

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

Questions from Ranking Member Barrasso

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

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

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

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

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

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

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

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

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

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

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

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

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

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- b. Has BLM started the process for holding a second quarter lease sale in 2022?**
- c. Scoping for a second quarter lease sale typically starts in November or December of the previous year –has BLM started scoping for Q2?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. What factors did the Department review in making this decision?**
- b. How will business operations change as a result of the headquarters moving from Grand Junction, CO to Washington, DC?**

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- c. How is the Department ensuring that BLM employees are not adversely impacted by the decision to move from Grand Junction, CO to Washington D.C.?**

- d. Why is it preferable to have BLM headquarters thousands of miles away from the majority of lands under BLM management?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Along the southwest border, how do BLM law enforcement officials work with the U.S. Border Patrol and other federal agencies to secure borders on agency lands?**
- b. What additional actions would you take to strengthen security at federal lands along the southwest border?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response to a and b: States are critical partners in the collaborative state-federal joint effort to conserve the sagebrush ecosystem, the species that depend on it, and the people that rely on it. If confirmed, I commit to continuing the important collaboration with states, local governments, Tribal governments, and many others who have worked collaboratively toward sustainable and balanced land management of sagebrush habitat.

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: No, I have not.

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

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

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

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

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Questions from Senator Risch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: As mandated in the Energy Act of 2020, the BLM is creating Renewable Energy Coordination Offices and taking other actions to enhance coordination on permitting of renewable energy projects on BLM-managed lands. The Department has also testified in support of the goals of H.R. 3326, the Public Land Renewable Energy Development Act of 2021, to expedite permitting of renewable energy in the most suitable places on Federal lands. In addition, the BLM has initiated a process to revise its regulations related to renewable energy permitting and linear rights-of-way on public land. If I am confirmed, I will continue to find ways to improve the bureau's permitting processes in accordance with all laws.

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Questions from Senator Daines

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

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

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

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

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

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

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

Response: I continue to agree that states are critical partners in the collaborative state-federal joint effort to conserve the sagebrush ecosystem, the species that depend on it, and the people that rely on it. If confirmed, I commit to continuing the important collaboration with states, local governments, Tribal governments, and many others who have worked collaboratively toward sustainable and balanced land management of sagebrush habitat.

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: Yes.

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

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

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

Response: Providing a fair return to the taxpayers for wind and solar generation on public lands requires an environmentally and economically sound strategy that takes into consideration the impacts of development, including the climate mitigating benefits of carbon-free power generation. The Department and the BLM are actively involved in developing guidance to enhance financial certainty for responsible onshore solar and wind energy development on the public lands. If confirmed, I would welcome discussion with Congress and other stakeholders on the potential benefits to the taxpayer, the federal treasury, and to states and Tribes, that might be realized if renewable energy production on the public lands generated royalty revenue, like oil and gas production.

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

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

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

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

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

Question 16: Ms. Daniel-Davis, increasing the cost to produce oil and gas will inevitably increase the consumers cost for finished products like gasoline, home heating, and electricity. **With energy prices already high, do you believe that it is the right time to increase production costs, like royalty rates and associated production fees, that will further drive up energy costs for consumers?**

Response: The matter of providing a fair return to the public from the development of oil and gas resources, including its potential for impacts on federal revenue and production, was discussed in detail in the Oil and Gas Report that the Department released in November. The recommendation regarding royalty rates is consistent with the goal of ensuring that the public, which owns the resources, receives a fair return from development of its resources. The federal royalty rate has remained unchanged for many decades, while many states have higher royalties, including Montana, which has a state royalty rate of 16.67 percent.

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Questions from Senator Murkowski

Question 1: Federal Law currently requires the Secretary to conduct a second lease sale in the 1002 Area of the Coastal Plain by December 22, 2024.

A. What is the current status of that lease sale and what actions has DOI taken to ensure that the Department is in compliance with current law?

Response: The Department is committed to following all of the laws applicable to the Arctic National Wildlife Refuge, including the Tax Cuts and Jobs Act of 2017. Currently, the BLM has completed the scoping for a Supplemental Environmental Impact Statement (SEIS) related to the Coastal Plain Oil and Gas Leasing Program and is proceeding to complete this environmental analysis required by law. We are also consulting with the Department of Justice to determine whether the recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), affects this SEIS process.

B. Section 4 of Executive Order 13990 states: *(a) In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.*

- a. **Ms. Daniel-Davis, given your previous experience at the highest levels of the Department, you are well aware of the Department and the Administration's obligations and to uphold the federal trust responsibility. Do you believe that proper and robust consultation is at the core of that trust responsibility?**
- b. **To your knowledge did the Department conduct a proper and robust consultation ahead of the President's Executive order 13990 which directly affected Alaska Natives?**

Response: The President, not the Department, issues Executive Orders. I understand that the United States has a trust and treaty responsibility to Tribal Nations, and I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations' priorities and recommendations. If confirmed, I will continue to implement the Department's policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

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- C. Section 3 of Secretary Order No. 3401 states: *My review of the Coastal Plain Oil and Gas Leasing Program (Program) as directed by EO 13990 has identified multiple legal deficiencies in the underlying record supporting the leases, including, but not limited to: (1) insufficient analysis under the National Environmental Policy Act (NEPA), including failure to adequately analyze a reasonable range of alternatives in the environmental impact statement (EIS); and (2) failure in the August 17, 2020, Record of Decision (ROD) to properly interpret Section 20001 of Public Law 115-97 (Tax Act).*
- a. Department of Interior’s Departmental Manual 512 DM 4.4 states that is the policy of DOI to “consult with tribes on a government-to-government bases whenever DOI plans or actions have tribal implications.”
 - i. **Since the Secretary thoroughly reviewed the August 17, 2020 Record of Decision, the Department would have known the significant tribal interest in the Coastal Plain Oil and Gas Program and that any actions taken by her or the Department would have major tribal implications.**
 - ii. **Please provide information related to how the Department satisfied the consultation procedures described in 512 DM 5.5 prior to enacting SO 3401.**

Response: As I said in response to the previous question, I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations’ priorities and recommendations. If confirmed, I will continue to implement the Department’s policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

Question 2: The report on the Federal Oil and Gas Leasing Program (the report) totaled 18 pages (with 4 pages of endnotes) and took 11 months to complete, spent considerable time comparing the federal royalty rate with state royalty rates and reached an unsupported conclusion that the federal royalty rate should be increased.

- A. **Did the Department weigh any additional factors such as procedural or timeline differences between state and federal permitting agencies that can account for differences in royalty rate?**
- B. **The report makes the claim: “The fiscal components of the onshore federal oil and gas program are particularly outdated, with royalty rates that have not been raised for 100 years.”**
 - a. **How does a royalty that is tied to a specific percentage become outdated with time?**
- C. **BLM recently published a ‘pre-decisional’ press release (that has since been removed) announcing an increase to the federal royalty rate to 18.75%. Has DOI undertaken any economic analysis on how this royalty rate change would affect taxpayers, including production and gas prices?**

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Response: As I stated at my hearing, the Department conducted an extensive review of oil and gas development on public lands and waters and conducted extensive engagement with stakeholders and formal tribal consultation to complete the Oil and Gas Report. The Report recommended that the BLM consider establishing a higher minimum royalty for onshore oil and gas leases, in order that the public, which owns the resources, receives a fair return for development of those resources. It should be noted that no final decisions have been made regarding royalty rates for future onshore sales.

Question 3: Next Friday, February 18, 2022, should have marked the one-year anniversary of the Opening Order in Public Land Order No. 7899 in Alaska, which the Department delayed and has continued to take no action on. The “60-day extension” order bears your signature as “Senior Advisor to the Secretary, Exercising the Delegated Authority of the Assistant Secretary of Land and Minerals Management.”

- A. Do you recall signing that amended opening order?**
- B. Did you or the Department conduct any consultation with Alaska Natives or ANCs prior to issuing it?**
- C. Do you recall signing an additional amended opening order dated April 16, 2021 that further delayed the opening of PLO 7899 for an additional two years?**
- D. What impact did your actions with these PLO’s have on Alaska Native veterans who are seeking allotments in areas that are still protected by these antiquated (d)(1) withdrawals?**
 - a. For both of these instances, please explain (as thoroughly as possible) the steps you took to ensure your actions were in compliance with 512 DM 4.**

Response: Yes, I signed both of the orders referenced in your question. The Department took the first step in order to appropriately consider the impacts of significant actions taken in the final days of the previous administration after hearing from stakeholders, including Alaska Native Tribes and Alaska Native Corporations. The opening of the lands was delayed in order to address the legal defects in the decision-making process for those orders. In July 2021, the BLM initiated a process to open lands to selection by Alaska Native Vietnam-era veterans under Section 1119 of the Dingell Act that includes consultation with affected Alaska Native Tribes and Alaska Native Corporations. In the coming weeks, the BLM expects to announce more details on public involvement and Tribal consultation for both the analysis of opening lands to selection by Native Veterans and for the process to address the legal defects identified in the decision-making process for PLOs 7899-7903. In the meantime, the BLM is processing the more than 120 allotment applications already received from Alaska Native Veterans and finalized the first federal land allotments under the Alaska Native Vietnam-era Veteran Land Allotment Program in November 2021.

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Question 4: In the defendants’ brief in response to court’s order filed on October 5, 2020 in *Bullock v Bureau of Land Management*, the Department of Justice argues on page 6: *When a statute or regulation vests authority in one official to take an action, and this authority may not be redelegated, the statute or regulation states that limitation expressly. For example, the Secretary has the authority to “make, modify, extend, or revoke withdrawals” of land under 43 U.S.C. § 1714. Yet Congress expressly limited the range of officials who, beyond the Secretary, can perform this function: “The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.” 43 U.S.C. § 1714(a) (emphasis added). Thus, while the Secretary could delegate land-withdrawal authority to a person in his “Office” who was appointed by the President with Senate confirmation, that person could not then redelegate that authority to an official lacking those qualifications.*

A. At the time you signed the amended opening orders published in the federal register on February 18, 2021 and April 16, 2021, you were not ‘an individual appointed by the President with Senate Confirmation’. Please provide the relevant statute, regulation, or departmental manual, or delegation of authority memorandum that would have provided you the authority to make changes to a public lands opening order.

B. Was the DOJ mistaken in their October 2020 brief to the U.S. District Court just four months prior to your actions?

Response: As the Department of Justice explains in its October 26, 2021, and January 14, 2022, briefs in support of the United States’ motion to dismiss the State’s case challenging the Department’s February 18 and April 16, 2021, Federal Register notices (86 FR 10131, 86 FR 20193), deferring the opening order did not “make, modify, extend, or revoke” a withdrawal under 43 U.S.C. 1714. Thus, the restriction on re-delegation in 43 U.S.C. 1714 does not apply, and I was properly delegated the requisite authority under 209 DM 7.3.

Question 5: The Ambler Access Project, as you know, was initiated in 2015 while you were in the Department during the Obama administration. This project is supported by a number of local Alaska Native communities, the Northwest Arctic Borough, and NANA Regional Corporation.

Despite a lengthy record of public meetings, hearings, consultations, a 90-day public comment period that was extended to a total of 330 days, and an FEIS/Joint Record of Decision that cost taxpayers nearly \$5 million dollars to complete, the Department has thrown a wrench into the process by requesting a 60-day stay and then another 30-day stay to allow for additional consultation.

A. Please provide a full list of groups, tribes, and tribal organizations the Department as consulted with as a result of the 60 day stay?

B. Are transcripts of those consultations available online or anywhere else?

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- C. If a tribe or an Alaska Native Corporation has to request a meeting with the Department, does that satisfy the Department’s consultation obligations as they relate to 512 DM 4?**
- a. Did the Department invite NANA Regional Corporation to a government to government consultation after the 60 day stay or the additional 30 day stay?**
 - i. If not, please explain why.**

D. Why is an additional 30-day stay now being requested?

Response: As I said in response to a previous question, I am committed to robust Tribal engagement and Tribal consultation when the Department is making decisions that affect them, and with Alaska Native Corporations when their interests are involved, so that our actions are inclusive of Tribal Nations’ priorities and recommendations. As part of this recent process, the Department has met with NANA Regional Corporation, the Northwest Arctic Borough Tribes, including Shungnak and Kobuk, and the Tanana Chiefs Conference, among others. If confirmed, I will continue to implement the Department’s policies on Tribal consultation in a meaningful way and in a manner that recognizes and supports Tribal sovereignty.

Question 6: The administration has repeatedly referenced the need to rebuild our supply chains. The President issued an Executive Order on this subject, and the administration’s 100-Day report highlights both our dependence and the expected “surge” in demand in coming decades. Yet, when I look out at the administration’s actual policies, I see the Departments of Energy and Defense focused on this issue, and the Department of the Interior undermining it. That incoherence is hardly going to solve the problem.

- A. USGS recently reported the U.S. is at least 50% import percent on 47 mineral commodities and 100% import dependent on 17 of them. How do delays for key projects like Ambler Access Project help address our foreign dependence?**
 - a. What specific actions can you point to, from DOI, in this administration, that does?**
 - b. Any in Alaska, not currently under some form of ‘pause and review’?**
- B. Congress has now provided substantial new authorities and funding for mineral-related projects through the infrastructure law. Can you provide a status update on what actions, if any, DOI is taking to implement them?**
- C. Some of the new authorities and directives relate the notoriously-slow federal permitting process. Do you agree that process could be improved, especially in terms of its timeliness, and will you work to achieve that?**

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Response: President Biden has made clear that the responsible development and production of critical minerals is a key priority for this Administration, and that means it is a priority with Secretary Haaland and with me. Just this week, the President announced key actions that the Administration is taking to bolster the production of and supply chain for these important resources, including the formation of a working group, to make necessary improvements to the process. The Department is working with other agencies to promote critical mineral development on federal lands while adhering to the highest environmental, labor, and sustainability standards. These federal agencies also collaborate with the private sector, states, Tribes, and other stakeholders to expand sustainable and responsible critical minerals production and processing in the United States.

It is also my understanding that there are a number of proposed mining projects, including for critical minerals, in varying stages of the permitting process. Finally, improving efficiency in the way that we implement programs and manage our public lands and resources should be the goal of every land manager and government official. Our aim is to look at all of our processes to ensure streamlined, but effective, implementation and that we are engaging in smarter planning from the beginning in order to avoid conflicts and slowdowns. The Department is engaged with the Department of Agriculture to address permitting and processing improvements for critical minerals as required by the Bipartisan Infrastructure Law. If confirmed, I will continue to work to achieve the President’s vision and direction for critical minerals development.

Question 7: In the Draft SEIS for the Cook Inlet Lease Sale #258, for the first time, BOEM uses economics-based models to examine the lifecycle GHG emissions associated with OCS oil and gas development. As a result of this analysis, [on page 46] BOEM found that “under the No Action Alternative oil prices would be expected to be slightly higher due to the lower energy supply relative to the proposed action.” It also goes further to state that increases in natural gas prices will result in an additional demand for coal.

- A. Do you agree with this analysis?**
- B. Do you agree that if the Department chooses the No Action alternative, you will be enacting a policy that you know will result in increased energy prices for Alaskans?**
- C. If BOEM is correct in their No Action Alternative analysis that the “absence of LS 258 production, oil prices will be slightly higher than they would be under the Proposed Action,” would the same analysis apply to the lease sales that the Department failed to uphold over the course of 2021?**
 - a. If the Department chooses not to appeal the court’s actions on lease sale 257, does the department concede that oil prices will be slightly higher than they would if lease sale 257 were producing?**

Response: We are consulting with the Department of Justice to determine how a recent preliminary injunction in *Louisiana v. Biden*, 2:21-cv-01074-JDC-KK (W.D. La.), affects the 5-year program. With regard to this matter, specifically, no final decisions have been made about the selection of one or another of the alternatives regarding lease sale 258. But against the backdrop of recent litigation and invalidation of leasing decisions by

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courts, it is critically important that the Department comply with the law, enhance analyses to address deficiencies identified by the courts, and follow the established process and protocols for developing compliance environmental reviews, such as the Draft EIS, on which the Cook Inlet Lease Sale 258 would rely. On Monday, February 28, the Department of Justice confirmed that the United States will not be appealing the court's decision on lease sale 257, but as I mentioned at my hearing, when it comes to oil and gas development from federal lands, the outstanding inventory of leased acreage alone, both on- and offshore, will sustain development for years to come.

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Questions from Senator Lankford

Question 1: Ms. Daniel-Davis, is it the policy of DOI to end oil and gas development on federal lands and in federal waters?

Response: As I said at the hearing, oil and gas will continue to be a part of America’s energy sources for many years to come. As discussed in the November 2021 *Report on the Federal Oil and Gas Leasing Program* that the Department issued in response to the direction in Executive Order 14008, federal onshore production accounts for approximately 7 percent of domestic oil and 8 percent of domestic natural gas production. The most recent reports show that almost 53 percent of onshore acres under lease are non-producing, and there are a significant number of unused permits to drill onshore. Offshore, production from the Outer Continental Shelf accounts for 15 percent of oil production and 2 percent of natural gas production in the United States. Seventy-two percent of the lease acreage offshore is non-producing, either at an earlier stage of development or being held for speculative reasons. So when it comes to oil and gas development from federal lands, the outstanding inventory of leased acreage alone, both on- and offshore, will sustain development for years to come.

Question 2: Ms. Daniel-Davis, as you know, the 5-year plan for offshore oil and gas leasing expires June of this year. The statute governing offshore leasing requires DOI to, quote, “prepare and periodically revise, and maintain an oil and gas leasing program.” I have not seen a proposal to update the plan in the last year.

- 1. Is it the intention of DOI to issue a new 5-year leasing plan?**
- 2. If so, has DOI taken any steps to update the 5-year plan?**
 - a. If so, what specifically has the agency done to move a new plan forward?**
 - b. When do you expect a new 5-year plan to be in place? I understand it may be hard to provide an exact date, but please provide a ballpark.**

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

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Question 3: Ms. Daniel-Davis, as you are well aware, our allies are living through anxieties caused by energy insecurity. We are in a position to provide some help because over the last few years the government signaled to industry that we must be energy dominant.

- 1. Do you believe that being energy dominant is a national security imperative?**
 - a. Do you believe this dominance can be an incredibly valuable geopolitical tool?**

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

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Question from Senator Cortez Masto

Question: Nevada is a leader in geothermal energy – an energy source that provides critical jobs and revenues for the state, as well as carbon-free power. An increased focus on geothermal energy will be critical to reaching the *Energy Act of 2020*'s goal of 25 Gigawatts (GW) of renewable energy on public lands by 2025.

Today, however, the permitting process for geothermal is more prone to delays than other renewables resources. It is critical that each Department pursue common sense reforms to the permitting process for geothermal.

a. What reforms could be made to improve the deployment of geothermal energy production on federal lands?

Response: On January 12, 2022, the U.S. Departments of the Interior, Agriculture, Defense, Energy and the Environmental Protection Agency announced a Memorandum of Understanding (MOU) to improve federal agency coordination and streamline reviews for clean energy projects, including geothermal energy, located on public lands managed by the Departments of the Interior and Agriculture. The purpose of the MOU is to prioritize and expedite federal agency reviews by establishing interagency coordination teams with qualified staff to facilitate preparation of environmental reviews, accelerate renewable energy decision-making, and coordinate all environmental and other agency reviews.

This MOU supports the Administration's clean energy goals and is consistent with Congress' direction in the Energy Act of 2020 to permit 25 gigawatts of solar, wind and geothermal production on public lands no later than 2025. This MOU builds on President Biden's Executive Order (EO) 14008 (Sec. 207), which prioritized improved permitting for the increased deployment of clean energy on public lands. The participating agencies engaged in extensive collaboration to develop the MOU, which may later be amended to add signatories, like Tribes and states, or otherwise as needed. If confirmed, I will continue to work to ensure that the Department implements this EO and MOU effectively and to consider ways to improve the deployment of geothermal energy on public lands.

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Question from Senator Hickenlooper

Question: A large majority of our treasured landscapes in the Western U.S. – including 8.3 million acres in Colorado – are managed by the Bureau of Land Management. These lands not only provide opportunities for outdoor recreation, livestock grazing, and renewable and traditional energy development, but often support crucial wildlife habitat and have cultural significance for indigenous communities. Managing these lands for multiple uses is a worthy responsibility and a complex task. **How will you ensure that Western landscapes are managed with today’s various users in mind while ensuring that our resources remain available and intact for future generations to come?**

Response: As I testified at my confirmation hearing, I believe in and support the BLM’s multiple use mission, which makes it uniquely important for our resource development, for recreation, and to provide economic opportunities to working families as it manages the vast federal acreage under its jurisdiction. To achieve this mission, I believe in early and active engagement when it comes to significant projects in order to deconflict as much as possible between stakeholders. In this manner, decisions will incorporate critical input and ensure BLM is balancing the interests of users. If confirmed, I will continue to oversee BLM’s implementation of its multiple use mission in a way that considers science, the law, and our trust responsibilities, and seeks out collaboration and partnerships with all stakeholders whenever possible.