- b. Do you believe that Congress intended for recreational opportunities to be available to sportsmen on national monuments? How does this decision line up with that directive?
- c. What led to such a dramatic reversal in policy?
- d. The Notice of Public Comment stated the factors that helped inform the alternatives analyzed in the EA were the presence of monument objects, the resiliency of those objects to recreational target shooting, and topographic features, in addition to public safety considerations and federal and state laws and regulations governing the discharge of firearms on public lands. Will you please expand on the laws governing the discharge of firearms on public lands that were factored into BLM's analysis?
- e. Are there other national monuments where similar efforts are pending?

Question 7: Much like with oil and gas development pipelines, it often takes decades for federal permitting processes and litigation to play out in mineral projects. Benchmark Mineral Intelligence has forecasted that, based on average mine size, 384 new mines are needed by 2035 to meet the demand for electric vehicles and energy storage batteries. Secretary Haaland recently told the House Natural Resources Committee that since 2021, the Biden Administration has approved five new mines requiring an Environmental Impact Statement, or the type of mines that Benchmark is referring to in their forecasting. You have since corrected the record by indicating that one of the mine approvals was actually done under the prior administration.

- a. Please provide the names and locations of those projects.
- b. With only four mines approved since 2021, what is the Biden Administration doing to sufficiently build the pipeline of projects needed for their energy transition goals?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: Oversight of the Bureau of Land Management
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

- c. Are the restrictions placed on mineral development by the administration sufficient to attract the investment needed to meet energy transition goals?

Question 8: Idaho has been a leader in sage grouse planning and management for decades, and many Idahoans are affected by changes in the BLM's species policy. The comment period on the BLM's sage grouse management plan ended this week. It was extremely challenging for members of the public to review the massive document with its multiple appendices and attachments within the comment period allowed.

- a. How can you ensure that concerns about the plan's implementation will be adequately addressed in the final plan, particularly due to the limited review period?
- b. Can you commit to adhering to the recommendations made by the states?

Question 9: As the BLM pursues amendments to the Resource Management Plan for the greater sage grouse, how are you and your agency working alongside states and industry stakeholders to ensure mineral projects may still operate successfully?

Question 10: According to the U.S. Fish & Wildlife Service, livestock grazing is not considered a primary threat to sage grouse. It is a secondary threat and only then if done so improperly. Recent research proves the many benefits of grazing to the species. However, there are elements of the BLM's new plan that would treat grazing as a primary threat and cause unnecessary restrictions on livestock numbers and seasons of use.

- a. How will you ensure that that plan is not misinterpreted to unnecessarily restrict grazing?

Question 11: How is the BLM planning to first address species predation and wildfire mitigation as threats to sage grouse habitat before pursuing mineral withdrawals?

Question 12: On BLM lands, there is a great need for increased management flexibility and more localized, site-specific management of the land and resources. Over the past two decades, management of grazing on public lands has become stymied by the development of a system of laws, rules, & regulations where on-the-ground management is prevented by federal inflexibility. This impairs the agency's ability to respond quickly to high fuel loads to take advantage of available forage, even in areas with repeated fire history. In spite of this need, the agency appears to have abandoned its plan to update its grazing regulations in favor of the Conservation and Landscape Health Rule. This new rule does nothing to address the problems plaguing the agency's inefficiencies and rather has great potential to further backlog its necessary work.

- a. Does the new plan create a situation where a conservation lease could trump an existing use such as a grazing permit?
- b. Will the BLM return to its efforts to update the grazing regulations?

Question 13: Regardless of Congress' directive to your agency to manage public lands for productive multiple use, conservation is now considered an equal "use" under the Federal Land Policy and Management Act with the Conservation and Landscape Health Rule.

- a. What safeguards are there to prevent serial litigants and other activist conservation groups from leasing federal lands simply to prevent productive uses?
- b. Will conservation lease holders be required to perform restoration activities to the lands under lease? Are there any requirements of a conservation lease holder other than to "conserve" the leased lands?
- c. If conservation leased lands are degraded by the actions – or lack of actions of a conservation leaseholder – is the leaseholder responsible for restoring the leased lands?

**U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning**

- d. Can *any* citizen, group, organization, non-governmental organization, or similar – assuming they met the minimum requirements – apply for and secure a conservation lease?
- e. Is there any limitation on the leased acreage?
- f. Can the same leaseholder indefinitely renew a conservation lease?

Question 14: There is a tremendous backlog of infrastructure maintenance and development that needs done on BLM land. With the recent influx of federal funds and exponential increase in recreation on public lands, it is frustrating to see existing roads and infrastructure in such disrepair.

- a. What is the BLM doing to expedite the dispersal of maintenance and development funds in Idaho?

Questions from Senator Steve Daines

Question 1: Director Stone-Manning, what safeguards are in place under the Conservation and Landscape Health Rule that would prevent groups from leasing federal lands to block wind and solar development, transmission infrastructure, mining or oil and gas leases?

Question 2: Director Stone-Manning, please explain how conservation leases and required avoidance and mitigation portions of BLM's Conservation and Landscape Health Rule will not preclude multiple-use on public land?

Question 3: Director Stone-Manning, the Conservation and Landscape Health Rule elevates conservation to a use on par with other uses of public lands under the Federal Land Management and Policy Act's multiple-use and sustained yield mandate. What is your legal justification for making this change?

Question 4: Director Stone-Manning, how will BLM ensure that the Conservation and Landscape Health Rule will not make it more difficult to mine for domestic minerals?

Question 5: Director Stone-Manning, under BLM's Conservation and Landscape Health Rule, what metrics will be used to ensure that conservation lease holders are in compliance with their lease terms?

Question 6: Director Stone-Manning, under BLM's Conservation and Landscape Health Rule, what limits are there on who can apply for and secure a conservation lease?

Question 7: Director Stone-Manning, under BLM's Conservation and Landscape Health Rule, how will BLM ensure that foreign persons cannot secure a conservation lease?

Question 8: Director Stone-Manning, under BLM's Conservation and Landscape Health Rule, will groups that receive funding from foreign sources be able to secure a conservation lease? If so, please explain how BLM will ensure that there no concerns about foreign entities using these groups as a front to use conservation leases to block development of critical mineral or energy projects on public lands or to obtain conservation leases near military bases or other sensitive government installations?

Question 9: Director Stone-Manning, under BLM's Conservation and Landscape Health Rule, is there any limitation on the leased acreage?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 10: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, can the same leaseholder infinitely renew a conservation lease?

Question 11: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, are there any requirements of a conservation lease holder other than to “conserve” the leased lands?

Question 12: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, please provide BLM’s definition of the term “conserve” with respect to a conservation lease.

Question 13: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, if conservation leased lands are degraded by the actions, or lack thereof, of the leaseholder, will the leaseholder be responsible for restoring the leased lands?

Question 14: Director Stone-Manning, BLM’s Conservation and Landscape Health Rule states “*restoration and mitigation leases will also not preclude subsequent authorizations on leased lands so long as those subsequent authorizations are compatible with the restoration or mitigation activities identified in the lease.*” Please provide examples of incompatible authorizations.

Question 15: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, once the term of a conservation or mitigation lease expires, will mining be allowed on those acres? If not, please explain how this complies with the Federal Land Management and Policy Act’s multiple-use and sustained yield mandate.

Question 16: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, once the term of a conservation or mitigation lease expires, will oil and gas leases be allowed on those acres? If not, please explain how this complies with the Federal Land Management and Policy Act’s multiple-use and sustained yield mandate.

Question 17: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, once the term of a conservation or mitigation lease expires, will timber harvest be allowed on those acres? If not, please explain how this complies with the Federal Land Management and Policy Act’s multiple-use and sustained yield mandate.

Question 18: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, once the term of a conservation or mitigation lease expires, will new recreation roads or trails be allowed on those acres? If not, please explain how this complies with the Federal Land Management and Policy Act’s multiple-use and sustained yield mandate.

Question 19: Director Stone-Manning, under BLM’s Conservation and Landscape Health Rule, once the term of a conservation or mitigation lease expires, will wind or solar development be allowed on those acres? If not, please explain how this complies with the Federal Land Management and Policy Act’s multiple-use and sustained yield mandate.

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 20: Director Stone-Manning, BLM is currently failing to meet the quarterly oil and gas lease sales that are required by law. How will BLM prioritize staff time between the statutorily required oil and gas lease sales and conservation and mitigation lease processing?

Question 21: Director Stone-Manning, please define what is meant in the Conservation and Landscape Health Rule for an Area of Critical Environmental Concern to protect ecological intactness.

Question 22: Director Stone-Manning, please define what is meant in the Conservation and Landscape Health Rule for an Area of Critical Environmental Concern to protect habitat connectivity.

Question 23: Director Stone-Manning, BLM's Conservation and Landscape Health Rule allows Areas of Critical Environmental Concern to be put under temporary management outside a land use planning process. Please define what is meant by "periodically" in relation to the direction that BLM "periodically reevaluate its decision to provide for temporary management" of Areas of Critical Environmental Concern outside a land use planning process.

Question 24: Director Stone-Manning, will new designations of Area of Critical Environmental Concern require Resource Management Plan revisions? Or will they be done through Resource Management Plan amendments?

Question 25: Director Stone-Manning, how long is the average Resource Management Plan revision process?

Question 26: Director Stone-Manning, how long is the average Resource Management Plan amendment process?

Question 27: Director Stone-Manning, does BLM see a benefit from managed livestock grazing on sage-grouse habitat conservation?

Question 28: Director Stone-Manning, in BLM's draft solar plan, 4 million acres of big game winter range and 1.8 million acres of big game migration corridors are included in the preferred alternative available for potential development. How does BLM plan to mitigate the impact to big game should these areas be developed?

Question 29: Director Stone-Manning, BLM's Conservation and Landscape Health Rule uses the term "sustainable recreation." Please define this term. Also please provide examples of current recreational activities that would be considered "unsustainable recreation" if any.

Question 30: Director Stone-Manning, has the BLM identified a system or strategy to address the Dingell Act's Priority Access List and when can we expect the BLM to begin addressing access restrictions in these priority areas?

Question 31: Director Stone-Manning, what authorities does BLM currently have to resolve access issues identified in the Dingell Act's Priority Access List? Are there additional authorities or direction from Congress needed in order for BLM to begin addressing these priority areas?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 32: Director Stone-Manning, I understand the Department of the Interior's appraisal pilot program excludes the Bureau of Land Management. Why was BLM excluded and are there plans to include the agency moving forward?

Question 33: Director Stone-Manning, the appraisal process is lengthy and, at times, fails to produce accurate valuations. What is the Bureau of Land Management doing to improve the appraisal process?

Question 34: Director Stone-Manning, particularly for parcels that improve recreational access, the value of that access is not currently considered as a factor in the fair market value determination. Does BLM and Interior need statutory changes to include this in appraisals?

Question 35: Director Stone-Manning, will the BLM hold four oil and gas lease sale with Montana parcels in 2024?

Question 36: Director Stone-Manning, in December 2023 you replied to letters sent in June and September 2023 from Representatives Rosendale and Zinke and myself regarding the lack of federal lease sales in Montana. Please update your letter response with the most recent data on the following questions:

1. What is the total numbers of acres nominated in Montana since the September 2020 Lease Sale?
2. What is the total numbers of acres deferred in Montana, and the reason for each deferral, since January 20, 2021?
3. What is the average length of time from when a parcel is nominated in Montana until it is offered at a lease sale since January 20, 2021?
4. What is the total number of leases and acres offered in Montana since January 20, 2021?

Question 37: Director Stone-Manning, how many Applications for Permits to Drill have been approved in Montana in 2021, 2022, and 2023?

Question 38: Director Stone-Manning, what is the average cost to plug and reclaim a federal well in Montana?

Question 39: Director Stone-Manning, given that reclamation for a shallow gas well in Montana is far less expensive than a deep well outside the state did you consider tailoring bonding level to well depth or location when drafting the new Fluid Mineral Leasing rule?

Question 40: Director Stone-Manning, did you consult with the Montana Department of Natural Resources and Conservation or the Montana Board of Oil and Gas Conservation before finalizing your new Fluid Mineral Leasing rule?

Question 41: Director Stone-Manning, will you commit to ensuring that the new bonding requirements under the Fluid Mineral Leases and Leasing Process rule are only for newly permitted wells and will not apply to existing wells?

Question 42: Director Stone-Manning, did you meet or directly consult with the Rosebud Coal Mine or the Spring Creek Coal Mine before proposing to eliminate coal leasing in the Miles City Resource Management Plan?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 43: Director Stone-Manning, do you believe the complete removal of a ‘use’, in this case coal leasing, complies with your multiple use mandate in FLPMA?

Question 44: Director Stone-Manning, do you believe the BLM should stop all coal leasing on federal lands?

Question 45: Director Stone-Manning, how many coal leases or lease modifications has the BLM processed since January 20, 2021?

Question 46: Director Stone-Manning, since January 2021, how many new hard rock mining permits has the Department approved? Do not include sand, gravel, and aggregates, and do not include mine expansions.

Question 47: Director Stone-Manning, what is BLM currently doing to support the large number of new mining projects needed to reach the Biden Administration’s stated energy transition goals?

Question 48: Director Stone-Manning, do you believe the IWG Report recommendations – which propose fee increases, new fees and royalties, restricted land access, and other provisions on the domestic mining industry – will help or hinder the investment in mining needed to support the Biden Administration’s energy transition goals?

Question 49: Director Stone-Manning, what areas in Montana administered by the BLM do you believe are suitable for coal development?

Question 50: Director Stone-Manning, what areas in Montana administered by the BLM do you believe are suitable for oil and gas development?

Question 51: Director Stone-Manning, what areas in Montana administered by the BLM do you believe are suitable for wind development?

Question 52: Director Stone-Manning, what areas in Montana administered by the BLM do you believe are suitable for solar development?

Question 53: Director Stone-Manning, what is the average length of time to permit a wind project on BLM managed land?

Question 54: Director Stone-Manning, what is the average length of time to permit a solar project on BLM managed land?

Question 55: Director Stone-Manning, how many solar projects, and how many acres of land, have been permitted in the Montana/Dakotas region?

Question 56: Director Stone-Manning, how many wind projects, and how many acres of land, have been permitted in the Montana/Dakotas region?

Question 57: Director Stone-Manning, do you believe the BLM’s lack of oil and gas lease sales in Montana has affected the development of helium resources in the state?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

Question 58: Director Stone-Manning, what is the process for individuals seeking to produce helium on BLM managed land?

Question 59: Director Stone-Manning, does the BLM think that the Waste Prevention, Production Subject to Royalties, and Resource Conservation rule will reduce or increase the cost to produce energy?

Question 60: Director Stone-Manning, it is my understanding that the BLM prescribed only two specific meters, orifice and ultrasonic, in the Waste Prevention, Production Subject to Royalties, and Resource Conservation rule, despite there being a wide range of accurate and cost-effective meters currently on the market. This narrow prescription will impose significant compliance costs on operators. Why did the BLM only prescribe these specific technologies?

Questions from Senator Lisa Murkowski

Question 1: Director Stone-Manning in response to questions on the status of progress on Public Land Order 5150, you stated that you “would not call it canceled,” you noted that the department was “up against timing and workload issues” and that the BLM’s “plates are full.” Upon further questioning, you clarified that “I guess, delay would be the right word” but also cautioned that “we are... we are... our plates are full.”

- a) Can you please expand on what you are referring to when you say ‘timing and workload issues’? Please provide examples for both ‘timing’ and ‘workload issues’.
- b) Can you provide a complete list of the “workload issues”, both from the AK regional office and headquarters office, that the BLM is prioritizing above work on the PLO 5150?
- c) As a senior appropriator, and the ranking member the subcommittee that oversees your budget, it is extremely concerning that you, as the Director of the BLM, struggle to explain whether the work under your department is canceled, delayed, ongoing, or being overcome by other departmental priorities. It’s incomprehensible that as the Director, you have no understanding of the importance of this issue for the State of the Alaska and seem perfectly complicit in directing your Agency to willfully ignore the implementation of a law that was passed more than twenty years ago. Please provide a complete list of the FTEs and budgetary resources required to complete the BLM’s work on PLO 5150, as well as the FTE(s) and costs (and where in BLM’s budget funds originate from), for the projects that were determined “by a collective decision” as being a higher priority for funding and staffing than completing PLO 5150.
- d) In your response to questions, you noted that the decision to delay PLO 5150 was made as a “collective decision about workload within the Department,” why is the Department choosing to willfully ignore the Alaska Lands Transfer Acceleration Act?

Question 2: In response to Senator Cortez Masto’s comment on an agreement with Housing and Urban Development, you noted “that agreement happened because you asked about it in my confirmation.” In your confirmation you made the following commitment to me: “If I have the honor to be confirmed, I understand that

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: Oversight of the Bureau of Land Management
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

being the Director of the BLM is a very different job than the work I have done at the national wildlife federation; and you have my commitment that I understand the job is to follow the law and that the federal government has commitments to the State of Alaska.”

- a) You gave this commitment to me after I specifically asked you about Alaska’s remaining Public Land Orders in your confirmation hearing nearly three years ago. Can you please explain how the department’s decision to ‘delay’ the PLO 5150 is in line with the commitment you provided to me in your confirmation?
- b) PL 96-487 Section 201(b) states “*Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Amber Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.*” Can you please provide your interpretation of this statute as it relates to your understanding of the commitments the federal government has towards the state of Alaska?
- c) Can you please explain how a no action alternative in the Ambler Access Project SEIS is in line with the commitment you made to myself and the SENR committee at your confirmation hearing?

Question 3: What do you mean when you said “we are... we are... our plates are full.” You said it in reference to “a collective decision about workload within the Department,” but it’s unclear if you were referring to the Department or BLM’s ‘plates being full’. Can you please clarify whether you were referring to the Department or BLM, and please explain in practical terms what this means for the functionality of the Department/Bureau?

Question 4: As a result of the Alaska Lands Transfer Acceleration Act the BLM submitted a report to Congress in 2009 and released a subsequent updated report in 2019. Do you agree with the findings and recommendations?

- a) How is the recommendation within the Central Yukon RMP, to not lift any of the Public Land Orders, consistent with the ALTAA report?

Question 5: A programmatic agreement guides work under Section 106 of the National Historic Preservation Act for the Ambler project. This was intended to streamline and avoid duplicative work, but is instead being used to prevent any of the cultural work from moving forward. The revisions that BLM proposed for the Area of Potential Effects would multiply the scope ten times from the previous agreement, representing nearly two million acres of mostly private land that is not within BLM’s jurisdiction.

- a) This revision was not required by the court remand. How does BLM justify such a burdensome undertaking with such a drastic increase in scope over lands that it has no jurisdiction over?
- b) In the draft revision to the A-P-E released earlier this year, the area that could potentially be impacted is growing from a one-mile buffer on either side of the road to 10 miles. Why such a significant change? When do you expect the new programmatic agreement to be finalized?

U.S. Senate Committee on Energy and Natural Resources
June 13, 2024 Hearing: *Oversight of the Bureau of Land Management*
Questions for the Record Submitted to the Honorable Tracy Stone-Manning

- c) I understand that the programmatic agreement has been used to prevent work from happening on state and private lands. How can you justify that? What needs to happen to ensure environmental work can continue on all lands this summer?

Question 6: BLM recently announced its final Conservation and Landscape Health rule. While I find this rule misguided for multiple reasons, I'm also concerned that BLM did not adequately understand the budgetary impacts it will have, particularly for the Office of Appraisal and Valuation Services, which already has a substantial backlog to deal with.

The rule states that "informed planning, permitting, and program decisions rest on the agency's ability to assess land health conditions and consider those conditions when making decisions." To gather landscape health assessments, the rule requires BLM to conduct watershed condition assessments and land health evaluations at least every 10 years.

- a) Do you have any idea of the cost or the amount of time it would take BLM to conduct a landscape health assessment for all BLM lands in Alaska?
- b) Does BLM have this data on record, or would they be starting from scratch in Alaska?
- c) If this information is not available and BLM is unable to incorporate watershed condition assessments or land health evaluations in their decision making, is a BLM resource office compelled to get that information before they are able to make a decision on a project?
- d) According to a congressional staff briefing, the Department will rely on the AVSO office to determine the value of a restoration or mitigation lease. Do you have any idea of the current backlog of the AVSO?
- e) How does this rule address the need for additional funding for the AVSO in anticipation of its increased expected workloads from this rule?
- f) Can you commit to me that BLM will not delay a single decision in Alaska due to a lack of information regarding watershed condition assessments or land health evaluations or funding for the offices responsible for carrying out this burdensome rule?