



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 25, 2021

The Honorable Brian Schatz
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Schatz:

Enclosed are responses prepared by the Bureau of Indian Education to the questions submitted to the Department's witness following the April 28, 2021, oversight hearing entitled, "*Examining the COVID-19 Response in Native Communities: Native Education Systems One Year Later*". We apologize for the delay in responding.

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

Sincerely,

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

Enclosure

cc: The Honorable Lisa Murkowski
Vice Chairman

Questions from Chairman Schatz

Question 1. Last year, you testified that the Occupational Safety and Health Administration (OSHA) is conducting an investigation into BIE related to the Bureau’s handling of school campus closures at the start of the COVID-19 pandemic. Please provide an update on the status of this investigation and any additional information you can regarding the circumstances that triggered this investigation.

Response: BIE provided responses to three separate OSHA reports during the pertinent time frame. As such, OSHA closed the three reports with the submission of the BIE Safety Office response.

Question 2. The Department’s decision to delay the start of the 2020-2021 school year for Bureau-operated schools caused confusion for BIE staff who work under contract with the Bureau. The Committee heard from a number of such staff concerned about their pay and benefits, including housing for those who reside in Bureau-owned residences; BIE staff also informed the Committee that they received no direct communication from the Department regarding these matters when it announced the delayed start.

- a. How did the Department communicate with BIE staff about the impacts of the school year start delay on pay and benefits?**

Response: The Department did not send out communications directly to BIE staff related to this matter. BIE Leadership coordinated with divisional leadership to notify supervisors and the chain of command while BIE human resources (HR) communicated to BIE staff and faculty. HR sent out notices to BIE employees to provide as much information as possible while BIE Leadership coordinated weekly calls to explain information to the field as they supported their schools directly. BIE HR also actively coordinated with the Union throughout this process.

- b. Did the Department continue benefits, including health insurance coverage, life insurance coverage, and housing without interruption for BIE staff impacted by the school year start delay?**

Response: BIE HR worked with the Department of the Interior Business Center (IBC) and the individual Benefit Plan Providers to ensure all BIE staff benefits continued without lapse. HR also worked with IBC and the Bureau of Indian Affairs (BIA) housing officers to ensure that staff housing was not negatively affected.

Question 3. The Committee received reports last year that deployment of a new BIE email and online portal system in April 2020 left many BIE staff without the required Personal Identification Verification (PIV) credential cards necessary to access the online BIE systems.

- a. Is the Department aware of reports that the changeover in BIE email systems left many BIE staff members unable to access these systems?**

Response: The BIE email migration did not start until June 2020 to diminish the interruption at the school level, to the extent practicable. Any reported access issues prior to that time were not the result of the migration. It is likely that these reports are the result of misunderstanding by BIE PIV cardholders between access to DOI online system, such as DOITalent and email. The Indian Affairs Office of Information Management Technology, which provides direct information technology (IT) support to BIE, completed the migration in tranches while working in conjunction with the BIE Personnel Security Office to ensure migrated users had an active PIV card in their possession.

To support the IT work, BIE HR established a way to activate PIV cards to ensure continuity of employee access to BIE systems. Employees lacking an active PIV card could still access BIE email on the Internal Exchange Servers to minimize disruption. While it took time to convert over all staff, access problems are currently at a minimal level and are addressed on an ongoing, case-by-case basis. Currently, there are 39 users that need to complete a card activation prior to the migration of their account.

- b. What impacts did the inability of BIE staff members to access the Bureau’s email system and other online portals have on delivery of distance learning instruction during the spring 2020 term and on the ability of these employees to successfully telework?**

Response: Please see above that BIE is not aware of widespread email or other access issues that would have widely disrupted successful telework by employees. However, similar to school districts across the country, the quick transition to virtual learning affected many BIE schools who had to use education packets and other resources when adequate technology was absent. Over the course of the last year, BIE provided critical technology and hardware, as addressed in its written testimony, to address such gaps and better prepare BIE schools for supporting virtual learning in the future.

Question 4. The Bureau had difficulty providing real-time information on the operational status – in-person or remote – of BIE schools last year. Additionally, media reports suggest that some BIE schools operating remotely lost touch with students or suspended remote instruction completely.

- a. Has BIE investigated claims that some schools suspended remote instruction and/or lost touch with students?**

Response BIE divisional leadership reports to BIE Central Office on an ongoing weekly basis regarding current school operating status and recommendations to address areas of local-level need and gaps in support, where applicable. Remote learning suspension was often attributable to the lack of internet/wireless services. However, through guidance provided by BIE and coordinated through the chain of command, schools were expected to provide education packets, as needed. Through similar coordination, and as mentioned in the written testimony, BIE Leadership worked to address technology gaps to better support remote learning going forward.

- b. How has BIE ensured that peripheral dormitory residents are able to access distance learning opportunities offered by the non-BIE schools they attend?**

Response: BIE Divisions coordinated with local site leaders and homeliving staff to assist residents, to the extent possible, with accessing non-BIE schools’ distance learning opportunities. In many cases, local public schools provided laptops to their respective students and ensured access to online learning for those who lacked Wi-Fi. Public schools also extended flexible hours for students who may not fit the typical school day. They also partnered with Tribal nations by assisting with transportation needs and providing meals for students. In other cases, homeliving specialists contacted former residents to check on enrollment and participation in distance and hybrid learning models. Facilities like Blackfeet Boarding Dormitory provided weekly enhancement and engagement packets to support grant- and other federally-funded work. In another instance, Richfield Residential Hall, remained open throughout the pandemic to ensure supports, IT hardware, and access to online learning for residents continued.

- c. How has DOI ensured that BIE students with disabilities have equal access to educational opportunities and the services identified in their individual education programs during COVID-19-related campus closures?**

Response: Regardless of operating status (on-site, remote, hybrid), each BIE school was required to submit an alternate/distance learning plan that ensured appropriate services to students eligible under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. BIE field staff provided

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technical assistance to support school teachers and/or staff as they documented such services provided, and where virtual means may have been limited. BIE school staff made phone calls or delivered packets to students using proper safety protocols. Where students required additional supports, schools worked to convert to a hybrid learning model as quickly and safely as possible to provide the pertinent in-person services students needed.

- d. Is BIE able to review system-wide trends in student absenteeism or performance over the course of the pandemic?**

Response: Yes; BIE’s Native American Student Information System (NASIS) now captures Bureau operated school absences data, as part of the BIE’s five-year Strategic Direction implementation. For the 2020-2021 school year, absences data, whether excused or unexcused, were reported by schools using the NASIS system.

- e. How has BIE worked to improve its coordination with and monitoring of Bureau funded schools over the course of the COVID-19 pandemic to ensure the educational needs of students are met, regardless of operating status? And will the new learning management system you mentioned in your testimony assist in these efforts?**

Response: When BIE closed school sites in March 2020, BIE’s Chief Academic Office worked closely with its divisional leadership to provide initial guidance on access to educational supports. Where gaps persisted during the pandemic, BIE staff worked to provide improved supports to schools as they prioritized instructional access to students no matter the operating status. BIE’s Chief Academic Office coordinated daily and weekly calls to discuss how schools were serving students, mental health supports provided, best virtual learning practices, and key IT support needed. As mentioned in BIE’s written testimony, BIE schools developed individual school reopening plans that identified needs for reopening virtually and transitioning between hybrid and in-person learning. BIE divisional leadership coordinated calls to ensure schools had the necessary supports in place and coordinated with BIE Central Office where gaps persisted.

BIE divisional leadership and the Chief Academic Office coordinated to assist schools as they updated their individual school plans when transitions from one type of learning mode were made, in accordance with guidance from the Departments of the Interior and Education, and the Centers for Disease Control and Prevention. The coordination activities using the BIE’s chain of command have continued throughout the pandemic. As planning continues for the 2021-2022 School Year, weekly divisional reporting has provided high-level updates when strategic support is needed, such as the development of a BIE Learning Management System (LMS), which is

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expected to assist in efforts to coordinate activities across the BIE system and improve tailored supports to schools and students. The implementation of the LMS is one component to ensure the educational needs of students are met with the vision that students who live in a metropolitan area and the students who live in a rural area, such as many BIE students, have access to the same educational experience.

Question 5. Does BIE plan to expand its “smartbus” pilot program to deploy Wi-Fi-capable buses along more BIE school bus routes? If so, how will BIE prioritize where it expands the pilot? And, would BIE need additional resources to support these efforts?

Response: BIE leadership is in communication with the incoming Indian Affairs’ leadership team to determine next steps on such projects.

Question 6. Your written testimony states that BIE staff “investigated how solar chargers might be used to support distance learning” for students in homes without electricity. What were the results of this investigation? And did BIE ultimately provide solar chargers as part of its efforts to expand access to e-learning during the pandemic?

Response: Through its field coordination, BIE identified that solar chargers were an option for students in homes without electricity and included it as part of its support framework for distance learning. In cases where students did not have electricity but could access a local internet provider, these solar chargers were ordered by the local school administrator and distributed with instructions and technical support for distance learning.

Question 7. In your testimony, you noted that BIE’s COVID-19 related consultations identified mental health supports as one of five priorities for Indian Country. You also outlined several steps the Bureau has taken in response to this Tribally-identified priority.

- a. Regarding the BIE’s expansion of its current Employee Assistance Program contract to temporarily include students and Tribally-operated school staff:**
- How did BIE work with the Program contractor to ensure students receive age appropriate supports?**

Response: Throughout the pandemic, BIE HR and supervisors have continued to communicate regarding resources provided by the Employee Assistance Program (EAP) as well as access to other mental health resources, such as self-care webinars. EAP specific federal employee supports are not tailored for students and the current EAP contract with the Department of the Interior does not provide services to tribal school staff.

- **How has BIE informed students and staff about these new EAP resources?**

Response: Please see the response above regarding eligibility under the EAP contract. However, in addition to EAP resources, BIE created a completely new Behavioral Health and Wellness Program (BHWP) contract that will provide additional supports. The purpose of the BHWP contract is to provide culturally relevant, evidence-based, and trauma-informed behavioral health and wellness services accessible to students and staff at all bureau-funded institutions (BIE Staff, Bureau Operated Schools, Tribally Controlled Schools, and BIE post-secondary institutions).

Led by the BIE’s student health specialist and working through the BIE chain of command, BIE has provided information to the field regarding the services provided under the contract. The BHWP contract was awarded in October 2020 to Tribal Tech LLC, a Native-Owned vendor that has significant ties across Indian Country and extensive experience providing behavioral health and wellness supports in a multitude of Tribal communities. To date, the BHWP contractor, in close coordination with BIE staff, has primarily focused on providing behavioral health and wellness trainings while simultaneously creating the infrastructure needed to provide direct behavioral health counseling and crisis intervention services for students and staff at the institutions referenced in the question.

b. Regarding the new \$2 million telehealth contract with a Native-owned vendor:

- **What is the length of this contract?**

Response: The \$2.1 million BHWP contract currently has one base year with an additional option year, as needed. However, the BIE has plans to continue funding this activity to ensure the behavioral health and wellness needs from across the system are met.

- **Could you provide examples of the types of trainings and events the vendor will provide?**

Response: The vendor has held culturally-relevant talking circles to support staff in schools with loss of students to suicide during the pandemic as well as the loss of staff due to COVID-19. A few examples of the BHWP’s culturally adapted and trauma-informed supports include:

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- Virtual Staff Talking Circles to assist staff with processing the impact of the pandemic on the school environment, feelings of grief/anxiety, and other types of mental health or wellness challenges experienced.
 - Youth Mental Health First Aid Trainings to equip our schools and staff with evidenced-based skills for helping our students through mental health challenges.
 - Direct Technical Assistance to schools and residential programs requesting assistance with wellness and behavioral health challenges.
 - Behavioral Health Resource Directories that are tailored to meet the unique needs of a specific school and include Indian Health Service (IHS) and Tribal resources available locally.
 - Wellness Wednesdays Webinars focused on staff wellness and self-care, initiated May 12, 2021.
 - Drug Prevention Virtual Learning Community using BIE’s “Culture and Drugs Don’t Mix” curriculum that will kick off this coming school year.
- **Will BIE have permanent access to the BIE-specific resource library made available through this contract? Or will it only have access during the contract period?**

Response: All materials furnished or produced as a result of the contract, including but not limited to: documents, research, data, reports, and correspondence are the property of the BIE. Such resources shall remain confidential, as appropriate, in accordance with BIE policies and applicable privacy laws including the Privacy Act of 1974 (5 U.S.C. § 552a) and section 444 of the General Education Provisions Act (commonly known as the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. § 1232g) and their implementing regulations.

c. Regarding the \$400,000 clinical/therapeutic service contract with a Native-owned clinical provider:

- **How will the services offered by this contract differ from or overlap with the “telehealth counseling support with licensed clinicians from the University of New Mexico” offered through the contract referenced in (b) above?**

Response: The University of New Mexico BHWP contract had expired. The current contract now includes training and counseling supports.

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- **It appears BIE will pay \$2,000 per service delivery hour through this contract (\$400,000 for 200 hours of service delivery). Can BIE confirm this price per service delivery hour is correct? And, if so, can BIE provide assurances that such a rate is comparable to the price of these services typically?**

Response: This question references the expired University of New Mexico BHWP contract.

- d. **Does BIE need further funding or statutory authority to support school capacity to address the mental health needs of Native students in the long-term?**

Response: BIE funding and statutory requests are included in the President’s FY 2022 Budget Request released on May 28, 2021 and specifically outlined in the FY 2022 BIE Budget Greenbook.

Question 8. BIE’s COVID-19 consultations also identified Native language supports as another Indian Country education priority during the pandemic. Your testimony outlines supports within BIE for Native language education but also notes that – due to the pandemic – “local implementation [of Native language programs] may have varied over the last year in delivery.”

- a. **Does BIE have any information on which of its schools were able to offer Native language classes or immersion programing during the pandemic?**

Response: Information regarding grantees who provide such supports is collected through BIE’s Tribal Education Department grant work. Further, BIE Divisions each have Native language support staff who directly support their respective schools to provide varying Native language services.

- b. **Has BIE done any outreach to Native language teachers in Bureau and Tribally operated schools to determine if they need additional supports or resources during the pandemic?**

Response: At the local level, BIE Native language support staff within each division provides direct support and outreach to Native language programs and teachers, usually in the form of providing workshops, summer trainings, sharing curriculum resources, etc.

- c. Is the \$14 million in language immersion awards referenced in your written testimony generated from ISEP funding formula for language development? And, if so, can you explain why the ISEP language development funding decreased from \$27.6 million in the 2019-2020 school year to only \$14 million this year?**

Response: The amount referenced in your question and the written testimony reflects funding awarded at that time. BIE will award additional funds as it obligates funds by the end of the fiscal year.

- d. Does BIE need additional resources to support delivery and expansion of Native language instruction for its students?**

Response: BIE funding and statutory requests are included in the President’s FY 2022 Budget Request released on May 28, 2021 and specifically outlined in the FY 2022 BIE Budget Greenbook.

Question 9. Your testimony outlines over \$4 billion in BIE school construction needs.

- a. Does this estimate include the facility needs of Tribal Colleges and Universities?**

Response: As stated in the written testimony, the average cost of replacing a school in poor condition is \$62 million, putting the total cost of replacing BIE schools in poor condition at roughly \$4.5 billion. This estimate excludes funding for facility needs at the 37 Tribal Colleges and Universities (TCUs). Indian Affairs (IA) conducted Tribal consultations on May 7, 2021 with TCU leaders and stakeholders to request input on developing a methodology for determining TCU operating and maintenance needs to inform future budget requests. Responses and comments were received through May 21, 2021 and are currently in review. Responses received will assist in developing a transparent and consistent methodology, determining need, and informing future budget requests.

- b. Has BIE looked at any other school infrastructure needs? For example, are there estimates for school bus route improvement needs, addressing maintenance backlogs, or modernizing school heating/ventilation systems?**

Response: IA is engaged in a Deferred Maintenance (DM) backlog initiative which identifies deficiencies related to fire safety, accessibility, life-safety, health, including DM items backlogged for three to five years. Projects are focused at school and quarters locations at Southwestern Indian Polytechnic Institute, Haskell Indian Nations University, and select schools throughout North and South Dakota.

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The current DM backlog at educational facilities (non-quarters) is \$823,291,249 and \$102,066,648 at educational quarters. The IA-Public Health Service Program is also working to assess ventilation systems for COVID-19 compliance at 192 school locations.

- c. **What other BIE-related needs should Congress consider related to President Biden’s American Jobs Plan? For example, does the Department of the Interior have enough contracting officers and support staff to quickly get shovels in the ground if BIE were to receive a significant infusion of infrastructure funding?**

Response: BIE funding and statutory requests are included in the President’s FY 2022 Budget Request released on May 28, 2021 and specifically outlined in the FY 2022 BIE Budget Greenbook. BIE continues to work to increase the number of Contracting Officer Representatives with subject matter expertise to improve support for contracts. For projects over a million dollars, BIE works with the IA Deputy Assistant Secretary-Management for contractual support.

Question 10. Mr. West testified at this hearing regarding the successful use of a “reopening committee” composed of staff, parents, administrators, and representatives of relevant government entities within the Mineral County School District.

- a. **Has BIE considered encouraging its schools to form local-level “reopening committees” in preparation for 2021-2022 school year planning?**

Response: BIE always encourages local coordination among its schools with parents, Tribes, and stakeholders when considering reopening planning that uses the latest guidance from the Departments of the Interior and Education (ED), and the Centers for Disease Control and Prevention (CDC). Using an inclusive approach helps to make sure local needs are better addressed.

- b. **How will BIE ensure the views of staff, parents, and Tribal leaders are captured in time to meaningfully inform planning for the 2021-2022 school year?**

Response: BIE held Tribal consultation regarding safe school reopening on May 10-11, 2021 to ensure more timely input regarding the upcoming school year. Stakeholders had 30 days to comment and provide feedback on any gaps related to BIE schools in the latest guidance from ED and CDC. BIE staff compiled feedback and is formalizing the creation of a School Reopening Task Force that includes cross-divisional BIE experts who will support field staff as they work directly with school leaders in their implementation of ED and CDC guidance for safely reopening school sites.

Question 11. Your written testimony stated that nearly 46% of the BIE workforce was retirement eligible in 2018 and that the eligibility rate continues to increase annually.

Response: To clarify, the number of retirement eligible staff has increased annually in recent years. With the priority of expanding staff capacity through hiring, the percentage is now approximately 39%. BIE continues to actively hire to further reduce the retirement eligible rate as part of its ongoing workforce planning.

- a. What were the teacher and staff vacancy rates at BIE immediately prior to campus closures in March, 2020?**

Response: For BIE operated schools, which BIE has available information, BIE had a total of two principal and 16 teacher vacancies. For other support staff positions, BIE was at an approximate 5 to 7 percent vacancy rate. That figure includes an average across BIE’s 53 directly operated schools, with staff leaving and new staff coming onboard every pay period. In total, from March 2020 to present, BIE has had 198 vacancies (from retirements to separations) with most of these being filled or in the process of being filled.

- b. Has the Bureau seen an increase in teacher and staff vacancies since March, 2020?**

Response: Yes; BIE has experienced a small increase. This is mostly attributable to the locations of many of our positions and the effects of the pandemic, which often make positions often hard to fill.

- c. Has the Bureau seen an increased rate of retirements compared to the previous three years?**

Response: Yes; there was a slight increase of about 21 additional staff member retirements this past year compared to the previous three years.

- d. What resources and/or legislative proposals would best help BIE recruitment and workforce retention efforts?**

Response: BIE funding and statutory requests are included in the President’s FY 2022 Budget Request released on May 28, 2021 and specifically outlined in the FY 2022 BIE Budget Greenbook.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 3, 2021

The Honorable Joe Manchin III
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted to Ms. Nada Culver following her April 27, 2021, appearance before the Committee at a hearing to "*Examine Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program*".

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

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

Enclosure

cc: The Honorable John Barrasso, Ranking Member

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Questions from Chairman Joe Manchin III

Question 1: LEASE FIRE SALE

There have been references to a “fire sale” on leases during the Trump Administration. In 2017, almost 12 million acres were offered for sale, followed by nearly 5 million acres in 2018, and 7.3 million acres in 2019, until things slowed in 2020 due to the pandemic. What is more surprising is how few of these acres were actually leased. Only 21 percent of all this acreage even received a bid.

Question: Ms. Culver, what insight does this give us about selecting parcels for these regular lease sales?

Response: During the past four years, the previous Administration offered vast swaths of our public lands for leasing, often prioritizing fossil fuel development above all other uses. However, as noted, a relatively small percentage received bids. As directed in President Biden’s Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad*, the Department is currently undertaking a comprehensive review and reconsideration of Federal oil and gas leasing and permitting practices to restore balance on public lands and waters, create jobs, and provide a path to align the management of America’s public lands and waters with our nation’s climate, conservation, and clean energy goals. We will explore which lands are best suited to being open to oil and gas leasing and included in any future lease sales as part of the ongoing review of the oil and gas program.

Question: How does preparing so many parcels for sale, particularly when there doesn’t appear to be interest, affect your agency’s capacity to do other work?

Response: Under 43 CFR 3120.3-1, the Bureau of Land Management (BLM) accepts informal nominations called Expressions of Interest (EOIs) to identify parcels for inclusion in the oil and gas lease sale process. Upon receipt of an EOI, the BLM determines if lands are eligible for leasing under the governing Resource Management Plan (RMP) and prepares the appropriate National Environmental Policy Act (NEPA) analysis prior to a lease sale. In the BLM’s analysis, we currently do not consider whether a parcel is likely to receive a bid. The competitive format of lease sales determines whether a parcel receives a bid.

Preparing parcels for sale requires tremendous resources from staff at the field, district, and state office levels. Staff at the field office level often are the same staff involved in other important program work, including: oil and gas permitting, inspection, and enforcement; range; wildlife; recreation; realty; and GIS. Companies are not currently required to submit payments to cover the cost of processing EOIs.

Question 2: METHANE VENTING AND FLARING

The surest way to avoid wasteful and damaging venting and flaring is by incentivizing moving that natural gas to market. This means we’ve got to get it from the well, to a processing facility, and then to consumers. Part of that is making sure we have a reasonable process to permit gathering lines. However, even if we have gathering lines in place, I understand that production rates can exceed the capacity of existing midstream and downstream pipelines and facilities. Ms. Culver, in the past when BLM has looked at what should be available for lease sales, has the agency considered access to natural gas

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infrastructure and whether or not pipelines would be in place to prevent some of these venting and flaring issues?

Response: Under current BLM regulations, an operator does not need to show they have secured access to natural gas infrastructure prior to BLM issuing a lease. The BLM recognizes the logistical challenges of approving and constructing large transmission pipelines to meet the demands and fluctuations of oil and/or gas production. The BLM also recognizes the importance of efficiently permitting gathering lines to help reduce venting and flaring. The President has made clear that his intention is to reduce greenhouse gases, including methane. The BLM is committed to developing solutions, including the consideration of methane venting and flaring, when processing oil and gas development actions.

Question 3: PIPELINE PERMITTING & TRIBES

However, the pipeline permitting process is getting increasingly lengthy, and even then we've heard that stakeholders aren't always part of the process where they should be, both of which put these much needed infrastructure projects at risk. Governor Vallo, the example you gave of the CO2 pipeline getting built in your community can serve as a proactive model for efficient project review and permitting through tribal and federal lands. Ms. Culver, is this success story something the BLM is evaluating as part of its review?

Response: The BLM considers outreach to Tribes and other stakeholders a critical component of its oil and gas program. Respect for Tribal sovereignty and self-governance, fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal officials are of the utmost priority for the Administration. The BLM, in coordination with the Department, is undertaking the fossil fuel program review to ensure that the oil and gas program serves the public interest, and we will take into consideration the permitting and review process for projects that involve Tribal and Federal lands.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

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April 27, 2021

Questions from Senator Maria Cantwell

Question 1: ROYALTY PAYMENTS

Question: Do you believe that current royalty rates take into consideration the full environmental costs imposed on all Americans from oil and gas development?

Response: The Department is currently undertaking a comprehensive review of our oil and gas program to evaluate royalty rates and fiscal terms, among other things, in the context of our obligations to taxpayers. The review is also considering additional impacts including to the environment and climate. An essential question that the BLM is considering under the review is whether the taxpayer is receiving a fair return for the use of our shared public lands, and what the appropriate royalty rate should be when considering the full impacts of the program.

In a March 2, 2021 report, GAO stated that the Department “lacks reasonable assurance that it is collecting its fair share of revenue from oil and gas produced on federal lands and waters” (GAO-21-1195P). In general, Federal onshore oil and gas rates are set at 12.5 percent with a few exceptions (including in the National Petroleum Reserve-Alaska); this rate was set in 1920. The BLM notes that, while the Federal rate is consistent throughout onshore public lands, it is often lower than royalty rates found on adjacent state, private, and Tribal lands, as well as offshore oil and gas operations.

Question: Federal lands are managed under a multiple use strategy that must balance the economic benefit from mineral extraction with other uses of the Federal land. Does the leasing of low- and no-potential lands negatively impact other land use opportunities like recreation, fishing, hunting, and cultural uses?

Response: Under the comprehensive oil and gas program review, the BLM is engaging a diverse range of stakeholders to determine the appropriate balance of lands offered for oil and gas leasing. We believe that BLM-managed lands should benefit the greatest number of Americans while allowing us to tackle the climate crisis. Through the review of the oil and gas program, we are considering the impact of oil and gas leasing on other important uses of public lands, including outdoor recreation, wildlife habitat, and landscape conservation, in addition to ensuring the public is receiving a fair return for the use of the public lands.

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Question 2: ADEQUATE BONDING

According to GAO, as many as 99% of bonds for wells currently operating on Federal lands are insufficient to cover closure and remediation costs if the wells become orphaned. The GAO report shows that BLM has just \$204 million in reclamation bonds to cover remediation costs that could exceed \$6 billion for the more than 96,000 producible oil and gas wells on public lands.

Question: Do you think BLM should take additional actions to ensure that taxpayers are not responsible for cleaning up orphaned and abandoned oil and gas wells on public lands?

Response: The BLM recognizes the importance of operators providing adequate bonds to protect taxpayers from paying cleanup costs if an operator fails to properly plug and reclaim oil and gas sites. Current bond levels were established in 1960. The Department is currently undertaking a comprehensive review of our oil and gas program to evaluate whether the current bonding requirements reflect expected reclamation costs for wells today – through this analysis and any recommended changes we aim to ensure that taxpayers are not unfairly burdened with the responsibility of cleaning up these sites.

Question: What steps can BLM take to better identify and catalogue all of the abandoned oil and gas wells on BLM managed lands?

Response: President Biden recognizes the importance of cleaning up abandoned and often hazardous sites that are contaminating the air and water and causing ongoing public health and environmental damage. His commitment to this issue is reflected in the President's Fiscal Year (FY) 2022 budget request of over \$450 million for the Department's orphaned well and abandoned mine land programs, which is more than double the FY 2021 enacted discretionary level. The BLM is currently engaged in a comprehensive review of known orphaned and idled wells (nonoperational wells) to verify the orphaned well inventory on BLM managed lands and is updating its policy regarding the orphaned well review process.

Question: What steps has BLM taken to hold responsible parties accountable for cleaning up abandoned wells?

Response: The BLM identifies an orphaned well as an inactive or non-producing well on Federal land that is not associated with a responsible or liable party and for which there is not sufficient bond coverage for plugging and surface restoration costs. Orphaned wells do not have a responsible party to hold accountable; therefore, the BLM's current authorities focus on preventing a well from becoming orphaned. The BLM is required to ensure new lessees and operators provide adequate bond amounts before site construction and continuing through the life of an oil and gas production well and its associated facilities. As mentioned previously, the Department is currently undertaking a comprehensive review of our oil and gas program to evaluate whether the current bonding requirements reflect expected reclamation costs for wells today.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Question: Do you believe the federal oil and gas program would benefit from the development of a program modeled after the federal coal programs Abandoned Mine Land program, a program that has disbursed over \$8 billion over the past four decades for mine-reclamation projects?

Response: As part of our comprehensive oil and gas program review, the BLM will be examining the challenges posed by idled and orphaned wells. This review will look at various best management practices, including those currently utilized in other programs, such as the Abandoned Mine Lands program.

Question: Do you agree with the EPA's estimates that there are over 2 million oil and gas wells nationwide that are considered abandoned wells, including wells that have no recent production or are orphaned, and remain unplugged. And that these wells emit methane equivalent to the emissions of over 7 million metric tons of CO₂ annually.

Response: The BLM recognizes the importance of cleaning up orphaned wells, as these hazardous sites may be contaminating the air and water and causing ongoing public health and environmental damage. The BLM believes that reclamation of oil and gas operations is an essential phase in oil and gas development on public lands, as it helps to ensure that any impacts on the land and resources are not permanent, and it helps create a foundation for community revitalization and economic diversification.

The BLM regularly reviews all nonoperational wells and takes appropriate steps to reduce the BLM's nonoperational and idled well inventory to help prevent wells from becoming orphaned. At present, the BLM has identified over 7,400 idled wells, and in FY 2020 nearly 1,200 wells were plugged on BLM-managed lands. The BLM is currently in the process of initiating a comprehensive inventory of orphaned wells on BLM-managed lands.

Regarding numbers, we can only speak to the orphaned wells that are on Federally owned lands. The majority of orphaned wells on Federal lands are in the eastern United States, primarily on U.S. Forest Service (USFS) lands. The USFS estimates there are 11,500 orphaned wells on USFS lands. These are largely historic wells that were developed prior to current reclamation regulations and standards. The BLM currently estimates there are 84 known orphaned wells on BLM-managed lands. The National Park Service (NPS) estimates there are approximately 374 wells on NPS-managed lands it identifies as abandoned or orphaned, a majority of which include Federal minerals. The U.S. Fish and Wildlife Service (FWS) reports an estimated 450 orphaned wells occur on Federal surface estate within the boundaries of National Wildlife Refuges (NWR). The orphaned well estimate is likely to be higher as wells not on the current inventory are discovered or current responsible parties become insolvent. Most of the orphaned wells on NWR owned lands are comprised of non-Federal subsurface mineral ownership. The Bureau of Indian Affairs, meanwhile, has recently reviewed its data and identified 2,686 orphaned wells on Tribal lands.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Question 3: METHANE IMPACTS DURING NEPA REVIEWS

EPA lists the oil and gas industry as the nation's largest source of methane emissions, a greenhouse gas with 25 times the warming impact of CO2.

- a. Question: Do you believe the current NEPA process—including recent changes made by the previous administration — adequately consider the cumulative impacts of oil and gas development?**

Response: The Biden Administration is taking action to tackle the climate crisis, including the rescission of the 2019 proposed NEPA guidance on greenhouse gas emissions and implementing new guidance on how science should be used in Federal decision-making processes. In addition, the Secretary of the Interior issued Secretarial Order (S.O.) 3398, which revokes a series of S.O.s issued in recent years that are inconsistent with the Department's commitment to protect public health; conserve land, water, and wildlife; elevate science; and prioritize action on climate change. The BLM will continue to use all available tools and resources for analyzing greenhouse gas emissions and climate change in NEPA reviews.

- b. Question: Do you believe the oil and gas sector should be responsible for the environmental costs associated with methane pollution and its contribution to overall greenhouse gas emissions?**

Response: The BLM believes that all individuals and entities have a responsibility to minimize their impacts on climate change, including the oil and gas sector.

- c. Question: Do you believe market-based incentives, such as an economy-wide price on carbon, would be effective at reducing methane emissions from the oil and gas sector than through regulatory controls?**

Response: The Biden Administration is committed to addressing the threat of climate change and is actively exploring ways to reduce methane emissions from the oil and gas sector. In support of these priorities, Secretary Haaland issued Secretarial Order 3399 on April 16, 2021, which establishes a Departmental Climate Task Force and directs the development of additional guidance regarding the application of the social cost of carbon, social cost of methane, and social cost of nitrous oxide for proposed Federal actions. The BLM also supports the Administration's "America the Beautiful Initiative" to help leverage natural climate solutions by conserving 30 percent of America's lands and waters by 2030 and supports reducing methane emissions as directed in E.O. 13990 to address climate change.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Questions from Senator Steve Daines

Question 1: During the hearing, it was brought up that oil and gas leases 'lock-up' land.

- a) After a lease has been purchased what activities are prohibited on federal surface land above an issued mineral lease?
- b) Can someone recreate on land that has been leased?
- c) Can someone recreate on land after a well has been drilled?
- d) Can someone hunt on land that has been leased?
- e) Can federal grazing permits still be issued and utilized?
- f) Can conservation efforts, including sage grouse habitat conservation initiatives, continue after a parcel of land is leased?

Response to Questions 1a-1f: Under the Federal Land Policy and Management Act (FLPMA), restricted multiple-use management may continue on lands that have been leased for mineral development. Once production activities begin, additional surface restrictions are necessary for public safety or to protect sensitive resources. Compatible uses and management of lands leased for mineral development are evaluated on a case-by-case basis.

Mineral leasing and development is taken into consideration during the BLM land use planning process. Approved leasing can lead to the exclusion of other land uses, including certain recreation and conservation designations, during the planning process.

- g) **Question:** Are there any prohibited or allowed uses on wind and solar leases or rights-of-way that are different than oil and gas leases?

Response: The BLM attempts to strike the right balance in permitting renewable energy development on public lands with other uses as part of its multiple-use mandate under FLPMA. Smart planning and a careful approach are used to determine the best locations for wind and solar projects that will minimize conflicts with important public uses, such as recreation and wildlife conservation.

Both wind and solar energy authorizations can allow for certain compatible uses, which are determined on a case-by-case basis. In general, wind energy projects do allow for additional compatible utilities, and under certain scenarios, other uses of the public lands such as grazing. Most utility-scale solar generation sites are fenced for security and site protection.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Question 2: In CY2019, approximately \$940 million was generated from bonuses from the leasing process. In CY2018, approximately \$1.6 billion was generated in bonus bids. Half of these dollars go back to the state and local governments and half remains with the federal government.

- a) **Question:** How much money does the Department expect to lose from bonus bids this year because of the leasing ban?

Response: The Department has not issued a leasing ban. The Department is undertaking a comprehensive review of the Federal oil and gas program, as directed in E.O. 14008. While 2018 did see a large amount of bonus bid revenue due to a single lease sale in New Mexico, most years see significantly smaller amounts of bonus bid revenue from oil and gas leases. In 2019, for example, over \$400 million of bonus bid revenue came from offshore wind leasing; bonuses made up less than 6 percent of total oil and gas revenue that year. Cumulatively over the past five years, bonus bids have made up less than 10 percent of total oil and gas revenue from federal lands.

The BLM also does not expect there to be a significant impact on revenues due to the number of undeveloped leases and undrilled permits currently held by industry. Industry holds 13,618 nonproducing leases with an associated 13.9 million acres. As of March 31, the Federal onshore operators hold a total of 7,895 approved and available Applications for Permit to Drill (APDs). Royalties from existing leases will continue to contribute to both the Federal treasury and states.

- b) **Question:** Will the Department ask Congress for additional money to make up for lost revenue from the leasing ban?

Response: The Department has not issued a leasing ban. Revenues generated from oil and gas lease sales are disbursed to states, the Reclamation Fund, and to the Federal treasury. Neither the BLM nor the Department generally retain the funds generated from oil and gas lease sales.

- c) **Question:** What is the Department's plan to offset lost revenue for local communities due to the leasing ban?

Response: The Department has not issued a leasing ban. As Secretary Haaland has stated, fossil fuels will continue to play a major role in America for years to come. The Department is undertaking a comprehensive review of the Federal oil and gas program, as directed in E.O. 14008. As mentioned above, the BLM does not expect there to be a significant impact on revenues due to the number of undeveloped leases and undrilled permits currently held by industry. Industry holds 13,618 nonproducing leases with an associated 13.9 million acres. As of March 31, the Federal onshore operators hold a total of 7,895 approved and available Applications for Permit to Drill (APDs). Royalties from existing leases will continue to contribute to both the Federal treasury and states.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Question 3: The Department of the Interior was directed to finalize recommendations for implementing the Biden Administration's 30 x 30 Initiative by April 27, 2021. It is my understanding the Department of the Interior has done so, but refuses to share those recommendations to the public. Furthermore, I along with 13 Senators requested a briefing by the Administration nearly two months ago without a response. The lack of information has many in Montana concerned. Why won't the Department of the Interior release their recommendations to the public and when can we expect a concrete outline of this initiative?

Response: On May 6, 2021, the Biden Administration released the preliminary report titled, "*Conserving and Restoring America the Beautiful*," which provides recommendations and outlines a 10-year, locally led and voluntary nationwide goal to conserve 30 percent of U.S. lands and waters by 2030. The report, submitted to the National Climate Task Force, details recommendations to support locally driven, science-based, conservation efforts across public, private, and Tribal lands and waters to create jobs and strengthen the economy; tackle the climate and biodiversity crises; and address inequitable access to the outdoors. The report outlines guiding principles to implement the nationwide effort, including a commitment to support voluntary conservation efforts of farmers, ranchers, and fishers; and honoring of Tribal sovereignty and private property rights. In line with E.O. 14008, the report was developed after hearing from a wide range of stakeholders including Tribal leaders, governors, Members of Congress, local officials, industry, hunting and fishing organizations, and others.

Question 4: The Great American Outdoors Act created the National Parks and Public Land Legacy Restoration Fund which is funded from energy revenues generated from both onshore and offshore public land.

- a) Do you expect there to be an impact on the revenues for the restoration fund caused by the leasing ban either this year or in future years?
- b) One of President Biden's goals is to completely move away from fossil fuel production despite oil and gas revenues generating nearly all of the money for conservation, including LWCF and the NPPLL Restoration Fund. What revenue for conservation does the Department believe should replace oil and gas revenue?

Response to questions 4a-b: The Department has not issued a leasing ban. As Secretary Haaland has stated, fossil fuels will continue to play a major role in America for years to come. The Department is undertaking a comprehensive review of the Federal oil and gas program as directed in E.O 14008. As mentioned in the response to Question 2, BLM does not expect there to be a significant impact on revenues due to the number of undeveloped leases and undrilled permits currently held by industry, and the relatively limited amount of revenue that comes from bonus bids. Royalties from existing leases will continue to contribute to both the Federal treasury and states, including funding for Land and Water Conservation Fund and National Parks and Public Land Legacy Restoration Fund.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Energy Development on Federal Lands, Focusing on the Current Status of the Department of the Interior's Onshore Oil and Gas Leasing Program

April 27, 2021

Questions from Senator Bill Cassidy

Ms. Culver, we know America produces some of the cleanest energy products across the globe and our energy products are significantly cleaner than our primary competitors.

Question 1: As the Department of the Interior is evaluating the oil and gas leasing program on public lands and offshore waters, how are you evaluating the utilization of technology and data systems (i.e., what metrics are you considering)?

Response: The BLM believes the utilization of technology is instrumental in safely and responsibly developing oil and gas from public lands. The BLM uses its electronic data systems to track and evaluate the federal onshore oil and gas leasing program. These systems provide reports on public land and mineral use authorizations for oil and gas on federal lands or on the federal mineral estate. The reports include metrics regarding public land statistics, operators, bonds, processing times, serial register pages, and other leasing related actions. Among these systems are the National Fluids Lease Sale System (NFLSS), the Mineral and Land Records System (MLRS), Automated Fluid Minerals Support System (AFMSS 2), and the Alaska Land Information System (ALIS).

The BLM is committed to having a transparent and accessible process that provides stakeholders an objective source of data and information needed to make operational decisions. The BLM has recently begun posting key statistics to BLM.gov in an effort to provide the public vital information about the time it takes to review complex or incomplete applications to ensure oil and gas development is done in an environmentally-sound and responsible manner, but also to offer a more complete picture of the federal oil and gas resources under lease.

Question 2: How could technology and data systems increase the Department of the Interior's confidence in resuming the issuance of new oil and natural gas permits?

Response: Since Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," was issued, the BLM has continued to process oil and gas permits. AFMSS 2, BLM's electronic oil and gas permitting system, has been in use since 2016 and continues to meet the BLM's technology and data system requirements. This technology improves BLM's ability to evaluate the entire federal oil and gas permitting process and ensure that it is efficient, transparent and working in the best interest of the American people. Having clear data allows the BLM to make appropriate management decisions and to shift resources to increase efficiencies.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 17, 2021

The Honorable Joe Neguse
Chairman
House Natural Resources Subcommittee
On National Parks, Forests, and Public Lands
House Committee on Natural Resources
Washington, D.C. 20515

Dear Chairman Neguse:

Enclosed are responses prepared by the Bureau of Land Management to the question for the record submitted to Mr. Mark Lambrecht, Assistant Director, National Conservation Lands and Community Partnerships, BLM, following his June 8, 2021, appearance before the Subcommittee at a hearing on public lands related legislation.

Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

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

Enclosure

cc: The Honorable Russ Fulcher, Ranking Member

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on Pending Legislation
June 9, 2021

Questions from Rep. Blake Moore

Question 1. In your testimony on the MAPLand Act you state that several provisions appear redundant with the Dingell Act, which requires the BLM to solicit input from the public to identify and publish a priority list of BLM parcels with high recreational values that are inaccessible. I believe it is important to note that the MAPLand Act will make it easier to complete Section 4105 of the Dingell Act; but it is not redundant at all with this provision. The Dingell Act requires that inaccessible parcels be identified, not that road and trail information be made digital and provided to the public. Can you speak to some of the obstacles that have made it difficult for the BLM to digitize access data?

Response: The Department of the Interior (DOI) manages over 500 million acres, or one-fifth, of the land in the United States and uses geospatial data to support its varied missions. The Bureau of Land Management (BLM) administers nearly half of the DOI land – approximately 245 million acres. Managing this extensive land base has inherent challenges, and the BLM is working to consolidate and update inventories of various travel routes to identify where public recreational access and egress across non-federal lands is significantly restricted. Further, Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, emphasizes improving recreational access for all Americans, including opportunities for underserved communities.

The BLM, in coordination with the DOI and the federal Geographic Data Committee, produces and makes available geospatial data to be shared with other federal agencies, states, tribes, local governments, academia, and the public. The BLM accomplishments include digitizing 90,000 miles of roads and trails into the BLM's Ground Transportation Linear Feature (GTLF) dataset, a geospatial dataset that contains elements of the BLM's transportation network. Features in this dataset are developed through the BLM's travel and transportation planning process, during which field offices identify the status and usage of these routes. While the BLM is diligently working to comprehensively update the GTLF, there are approximately 400,000 miles of routes on BLM administered lands that need to be analyzed consistent with laws, regulations, and policy and incorporated into the approved transportation network.

Our agency is also working to digitize transportation easements or other reservations across private lands that provide administrative or public access to landlocked or checkerboard BLM-administered lands intermixed with private ownership. Currently, the vast majority of the travel easement information is only available on legal documents. The BLM Public Land Access Data Delivery Project has digitized and published easements accessing public lands in Montana. The BLM is currently reviewing land records in Oregon, Washington, Colorado, Arizona, Wyoming, Idaho, and California and preparing them for digitization and publication. The Bureau expects to expand this project to all states by 2023 pending adequate capacity and resources. Through these and other efforts, the BLM is committed to improving the public's use of digital mapping data to make it easier for all Americans to enjoy recreational opportunities on our nation's public lands.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 3, 2021

The Honorable Joe Manchin III
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted to Ms. Nada Culver following her June 16, 2021, appearance before the Subcommittee on Public Lands, Forests, and Mining on pending legislation.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

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

Enclosure

cc: The Honorable John Barrasso, Ranking Member

**Questions for the Record
Subcommittee on Public Lands, Forests, and Mining
U.S. Senate Committee on Energy and Natural Resources
Hearing on Pending Legislation
June 16, 2021**

Questions from Senator Mike Lee

Question 1. (S. 177) Ms. Culver, under S.177, Interior would be able to authorize the maintenance of any existing structure or facility for wildlife water development projects (including guzzlers) in the wilderness, if the structure or facility would enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations. Given the severe drought currently being experienced in the West, do you believe that this would be helpful policy shift to be made applicable to other wilderness areas?

Response: The Bureau of Land Management (BLM) supports wildlife management activities in wilderness that help preserve wilderness character and minimize impacts to visitors. The provision in S. 177 regarding wildlife water catchments is consistent with provisions common to the management of wildlife in BLM wilderness areas as outlined in the Congressional Wildlife Guidelines provided in House Report 101-405 Appendix B (February 21, 1990).

Question 2. (S. 567) Ms. Culver, in the Lucy Gray Mountains, a portion of which would be designated as wilderness under S.567, there appear to be a series of roads or trails accessible by motor vehicles that lead into the peaks of the mountain. Is BLM aware of the number of miles of trail or road that would be made inaccessible by wilderness designations in this bill?

Response: The BLM is aware of the motorized recreation within the proposed Lucy Gray Mountains Wilderness. However, the BLM has not conducted a detailed inventory of the routes and trails in the area.

Question 3. (S. 567) In or near wilderness areas proposed by this bill, there is a road called Cottonwood Wash Road. This road is frequented by quail hunters and campers (including scouting groups), and could impact the ability of locals to deliver fuel to boaters on the Colorado River. Would access to Cottonwood Wash Road be impacted by the designation of a wilderness area?

Response: Access to the Cottonwood Wash Road, where it crosses BLM-managed public lands, would not be impacted by the bill's wilderness designations. The bill's wilderness designations also affect National Park Service (NPS)-administered lands. Cottonwood Wash Road within NPS' Lake Mead National Recreation Area is identified on the park's road inventory and provides important access for visitors to the recreation area. The Department of the Interior (DOI) requested in our testimony to work with the sponsor on creating more refined maps of wilderness designations, including here. Pending these more detailed maps, the NPS is unable to determine the extent of the impact on access to this area.

Question 4. (S. 567) Has BLM conducted an inventory of current amenities or activities authorized in these potential wilderness areas which would be prohibited if designated as wilderness?

Response: There are no identified amenities located on the BLM lands proposed for wilderness designation under the bill. However, the bill's wilderness designations would affect motorized recreational use in these areas.

**Questions for the Record
Subcommittee on Public Lands, Forests, and Mining
U.S. Senate Committee on Energy and Natural Resources
Hearing on Pending Legislation
June 16, 2021**

Question 5. (S. 1008) Ms. Culver, in your testimony you stated that the administration is opposed to the use of funds from the LWCF to pay for this study, is that correct?

Response: Yes. Last year, Congress permanently funded the Land and Water Conservation Fund, or LWCF, at \$900 million per year, with wide bipartisan support. The LWCF supports increased public access to and protection for federal public lands and waters, and provides matching grants to state governments for the acquisition and development of public parks and other outdoor recreation sites. The Department opposes the redirection of LWCF funds because it will reduce the total funds available for conservation projects and other LWCF programs.

Question 6. (S. 1008) Does it not seem like a logical conclusion that the fund used to acquire land eligible for PILT payments would also be an appropriate fund to pay for a study to make sure PILT payments are fair?

Response: The Department opposes the redirection of LWCF funds because it will reduce the total funds available for conservation projects and other LWCF programs.

Question 7. (S. 1008) In your testimony you say that the department anticipates the tool described in the MORE PILT Act being "too challenging to develop." Is PILT payment accuracy for 49 states including California, Oregon, and Washington a priority for the department?

Response: Yes. The Department will work to continue to ensure efficient and effective management of the PILT program.

Question 8. (S. 1008) Why is it that my home state of Utah was able to develop a successful tool with limited resources, but the Department of the Interior deems such a program "too challenging to develop?"

Response: The Department is not familiar with the tool developed by the State of Utah mentioned in the question. The Department's Statement for the Record detailed concerns about the program outlined in S. 1008.

Question 9. (S. 1008) I think we can both agree that underfunded PILT funds pose an issue to local communities across the United States. What is the Department's plan to actively improve the PILT program going forward?

Response: The Department knows counties and other local jurisdictions rely on PILT payments to support critically important services and programs. Funds are often used to pay for essential services such as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The annual PILT payments to local governments are computed based on the formula contained in the law. The Department is committed to ensuring the Federal government can fulfill its role of being a good neighbor to local communities, and will continue working to ensure efficient and effective management of the PILT program.

**Questions for the Record
Subcommittee on Public Lands, Forests, and Mining
U.S. Senate Committee on Energy and Natural Resources
Hearing on Pending Legislation
June 16, 2021**

Question 10. (S. 1008) How can the PILT program be improved if the federal government cannot ensure accuracy in land value calculation?

Response: The annual PILT payments to local governments are computed based on the formula contained in the law which is based on population, certain revenue-sharing payments, and the number of acres of Federal entitlement land within each county or jurisdiction.

Question 11. (S. 1076) Ms. Culver, can you describe the administrative process that occurs before work begins in cleaning up these wells?

Response: The BLM uses a multi-pronged approach to prevent the transition of nonoperational Federal wells to orphaned well status. This approach includes implementing the BLM's annual risk-based inspection and enforcement strategy; actively monitoring wells; conducting risk-based reviews of individual oil and gas leases and bond amounts to reduce potential liabilities; and identifying all the potentially liable parties to require their performance of permanent plugging and abandonment of the wells and site reclamation.

If wells ultimately become orphaned, the orphaned wells that present immediate health and safety concerns are the BLM's highest priority for plugging. Beyond health and safety concerns, the BLM's strategy is to focus on the Federal wells that have been orphaned for the longest period of time.

If the BLM determines that a well is orphaned, then we prioritize plugging and reclamation of the orphaned well, determine the potential cost for plugging and/or reclamation, and contact the bonding company (if a valid bond has been posted). If the bond is available and sufficient, the bonding company may contract for the plugging of the well and reclamation of the site. When the bond is insufficient or not available, the BLM procures funding and contracts the plugging of the well and reclamation of the location.

Finally, the BLM monitors the plugging and reclamation work and upon successful reclamation, removes the well from the orphaned well inventory.

On lands administered by the National Park Service, the NPS works closely with state agencies to identify well locations, determine their ownership status, and prioritize, design, and implement plugging and abandonment contracts for orphaned wells.

Question 12. (S. 1076) Do you believe that a categorical exclusion could help expedite this work?

Response: The BLM analyzes the entire life of a well when authorizing a permit to drill, including plugging and reclamation. In most instances, no additional National Environmental Policy Act (NEPA) analysis is required to plug a well and reclaim the location since the reclamation occurs within the existing disturbance. There are exceptions in which the BLM manages oil and gas leases that pre-date

**Questions for the Record
Subcommittee on Public Lands, Forests, and Mining
U.S. Senate Committee on Energy and Natural Resources
Hearing on Pending Legislation
June 16, 2021**

NEPA or in which NEPA analysis has not occurred (e.g., with private acquired or reversionary leases). In these cases, we do believe a categorical exclusion may reduce the administrative timeframes for issuing contracts to complete surface reclamation.

The National Park Service uses an existing categorical exclusion in many cases for this type of work; however, a categorical exclusion specifically for plugging and reclamation could prove useful.

Question 13. (S. 1686) In your testimony, you say "The Department strongly opposes S. 1686. Allowing mechanical travel in designated wilderness areas would undermine the principles of the Wilderness Act, which was intended to preserve certain lands in their natural condition, protect watersheds and wildlife, and provide opportunities for outdoor recreation." Does the department believe that mountain biking is not an opportunity for outdoor recreation?

Response: Mountain biking is a popular outdoor recreation activity that is enjoyed during millions of visits to extensive areas of the public lands administered by the DOI. However, mountain biking, like other forms of mechanical transport, is not an appropriate activity in wilderness areas since it is a form of recreation dependent on mechanical advancements, as prohibited in the Wilderness Act of 1964. Wilderness areas comprise 18% of the DOI land base and provide unique opportunities for primitive forms of recreation, while larger portions of DOI-managed lands, including the majority of BLM-managed lands, are available for mountain biking and other forms of mechanical transport and recreation.

Question 14. (S. 1686) Does the department believe that a parent hiking with a child in a stroller is not an opportunity for outdoor recreation?

Response: As noted above, while mechanical transport is not appropriate in the 18% of DOI-managed lands that are wilderness areas, the vast majority of DOI lands offer wonderful recreation opportunities for those who want to use strollers and other forms of mechanical transport.

Question 15. (S. 1686) You say in your testimony that "the addition of nonmotorized, mechanical travel would exacerbate the strain on protected lands and degrade their wilderness character over time." Could you elaborate on the strain on these lands that you anticipate being caused by, in your words, "lightweight, foldable, packable, single track" game carts?

Response: Adding mechanical transportation to wilderness areas, including lightweight, foldable, packable, single track game carts, would degrade the experience of those engaging in primitive, recreation and travel. The influx of mechanical transportation could also result in user conflicts with those visitors seeking a sense of solitude only available in the natural state of a wilderness area. Mechanical transport use may also compound loss of vegetative cover and soil erosion along trails and at destination areas such as lakeshores and streams, as well as impact wildlife use patterns.