

Senate Committee on Energy and Natural Resources
Questions for the Record Submitted to Ms. Laura Daniel-Davis
September 21, 2021

Questions from Ranking Member Barrasso

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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g. Which changes have been accepted?

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

h. Do you agree with these proposed changes?

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

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

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

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

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

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

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

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

Response: Please see my response to the previous question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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a. Do you agree with this statement?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Questions from Senator Risch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Questions from Senator Daines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Questions from Senator Murkowski

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Questions from Senator Hirono

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

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

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

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

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Questions from Senator Marshall

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

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

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

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

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

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

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

Response: Please see my response to the previous questions.