

**LEWIS, NEWELL, AND ABBEY NOMINATIONS**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON**  
**ENERGY AND NATURAL RESOURCES**  
**UNITED STATES SENATE**  
**ONE HUNDRED ELEVENTH CONGRESS**  
**FIRST SESSION**

ON

THE NOMINATIONS OF WILMA A. LEWIS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR; THE NOMINATION OF RICHARD G. NEWELL, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION; AND THE NOMINATION OF ROBERT V. ABBEY, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

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## LEWIS, NEWELL, AND ABBEY NOMINATIONS

THURSDAY, JULY 9, 2009

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

The committee met, pursuant to notice, at 2 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Mark Udall presiding.

### OPENING STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO

Senator UDALL. The Committee on Energy and Natural Resources will come to order. I would like to inform those gathered that the Senate is undertaking a vote. In order to keep on track I'm going to ask Senator Ensign to begin the committee hearing by providing an introduction for Mr. Abbey.

Senator Ensign, the floor is yours.

### STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Senator ENSIGN. Thank you, Mr. Chairman. I appreciate that all. If ok with you I would submit my full statement for the record.

Senator UDALL. Without objection.

Senator ENSIGN. Just kind of talk based on my experience with Bob Abbey. Bob and I have worked together over the years with over, you know, or close to 90 percent of the land in Nevada owned or controlled by the Federal Government. A large percentage of that is by the Bureau of Land Management.

Bob Abbey played a very significant role in my State. Over the years, you know, we were kind of the home of the old Sagebrush Rebellion and various other things like that. Bob handled a lot of those kinds of different parties involved who have very different ideas of what should happen with public lands.

I thought Bob did a great job on bringing people together. No better place than that than the public lands bills that we worked on together with myself and Senator Reed and other members of the delegation that, you know, brought everybody from environmental groups and in our State we have very far left environmental groups to kind of, you know, more on the right type of environmental groups. We have, you know, hunters and multi-use people and miners and you know, and developers, local governments, state governments, Federal Governments, all of those folks together.

Bob has been the representative there for the Federal Government, I thought did a really super job on bringing people together and showed great leadership at that time. I found him to be a man of integrity and really a straight shooter. That's obviously what we need as somebody at the head of the BLM.

So I, you know, highly recommend him. I'm glad to see him getting this opportunity. I think it's something that he richly deserves. I'm looking forward to working with him in the future simply because there is no other State that this is a more important position than my State.

Every Western State it's really important. But just on a percentage basis it's a real critical position for my home State of Nevada. So I appreciate this hearing. Hopefully we'll be able to move his nomination process as quickly as possible and to get him in there leading this vital agency.

So I thank you for allowing me to testify today. Bob, good luck. I'm going to say it prematurely, I don't think you're going to have any problems. So good luck in your new position.

Thank you, Mr. Chairman.

Senator UDALL. Thank you, Senator Ensign. I think that at least there's two votes here to move this nomination forward for Bob Abbey. But thank you again, Senator Ensign.

If I might because the Senate is voting at this point in time and there are no other members of the committee here, I'm going to provide for a short recess. I'll go to the floor and vote and return as quickly as I can. So if the nominees will hold their fire, we look forward to hearing from you in probably 15 minutes. I'll be back. So the committee stands in recess.

Senator UDALL. The Senate Committee on Energy and Natural Resources will come to order. Thank you for your forbearance. We had a vote on the floor on Senator McCain's amendment. We've been joined by Senator McCain and by Ranking Member Murkowski.

We meet this afternoon to consider three nominations for offices in the Department of the Interior and the Department of Energy.

The three nominees are Wilma Lewis, to be the Assistant Secretary of the Interior for Land and Minerals Management.

Richard Newell, to be the Administrator of the Energy Information Administration within the Department of Energy.

Robert Abbey to be the Director of the Bureau of Land Management at the Department of the Interior.

All three of these offices are of great interest to members of this committee and are of critical importance to our country. We're very fortunate to have three extremely well qualified nominees for these positions.

The Assistant Secretary for Land and Minerals Management is responsible for overseeing the management of public lands and resources including the production of energy and mineral resources and the collection of Federal oil and gas royalties. The Department's Inspector General has uncovered serious ethical problems in the royalty program in recent years. Ms. Lewis will bring to the job many years of experience as a former Inspector General and a United States Attorney for the District of Columbia, as well as an Associate Solicitor in the Department of the Interior, the Comp-

troller for United States territories. She partnered a major law firm and most recently the General Counsel of the Federal Home Loan Mortgage Corporation.

This extraordinary combination of legal, law enforcement and managerial experience along with her well earned reputation for personal integrity and high ethical standards make Ms. Lewis an outstanding choice for this critical post.

The Administrator of the Energy Information Administration is responsible for collecting, evaluating and analyzing a broad range of economic and statistical information about the nation's energy needs and resources. We rely heavily on the Administrator to provide us with accurate, reliable and unbiased data and projections. Dr. Newell is a distinguished energy economist, who has served as a Senior Fellow at Resources for the Future, as a Senior Economist on the President's Council of Economic Advisors during the previous Administration and most recently as a professor of Energy and Environmental Economics at Duke University.

He will bring to the EIA extensive experience in the economics of energy, environmental markets, climate change, energy efficiency and market based environmental policies.

Finally, the Director of the Bureau of Land Management is responsible for managing over 250 million acres of public land in the West and 700 million acres of subsurface mineral estate. Mr. Abbey worked for the BLM for 25 years. The last 8 in which he spent as the BLM's Nevada State Director. He has clearly demonstrated his ability to manage BLM offices by having already managed his Nevada State Office with distinction.

In short the President has nominated three outstanding individuals for these important positions. I support all three and am pleased to welcome them this afternoon. I would actually—I got a little ahead of myself.

So I'd like the three nominees to come to the witness table if you would. When you're seated and comfortable I will turn to Senator Murkowski for her statement. I got excited about hearing from you all and didn't give you a chance to join us at the witness table.

Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR  
FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman. Welcome to all three of you this afternoon as well as your families. There's a lot going on at this point in time. I think you know. So I'm not going to spend any time with an opening statement other than to welcome you.

The chairman has outlined the qualifications of each of you. You come to your respective positions with high qualifications for the positions for which you are nominated. There is no shortage of important issues that we have to talk about and I look forward to posing some questions to you, hearing your responses and continuing our discussion as we move through the process.

So thank you all.

Senator UDALL. Thank you, Senator Murkowski. At this time I would like to make an announcement that the rules of the committee, which apply to all nominees, require that you be sworn in

connection with your testimony. So would each of you stand and raise your right hand?

Do you solemnly swear that the testimony you are about to give to the Senate Committee on Energy and Natural Resources shall be the truth, the whole truth and nothing but the truth?

[All witnesses answered in the affirmative.]

Senator UDALL. You may be seated. Before you begin your statements, I would ask three questions that I would address to each nominee before the committee.

Will you be available to appear before this committee and other congressional committees to represent departmental positions and respond to issues of concern to the Congress?

[All witnesses answered in the affirmative.]

Senator UDALL. Are you aware of any personal holdings, investments or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you've been nominated by the President?

Ms. LEWIS. Thank you, Senator. My investments, personal holdings and other interests have been reviewed both by myself and the appropriate ethics counselors within the Federal Government. I've taken appropriate action to avoid any conflicts of interest. There are no conflicts of interest or appearances thereof to my knowledge.

Senator UDALL. Mr. Newell.

Mr. NEWELL. All of my personal assets have been reviewed both by myself and by appropriate ethics counselors within the Federal Government and I've taken appropriate action to avoid any conflicts of interest.

Senator UDALL. Mr. Abbey.

Mr. ABBEY. My investments, personal holdings and other interests have been reviewed both by myself and the appropriate ethics counselors within the Federal Government. I've taken appropriate action to avoid any conflicts of interest. There are no conflicts of interests or appearances thereof to my knowledge.

Senator UDALL. Let me move to the third and the final question. Are you involved or do you have any assets held in a blind trust?

Ms. LEWIS. No.

Mr. NEWELL. No.

Mr. ABBEY. No.

Senator UDALL. Thank you for participating in those important preliminary steps. We'd like to now turn to Ms. Lewis. If you'd like to introduce any family members that would be more than appropriate and then we would welcome your opening statement.

**STATEMENT OF WILMA A. LEWIS, NOMINEE TO BE AN ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Ms. LEWIS. Thank you very much, Mr. Chairman. Yes, I would like to introduce some family members. Over here to my left first my far left is my nephew, Erin Lewis.

Sitting next to him is my mom, Juta Lewis, a retired Assistant District Director of Customs for the Virgin Islands. Sitting next to her is my brother, Warren Lewis and he is the Executive Officer at Interpol here in DC. Sitting next to Warren is a very good family



friend, we consider a part of the family, Arabela Lassford, who flew in from the Virgin Islands for the hearing today. She is also with the Customs Service in the Virgin Islands.

I thank them for being here and for their love and their support. Mr. Chairman, if you would, I'd also like to thank other friends for being here and certainly the wonderful team at the Department of the Interior, who are always here to support us.

Senator UDALL. Thank you and welcome to your family members. Ms. Lewis, if you'd like to deliver your statement, please feel free to do so.

Ms. LEWIS. Thank you, Mr. Chairman, Senator Murkowski, Senator McCain, members of the committee, it is a special honor to appear before you today as the President's nominee for the position of Assistant Secretary for Land and Minerals Management at the Department of the Interior. If confirmed by the Senate this would be the third time that I've had the privilege of serving the people of the United States in a Presidentially appointed Senate confirmed position. The second time that I've been afforded this opportunity at the Department of the Interior.

If confirmed I would bring to the many challenges of the Assistant Secretary position the fruits of my educational background, the litany of skills and experiences amassed during my 28 year professional career and a strong and unwavering commitment to public service. I would request Mr. Chairman, that my entire written statement be placed in the record of these proceedings. In the interest of time, I will just read portions of that statement.

Senator UDALL. Without objection, so ordered.

Ms. LEWIS. Thank you. I was born in Santurce, Puerto Rico, and grew up in St. Thomas, U.S. Virgin Islands. During my high school years I decided that I would pursue a career as a lawyer. During these formative years and thereafter I was influenced greatly by strong, a very strong, family tradition of public service.

My late father, Walter Lewis, with over 40 years of government service. My mother, whom I just introduced, Juta Lewis, with 30 years in government service. My brother, whom I also introduced, Warren Lewis, still toiling away after over 35 years in government service.

I saw in the shining examples set by each of these loved ones the kind of strong and positive work ethic, undying dedication, distinguished service and uncompromising integrity that public service demands and so richly deserves. From my high school days, therefore, I looked forward to the opportunity. Not only to become a lawyer, but also to devote a portion of my career to public service and to emulate those special qualities exhibited by those nearest and dearest to me.

Following graduation from All Saints Cathedral School in St. Thomas with high honors and as valedictorian of my senior class, graduation from Swarthmore College with a Bachelor of Arts degree with distinction and election to Phi Beta Kappa and from Harvard Law School with a Juris Doctor degree, I embarked on my legal career. During my 28 year professional career I have worked in the private sector as both an Associate and a partner in the corporate sector and for over 15 years with the Federal Government.

I've also served as an adjunct faculty member in trial advocacy and on various boards, commissions and committees.

I believe that the totality of my professional experience renders me well equipped to handle the myriad responsibilities and challenges of the Assistant Secretary position for which I have been nominated.

First, I've had a broad range of legal experience. From my various professional opportunities I developed the ability to be a quick study, to exercise reasoned judgment, to analyze complex issues and to engage in effective problem solving. I also developed a passion for economy, efficiency, effectiveness and integrity in government operations.

Second, as a former United States Attorney for the District of Columbia and a former Inspector General for the Department of the Interior, I developed a solid law enforcement background and gained extensive experience in providing strong leadership and effective management in major Federal agencies. While serving in these capacities I was responsible, among other things, for establishing and implementing the vision, priorities and major initiatives for the organizations, high level decisionmaking and problem solving, promoting excellence, productivity, integrity and accountability within the organization and also for fostering productive relationships with diverse groups of individuals and entities on behalf of the organizations. Undoubtedly these experiences would be invaluable as an Assistant Secretary.

Finally, as the Associate Solicitor for General Law and subsequently the Inspector General for the Department of the Interior from 1993 to 1998, I became familiar with various programs and operations of the Department. Of particular note, while serving as Inspector General from 1995 to 1998, I launched the Office's Affirmative Civil Enforcement program. Among the proactive initiatives launched under that program were ones involving the underpayment of royalties on Federal mineral leases, the recovery of delinquent coal reclamation fees owed by surface coal operators and an environmental initiative that focused on violations of the Outer Continental Shelf Lands Act.

I believe that this prior experience would be of great asset to me in the position of Assistant Secretary. I would consider it an honor and welcome the opportunity to return to public service as the Assistant Secretary for Land and Minerals Management at the Department of the Interior. If I'm confirmed I would embark upon this next chapter of my professional career with a clear understanding of the tremendous responsibility that we shoulder as public servants with a keen appreciation for the great privilege that it is to serve the public and with an unwavering commitment to the high ethical and other standards that should always be our guide.

Thank you for the opportunity to appear before you today. I would be pleased to answer any questions that you may have.

Senator UDALL. Thank you, Ms. Lewis. Mr. Newell, the floor is yours. If you would like to introduce any family members, so please feel free to do so.

**STATEMENT OF RICHARD G. NEWELL, NOMINEE TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION**

Mr. NEWELL. Thank you very much, Mr. Chairman. First, I'd like to introduce my wife, Bonnie and our daughters, Rose and Ella. Thank them for their love and support. Unexpectedly my sister-in-law, Amy and my niece, Cora are also here and several friends. So I very much appreciate them being here.

Mr. Chairman, Ranking Member Murkowski, distinguished members of the committee it is an honor and a privilege to appear before you today as President Obama's nominee for Administrator of the Energy Information Administration. I'm grateful to the President and to Secretary Chu for their confidence in trusting me with this important assignment.

As you know the mission of the EIA is to provide policy neutral data, forecasts and analysis to promote sound policymaking, efficient markets and public understanding regarding energy and its interaction with the economy and the environment. Created by Congress in 1977, EIA is the statistical and analytical agency of the Department of Energy. As such as the Nation's premier source of unbiased energy data, analysis and forecasting, EIA collects and disseminates a wide range of energy information covering energy production, stocks, demand, imports, exports, prices, technologies and emissions.

EIA also prepares short term forecasts, long term projections and other analyses and special reports on topics of current interest to Congress and to the executive branch. By law EIA prepares products independently of policy positions taken within the Federal Government. I feel strongly about this independent role that independent, unbiased and open minded information and analysis can and should play in helping guide wise energy decisions both within the public and private sectors.

My undergraduate study in engineering and philosophy showed me the value of technically rigorous problem solving as well as a reasoned approach to dissecting alternative viewpoints on very complex issues. In graduate study and in my professional career I turned upon economics, statistics modeling and other tools of policy analysis to understanding the operation and design of energy and environmental markets and policies. Along the way I've worked in both the private and non-profit sectors, for government and most recently in academia.

For many years I was a Senior Fellow at Resources for the Future, a non-profit, non-partisan organization that conducts independent research on energy and environmental issues. During 2005 to 2006, I served as Senior Economist for Energy and Environment on the President's Council of Economic Advisors which offers the President independent, economic advice based on objective economic research and empirical evidence. I have also been involved in a number of other efforts including the bipartisan National Commission on Energy Policy and several energy studies undertaken by the National Academies.

I am currently professor of Energy and Environmental Economics at Duke University's Nicholas School of the Environment and also Associate up there with the Fuqua School of Business. By

while I work at Duke I live in Chappel Hill. Despite President Obama's position on the issue, I remain non-aligned when it comes to Carolina/Duke basketball.

[Laughter.]

Mr. NEWELL. More seriously, if confirmed I intend to bring an open mind and a fresh perspective to the challenges facing EIA. EIA has many accomplishments and a proud history, but improvement is always possible and necessary. I see a number of opportunities for ensuring that EIA information analysis is always outstanding, responsive and readily accessible.

One priority is continually updating EIA's short and long term modeling platforms based on the best internal and external data and methods available. The forecasts, projections and policy analyses based on these models are very widely used in the private and public sectors and must be held to the highest standards.

Another priority is improving EIA's information base and analytic capacity for understanding and assessing the interrelated roles of fundamentals, financial market behavior and other factors in energy price formation.

Also critical is reinforcing EIA's data collection efforts including on energy demand and newly emerging technologies and fuels.

There are other opportunities as well. If confirmed I look forward to working with members of this committee and others both inside and outside of government in order to improve the information analytical base used for making sound energy decisions.

Thank you for this opportunity to appear before the committee. I look forward to working with you in the future.

Senator UDALL. Thank you, Mr. Newell. Mr. Abbey, I want to turn to you now. But before I ask you to introduce any family members and give your statement, I did want to note for the committee members who arrived after the vote that Senator Ensign did provide a heartwarming and thoughtful and ringing endorsement of your nomination to head the Bureau of Land Management.

So the floor is yours. If you would like to introduce any family members, it would be appropriate to do so.

**STATEMENT OF ROBERT V. ABBEY, NOMINEE TO BE  
DIRECTOR OF THE BUREAU OF LAND MANAGEMENT**

Mr. ABBEY. Thank you, Mr. Chairman. I certainly appreciate Senator Ensign taking time out of his busy schedule to introduce me to the committee. My wife had the option of attending this session today or being with our 3 year old grandson. She chose the higher priority. So I have to give her credit for that.

But on the way over here, Wilma Lewis' family adopted me. So I appreciate your support today.

[Laughter.]

Mr. ABBEY. Thank you, Mr. Chairman, Senator Murkowski and members of the committee. I'm truly honored that President Obama and Secretary Salazar have demonstrated their confidence in me by nominating me to lead the Bureau of Land Management. It would certainly be a great privilege to serve our country as the next BLM Director. If confirmed I pledge to work closely with the Secretary, with Members of Congress and most importantly with

public land stakeholders to manage the public's land and mineral resources.

I have 32 years of experience working in State and the Federal Government. I spent 25 years serving the public as an employee with the BLM working in Wyoming, Arizona, Washington DC, Mississippi, Colorado and Nevada. Our family moves so often that my wife still thinks the BLM stands for Better Like Moving.

I was fortunate to work with many dedicated employees at each location. But I've also been blessed with the opportunities to work with outstanding members of the public, many of who are just as passionate about and dedicated to the proper management of public lands as BLM employees. I understand that my nomination has been supported by a diverse group of public land stakeholders. I am proud of this fact.

Managing the national system of public lands for multiple uses is not easy, by any means. Acknowledging that many stakeholders have valid reasons for some of their differences, I know from working in the field that we actually have much in common. Most of us want public lands to be managed in a manner that will provide for clean water and air and a healthy environment for plants, animals and people.

We want productive and sustainable ecosystems. We want available energy resources both renewable and non-renewable to be developed responsibly and in a manner that will help us achieve our national goals of reducing the impacts of climate change, carbon emissions and a reliance on foreign oil. We support opportunities to use public lands for recreational pursuits and in a manner that helps sustain communities and local economies. Most of us want the BLM to place as much value on our nation's wilderness and cultural resources as we do on mineral exploration and development.

I believe we can achieve our common goals and better serve the public by working together while we continue our discussions on issues where we might disagree. I know full well that many challenges lie ahead. For example, of special concerns today are wild fires, our changing water and land base, impact to public lands caused by irresponsible users and the spread of invasive species. While these issues are daunting and significant in their own right I am just as concerned about addressing internal issues within the BLM itself.

If confirmed I will be a hands-on director and will ensure that BLM leaders lead and managers manage, helping to ensure that important decisions are reached based upon the best available information and in a timely manner. We will work closely with local, State, tribal and other Federal agencies as we do our very best to meet the management goals and the public's expectations.

I take great pride in the work that we, as an agency, accomplished during my 25 year period with the Bureau of Land Management. For almost 4 years now I've worked as a Natural Resource Consultant in the private sector. I've gained a different perspective of our natural resource agencies and their processes during this period. I believe this recent experience in the private sector will help me be a better agency administrator.

Mr. Chairman, if confirmed it will be my goal to move aggressively in managing BLM programs to help meet the energy, mineral and recreational needs of our nation while at the same time assuring the sustainability and ecological health of our nation's most precious cultural and natural resources. I appreciate the opportunity you've given me to testify today. I stand ready to answer any questions you may have.

Senator UDALL. Thank you, Mr. Abbey. We will now turn to a round of questions. I would note that this is an impressive turnout of Senators from the West, from the far West and from the near West. As Senator Shaheen is of course from New Hampshire.

I'm sitting in as a surrogate for Senator Bingaman. He had a statement that he wanted me to direct to Ms. Lewis and a short question to Dr. Newell. Then I had two short questions and I will turn it over to the ranking member.

But as I've said, Ms. Lewis, I don't have any questions for you. But I would like to mention several issues that Senator Bingaman raised. I share his concern about several issues that will be waiting on your desk once you are confirmed.

They are No. 1, addressing the problem of Mountain Top Removal.

No. 2, making certain that the MMS gets back on the right track.

No. 3, ensuring good inspection and enforcement and sound environmental compliance for oil and gas development on Federal lands.

No. 4, reforming the mining law of 1872.

No. 5, putting in place a program to reclaim abandoned hard rock and uranium mine sites.

This is a daunting list. But as I said in my opening remarks I believe you're up to the challenge. I look forward to working with you.

Mr. LEWIS. Thank you, Senator. I look forward to working with you as well.

Senator UDALL. Dr. Newell, I want to turn to the price bubble that we saw last year. I think it's fair to say that before that bubble emerged that EIA may have failed to appreciate the connection between the financial and physical oil markets and thus failed to anticipate the unprecedented run up in crude oil and gasoline prices last summer. Would you agree that the EIA needs to bolster its ability to understand the connection between the physical oil market and the financial oil market? I would also like to hear about the connection between the financial oil market and oil price formation.

Mr. NEWELL. I absolutely would agree that EIA has a very important role to play in making the best information and analysis of the very conflicts, interrelationships between supply and demand fundamentals, other commodity markets and the broader financial market system as it relates to energy prices. I think that it's going to be important for EIA to both increase analytic capacity in this area. Also do a better job of explaining for policymakers and a broader public about the dynamics of these energy market prices as it's unfolding.

Senator UDALL. Thank you. I think this is a very, very important topic. On this committee there's been robust debate and discussion

about what really happened last year and why oil approached \$150 a barrel when the underlying fundamentals didn't seem to support that price.

We're really going to look to you for help in understanding that and preventing that sort of run up in the future. Thank you for that answer.

Mr. Abbey, I will turn to you. I have two questions, particular my interests. I alluded to this in the comments I directed at Ms. Lewis as well.

In the West we've got thousands of contaminated mine sites. Colorado has almost innumerable sites, of course, as does Nevada and the States that are represented here. We need to clean them up. Can you tell me how many abandoned mines and contaminated sites exist on BLM land? How much funding you're allocating or would allocate to address these sites? What are the obstacles in cleaning them up?

Mr. ABBEY. There's several different figures going around. I've seen several just in preparation for this hearing. I've read this morning that there's approximately 20,000 abandoned mines with contaminants on public lands managed by the Bureau of Land Management. That figure may be even higher.

It's also my understanding that in 2009 that the Department of the Interior received in the neighborhood of \$29 million to help mitigate many of these abandoned mine land safety hazards. I am familiar with the Bureau of Land Management and the Department of Interior having a five strategy to move forward aggressively in addressing the needs to clean up as many of these mine sites as possible during that 5-year period. If confirmed it's something that we will give one of the highest priorities to because we certainly recognize and understand the safety hazards associated with these mines and it's way past time that the Bureau of Land Management addresses that issue.

Senator UDALL. Thank you. Let me ask a follow up question in that regard. I've taken a real interest in this through the years in the Congress, first in the House and now here in the Senate. I've drafted legislation that would authorize the EPA and the States to issue so called Good Samaritan permits.

The law would come at the obstacle of the Clean Water Act liability exposure to those who had no responsibility at a mine in the beginning stages. But they could then come in and clean it up without assuming that liability. Would the BLM benefit from such an approach? Could you be supportive of this legislative effort?

Mr. ABBEY. Mr. Chairman, the BLM would not only benefit, but it's my understanding that they have taken a formal position of supporting such legislation as far as providing for Good Samaritan permits. Again, if confirmed I'd be happy to work with you and the many others to move forward with language in any type of mining law reform that might come before the Congress to incorporate such Good Samaritan language in that bill.

Senator UDALL. There's a lot of pent up demand in wanting to do this work, volunteer groups all over my State. I'm sure over in Senator Barrasso's State, Senator McCain, Senator Murkowski. In the Northeast I'm sure there's sites as well. So I look forward to working with you to make this a reality.

Mr. ABBEY. Thank you.

Senator UDALL. Let me turn to the ranking member, the Senator from Alaska.

Senator MURKOWSKI. Thank you, Mr. Chairman. Mr. Abbey, we'll start with you.

Mr. ABBEY. Ok.

Senator MURKOWSKI. We, in the State of Alaska, are celebrating our 50th anniversary of statehood. When we became State back in 1959, we were promised 104 million acres of land. Then when the Alaskan natives settled their land claims in 1971, they were additionally promised some 44 million acres of land.

Thirty-four or 38 years later, for the natives, and 50 years later for the State, we're still waiting on these conveyances. Fifty-four percent of the State's lands have been fully transferred. Fifty-seven percent of the native land has been transferred.

I figured back in 2004 when I came to the Senate that that was plenty of time——

Mr. ABBEY. Yes.

Senator MURKOWSKI [continuing]. For the Federal Government to deliver on its promise to our natives and to the State of Alaska. So I introduced legislation and it was passed, so the Alaska Land Conveyance Acceleration Act became law.

Unfortunately we haven't had as much support as I would have liked over these past few years to get the conveyances complete. We put a deadline of 2009 for completion. I would like to hear whatever assurances you can give me as to the administration's interest in pursuing these and finalizing these conveyances and just give me the commitment that you will be working with the State of Alaska and Alaska natives to complete the promises.

Mr. ABBEY. That's a great question, Senator Murkowski. I do understand, due to your legislation that you introduced in 2004 and the Congress passed that is provided the Bureau of Land Management with much needed additional tools to expedite that conveyance process. It is also my understanding again, based upon the information that's been provided to me in preparation for this hearing, that the Bureau of Land Management in Alaska has stated that they are on track to meet their commitments by December 2009.

So if you know of something that's different than that, I would certainly appreciate hearing about it. I will do everything that I can, once confirmed, to work with you to make sure that the Bureau of Land Management focuses the appropriate attention to resolving these lands actions and move forward aggressively to meet those commitments.

Senator MURKOWSKI. I appreciate that statement. What has happened is that there have been tentative conveyances. But as you and I know if there remains a cloud, if it is not fully conveyed you cannot utilize that land whether it's for resource development or whatever the nature of the use may be.

So in fact if you look at the spreadsheet we have made, we're still only at 54 percent of the State's lands, 57 percent of the native lands actually conveyed. These are my statistics, but I have every reason to believe that these are accurate and up to date.



We have some issues. I'm sure that the Alaska BLM folks will be further briefing you, but I would love the opportunity to discuss with you and your staff here how we might further encourage the complete conveyances of these lands. I think most of us would agree that 50 years to complete land conveyance is plenty of time. But we want to work with you on that.

Let me ask you, Ms. Lewis, within the Department of the Interior your background as you relate to the committee is quite extensive. You certainly have some very real management skills. How do you envision the internal allocation of resources within the DOI budget? Specifically how you might prioritize Alaska interests?

You might think well, this is pretty parochial, but 61 percent of the total wilderness within this entire country is located in Alaska. We've got nearly 40 percent of all the National Park Service lands that are located in Alaska.

So you'd think that if you're looking at the percentages of the pie, we would get a greater percentage of DOI budget. But it turns out that there's just barely a couple percent of DOI budget that's spent on managing Alaska holdings. The holdings within DOI are about 210 million acres.

So I'd like to try to understand just a little bit about what your philosophy might be in budget allocations in the future?

Ms. LEWIS. Thank you, Senator Murkowski. Budget and resource allocation is always a tricky business. I think it really takes a careful look at not only one piece of a puzzle, but the entirety of the puzzle to be able to make informed decisions about how resources should be allocated in terms of dollars, in terms of people and manpower and so forth.

What I would like to do, if confirmed as Assistant Secretary is to go in and take a look at our entire budget. How it is currently allocated. Why it is currently allocated in the way that it is. Try to come to my own judgment as to how I think we should best proceed.

I think at this point I'm at a disadvantage to answer that question in any detail. I wouldn't dare to try to do that without the necessary factual information. I guess I'm the type that I like to gather the facts. I like to hear the rationales for what might be doing and go forward based on an assessment in that way.

So I would commit, if I'm confirmed, to go into take a hard look at that in light of what you have said here today. Make a decision in terms of how the resources both from a budget perspective and otherwise should be properly allocated.

Senator MURKOWSKI. That's fair. I don't mean to try to set you up at all. But there is a recognition that when it comes to the number of people or when it comes to the number of staff that we have, we just don't measure up.

When you appreciate the extent of the lands that DOI manages within one State, it almost takes your breath away. So I put that before you as you do this analysis to just have in the back of your mind. If we can provide any assistance to you we're certainly happy to do so.

Thank you, Mr. Chairman.

Mr. ABBEY. Thank you, Senator.

Senator UDALL. Thank you, Senator Murkowski. Let me now recognize the Senator from New Hampshire, Senator Shaheen, in two ways. I'm going to hand the gavel to her as I'm called upon to go preside on the full Senate floor.

So Senator Shaheen will serve as chair as well. But she is now recognized. Thank you.

Senator SHAHEEN [presiding]. Thank you, Senator Udall. However, I will take the gavel. I would actually like to disclaim having New Hampshire being called the near West.

[Laughter.]

Senator SHAHEEN. Dr. Newell, my first question is for you. As I'm sure you're aware the energy bill that this committee passed recently expanded the EIA's role in overseeing the energy futures market and created a Financial Market Analysis Office within the EIA. As Administrator you would personally participate in a working group on energy markets that assesses the factors driving the price of oil and recommends regulatory improvements for our energy markets.

I wonder if you have thought yet about the whole issue of oil speculation and the role that this new office would play within EIA and that expanded role. How you think that office could best address concerns that I think many of us have had about the kind of speculation that, I believe, we saw last year with respect to oil markets?

Mr. NEWELL. Thank you, Senator, for that question. This is an important question because, as you know, increasing energy prices can have a profound impact on household budgets and can also pose risks for the U.S. economy and broader global economies. So this is an issue I think is being taken seriously.

In terms of the specific legislation that was voted out of this committee. I've looked at it briefly. I've been briefed somewhat on it. I don't know all of the details.

In terms of the general issue of whether or not it makes sense for EIA to have additional capacity to analyze these issues and help yourselves and the broader public understand energy price dynamics as it's unfolding. I think that's absolutely something that EIA should be doing. In terms of the organizational structure that would be most effective in achieving that end? I'm not immersed yet in terms of where the particular pockets of expertise are within the administration.

But I think the most important thing there is having the right people and the right data to do it. So I would be looking forward to figuring out exactly what the best way to increase that capacity would be.

In terms of interagency working group and cooperation I had a brief conversation with Chairman Gensler at the CFTC which is another important agency.

Senator SHAHEEN. Right.

Mr. NEWELL. Specifically one that has regulatory responsibility in terms of overseeing these markets. We've definitely agree that it's very important for EIA to continue to work together at the analytical level, at the level of sharing information to make sure everybody is well informed. So again, whether or not that requires an official interagency committee?

Whatever happens we will be working together on that regardless of whether a bill is passed. So I welcome that. There's other agencies as well that we'll have to be in close coordination with.

Senator SHAHEEN. Do you have thoughts about how to make that information as transparent as possible? It seems to me that one of the most important things we can do to avoid the kind of speculation that we saw last year is to make people aware of what's going on.

Mr. NEWELL. Yes. So one of the things that I think I would pay closer attention to, if confirmed at EIA, is playing a greater role in interpreting the information that is provided by EIA as those market dynamics are unfolding. EIA does some of that. But I think could do more in terms of explaining what those dynamics are, explaining the roles of, you know, market fundamentals, supply and demand, changing geo-political factors.

There's other changes in related commodity markets and broader trends within financial markets. We were covering the global economy uncertainty about the rate of United States economic recovery and the broader global economic recovery. So I think that EIA has an important role to play in explaining and helping folks to understand what's happening in these markets because without that proper understanding it's difficult to formulate good policy, I would think.

Senator SHAHEEN. Thank you.

Mr. Abbey, I appreciated what you said in your testimony about the important and often difficult task of engaging diverse stakeholders and how to deal and how to use public lands. One of the things that is being looked at is a whole new transmission system for the country. The designation of how transmission lines are taken across public lands I think highlights the challenge that you were talking about.

How would you envision working with other Federal agencies and stakeholders in addressing transmission citing issues on public lands?

Mr. ABBEY. Senator I know nothing is easy. But it is a matter of applying a little common sense. The way to do so in my successes to date, as little as they may have been, has been based upon bringing in all the stakeholders early into the process, understanding what the potential conflicts may be, in this case, along proposed transmission alignments.

Once you have a better understanding of what those conflicts might be then you have a, at least a chance, of success to move forward and address the proposals with the best available information that exists and also with the assurance that the public has had the benefit of offering their input. Therefore they have bought into the process.

You know, in response to your direct question. Defining and locating transmission lines across the public lands, the BLM is the right organization or the agency to do that, the bureau to do that. Under the rights of way authority the Bureau of Land Management has everything that they need to do the proper planning, the analysis to identify what the potential impacts are of such transmission lines on the public lands and to come up with appropriate

mitigation to offset or at least somewhat limit the impacts associated with the building of those transmission lines.

But again, the fact of the matter is the BLM in concert with the public and with the industry itself needs to go forward as quickly as we can. Make some key decisions in the very near future.

Senator SHAHEEN. Thank you. We have a—ok, good. Great. Thank you.

I'm going to ask Senator McCain to go next and then turn the gavel over to Senator Wyden because I also have to leave.

Senator MCCAIN. Thank you very much, Madam Chairman. Congratulations and thanks for your willingness to serve in these very difficult and challenging times. Ms. Lewis, Mr. Abbey, are you familiar with the Southeast Arizona Land Exchange and Conservation Act that's been before the Congress? We had a hearing on it on June 17. Are you familiar?

Ms. LEWIS. No, Senator. I'm not familiar with it.

Senator MCCAIN. Mr. Abbey.

Mr. ABBEY. I'm not familiar with the specifics. I understand that legislation or at least the proposal has been introduced.

Senator MCCAIN. Thank you. We did have a hearing. In fact, Senator Wyden was here. This legislation was first introduced in 2005.

We've had four hearings in the Senate. Previously both the BLM and the Forest Service had testified in favor of the legislation. Then on June 17 they said they needed to study it some more.

At that time Senator Wyden said he expected to hear from them within 2 weeks. It's now been 3 weeks. So I think we have a right to get a response from the administration on that issue.

I will look forward to your response as quickly as possible. Until such time then I will not approve of your nomination moving forward through the committee. So I hope you'll be able to get those answers to us as quickly as possible.

I thank you, Mr. Chairman.

Senator WYDEN [presiding]. I thank my colleague. Senator Barrasso.

Senator BARRASSO. Thank you very much, Mr. Chairman. Congratulations to all three of you and to your families. Welcome to the families.

Ms. Lewis, Mr. Abbey, thank you very much for taking the time to come and visit with me. I think we had very productive discussions. I wanted to start by talking about multiple use of the land because, as you know, the BLM was founded to manage Federal lands under a multiple use mandate.

The statute requires the agency manage, and I'll quote, "A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values." I mean, that's a lot. But that's what we've been tasked with.

Those are the challenges that we face. Many of us in the West feel strongly about the erosion of multiple use over the years. I'd like to know each of you intends to balance these competing interests that we're facing when it comes to Federal lands, if you could.

Ms. Lewis, if you want to go first, then Mr. Abbey, and we can go back and forth.

Ms. LEWIS. Thank you, Senator Barrasso. Thank you for taking the time to meet with me as well. You are correct. We all recognize the great challenge of managing multiple uses of the nature that you have described, uses that are not only multiple in their nature, but conflicting in their nature in many instances.

I think that in terms of managing these multiple uses some of the most important things that we'll have to do is to continue to try and continue to try to improve on our efforts to gather as much information as possible. To listen very carefully, because there are obviously are a lot of different concerns that would be brought to the table in the attempt to make the appropriate balance and strike the appropriate balance and draw the right lines. So listening is very important.

Gathering the information is very important. I would, if confirmed, be committed to trying to make those judgments on the basis of as much information as possible that we can achieve. These are the types of decisions that in many instances you can never get full—that you cannot make everyone happy is the bottom line.

I think as we sit in decisionmaking that we have to try to make the best judgments we can based on the information we have. I would pledge to do that, if confirmed as Assistant Secretary.

Senator BARRASSO. I appreciate your comment. I'll get to you in a second, Mr. Abbey. Because I think you hit the key word when you said, often these are conflicting.

There is some polarization, creating ideological beliefs on a number of these issues. So it isn't always just getting all of the information and trying to, you know, balance it. There are really fundamental differences in the belief of how we protect the land for future generations and how to best use multiple use to manage all of these benefits that we've been tasked with.

So I appreciate your recognition that there are actual conflicts. That a lot of times it comes down to, you know, commitment and belief and going back to the fundamental statute that requires the agency to manage along the lines of balance that we need.

Ms. LEWIS. That's correct, Senator. Let me just add I think that at the end of the day sometimes there are policy influences that come into play in making the decisions. We have to take those into account as well.

Senator BARRASSO. Thank you. Mr. Abbey, if I could ask you.

Mr. ABBEY. Senator, one of the reasons why I stayed with the Bureau of Land Management for 25 years was because of its multiple use mandate. I believe the Federal Land Policy Management Act is one of the best pieces of legislation that's ever been enacted by Congress. But I'm a little biased along those lines.

Certainly not every acre managed by the Bureau of Land Management is appropriate for oil and gas leasing. Not every acre managed by the Bureau of Land Management is suitable for wilderness designations. The best place to address multiple use on public lands is through the very public land use planning process. So that you can work through the potential conflicts and come out with the

best decisions and giving the opportunity for the public to play a role in that decision process.

I am a proponent and a strong advocate for multiple use on public lands. If confirmed, I will continue to be so.

Senator BARRASSO. Great. I wanted to ask a little bit when we visited in the office both of you with me on the applications for permits to drill. As you know that there is a huge backlog in getting through the paperwork.

The BLM offices in Wyoming have noticed it, in particular the one in Buffalo, Wyoming. Applicants currently have to pay \$4,000 for each application, for each application. So it can become very, very expensive.

Many of these are very small producers. They aren't big energy companies. It is especially troubling to these companies, these individuals who do this when they pay that fee because one is the fee, but also they don't hear back. Often they're hoping to either get a yes or a no. They just want a timely response.

Now the administration is proposing raising that fee from \$4,000 to \$6,500 without any assurance, any assurance, that people paying these, even increased fees will receive timely responses. As we all know the money isn't going to your agency to help deal with the backlog. It's going into, you know, some big Washington account. Someplace that's not helping you.

But it does seem that if we're asking these folks, small business owners around the country, to pay these increasing fees, that they ought to at least be able to get a timely response. Then I know you want to both respond and then I'll run out of time.

Ms. LEWIS. Yes, Senator. I understand your concern about this. I think one of the things that's most frustrating to citizens is non-responsiveness of government, particularly when payments are being made.

If I'm confirmed, that's certainly one of the issues that I would seek to address, responsiveness, efficiency, effectiveness in our operations are three of the things that I think are very important. To the extent that we can search for other ways to be more efficient, I think as an agency we should always be trying to do that. I will seek to explore those new avenues if I'm confirmed as Assistant Secretary.

Senator BARRASSO. Thank you. Mr. Abbey.

Mr. ABBEY. I certainly think and support what Wilma said. Having worked in the private sector for the past 4 years as a consultant, I too, have been frustrated with the lack of timely responses to questions that have been asked or to applications that are before the Bureau of Land Management. As I alluded to in my opening remarks that is going to be one of the priorities that I will take on, if I'm confirmed as the next BLM Director.

Senator BARRASSO. Thank you, Mr. Chairman.

Senator WYDEN. I thank my colleague. I want to welcome our nominees as well. I'm going to have a number of questions in the forestry area and minerals management area that will take a bit longer than 5 minutes. So I want to recognize my friend, Senator Murkowski for her questions at this time.

Senator MURKOWSKI. Thank you. I appreciate that. I just have one more round for everybody and then I will wrap up.

Mr. Abbey, a question to you. You had a discussion here with Senator Barrasso about multiple use of public lands, which is obviously very, very important to us. You may know that this committee has passed legislation that would allow the Secretary to establish a competitive leasing program for wind and solar projects. But the Secretary has to establish first that it is in the interest.

So the question to you is whether or not you think that competitive leasing of public lands for solar and wind is in the public interest. Also, if you can just speak very quickly to some of the challenges that we are facing in the siting of what could be very large wind and solar projects or installations, if they're next to recreational areas or national parks. If you can just speak to that, please.

Mr. ABBEY. I'll try. Senator Murkowski, I understand that Secretary Salazar is open to further discussion regarding this little range of options for dealing with the number of applications for solar projects that are before the Bureau of Land Management right now including the potential of looking at some sort of leasing program or competitive program within the right, under the existing rights of ways authority. So if confirmed I'd be—I would look forward to working with the Secretary to come out with at least some recommendations that could be thoroughly reviewed to determine whether or not we can become more efficient and receive a better return for the American taxpayers for the use of their lands for these types of projects.

As far as challenges that we all face in reviewing and approving renewable energy projects like solar and wind, the primary challenge that I see is the large footprints associated with many of these projects. Whether you're talking about wind projects or solar projects on public lands, many of the applications that are before the Bureau today would include quite a bit of public lands that would be dedicated for that specific use. So it's important that we would take actions up front to try and find the best locations on the public lands that would not only serve the purpose of solar energy proposals and our wind proposals, but would be on those areas where there would be fewer conflicts.

If we're successful in dealing with the initial siting issues then I do believe that we will be more successful in coming up with appropriate mitigation for any projects that would be approved.

Senator MURKOWSKI. You have recognized the inherent conflict in what we're trying to advance. It's certainly important that we move forward with our renewable energy projects. Our reality is that some of the best places to site these wind and solar installations are on our public lands. So how you balance that will be a real challenge for you.

Ms. Lewis, a question for you on royalty relief. When you were the Inspector General of the Department President Clinton signed the Deep Water Royalty Relief Act. In my opinion that act has certainly been helpful to this country. Its passage led to tremendous production of American oil and natural gas.

Yet in the FY 2010 budget the administration is seeking to end royalty relief, even though, in my opinion, that works to reduce domestic production at a time when I feel very strongly we need to do all we can to enhance that. Can you tell me whether or not you

support the continuation of royalty relief or whether you will seek to end the incentive if you confirmed as Assistant Secretary?

Ms. LEWIS. Thank you, Senator Murkowski. At this point I could not give you an answer on that question. Obviously the administration has taken a position with respect to that matter. As of now that is the position of the administration.

Certainly if this matter is one that involves further discussion and if I'm confirmed and a part of those discussions certainly I would be voicing my opinion after having been fully informed as to the——

Senator MURKOWSKI. Would you agree though that passage of the Royalty Relief Act in 1995 did help to spur domestic production?

Ms. LEWIS. I believe that that is the case, Senator Murkowski. But I believe we have to look for 1995, I believe is when you said it was, to the present and make assessments based on what is the best at this particular time. I am not sufficiently familiar with all of the considerations that went into play in making the determination. But if confirmed I certainly would get up to speed on those issues and have a view on it.

At this point the administration has taken its position. I cannot comment further with respect to a personal view on that.

Senator MURKOWSKI. I think many of us feel that it has been exceptionally useful as a policy in spurring that production. We would certainly encourage it.

Ms. LEWIS. I would be interested, Senator, in certainly having further conversations with you on it.

Senator MURKOWSKI. Maybe we can do a follow up conversation. That would be good. I would welcome that. Thank you.

Then very quickly, one last question to you Mr. Newell. The EIA has developed this computer model, the NEMS, the National Energy Modeling System, to help with the forecast of energy usage and prices. I think it's fair to say that this model is important for a lot of different reasons.

But as we move forward in the debate over climate change and energy policy it seems to me that this NEMS model in the climate change debate could be very critical. I recognize that as we discuss these issues we've got to make sure that we have a real understanding in terms of the economic impact. We don't want to use false assumptions or use models that perhaps are just not as healthy as we would want when we're talking about the health of the American economy relying on forecasts that perhaps might not be entirely accurate.

How much confidence should we have in this model being accurate? I know that puts you in a situation of trying to look a little bit into a crystal ball because when it comes to climate change we're predicting out over four decades. Do we have the confidence levels in these models that we can reasonably rely on the numbers that you generate?

Mr. NEWELL. Thank you. This is a very important question because as you pointed out the results that come out of the NEMS model are used widely within the public sector and also in the private sector for understanding how different policies will affect the energy markets and broader economy. Specifically with regard to



the role of NEMS and other similar models and climate policy analysis there's a number of different types of assumptions and variables that are important determinates of the results of these models.

One is the assumptions that embody the structure of the model.

The other are the assumptions that you're making about the policy that you put into the model. So what is the amount of offsets under a cap and trade system? A number of other different policy design variables.

Finally there's different assumptions about how the future is going to unfold in terms of what do you think natural gas prices are going to be or what do you think the relative competitiveness of coal based power relative to nuclear power is going to be. There's a lot of uncertainties and assumptions that need to be made. I think one of the most important things in NEMS, in any model, is being very transparent in what those assumptions are so everybody can see exactly what the assumptions are. I think that's very important.

The other, in terms of these, I think these models are/can be quite useful. I think the way that they're most useful is understanding how changing the different assumptions both in terms of policy design and other conditions and how those influence the results, not necessarily the single estimate of a core scenario that comes out of a particular modeling exercise. But looking across the range of different modeling scenarios to understand what are the key drivers of the results. That's where I find the results most useful both for NEMS and for other modeling results that I've looked at.

Senator MURKOWSKI. I think it's going to be very, very important as we move forward in this debate. Typically what you'll do is you'll take that model that gives you the number, the dollar amount, the cost that is most favorable to your argument. If there is a greater degree of reliability with whether it's the NEMS model or other models that are coming out of EIA, again, I think that adds a little bit of truth in advertising.

But we need to be able to rely to the best extent possible, recognizing that we are trying to predict an unpredictable future. Thank you for the indulgence. I thank the nominees for their time this afternoon and for their willingness to serve.

Mr. NEWELL. Thank you.

Senator WYDEN. I thank my colleague. Let me join Senator Murkowski in thanking the three of you. I missed the introduction of families. But it seems that there's a lot of pride there in the first row. So we appreciate that.

Let me start with you, Ms. Lewis, if I could. I'm going to go into the areas that we talked about in my office that I told you I would get into here this afternoon. As you know the Interior Department was just riddled with corruption I the last few years. That was where Jack Abramoff was, Steven Griles, Julie McDonald, the list just goes on and on.

Of course the Minerals, you know, Management, you know, Service, was a particular problem. The head of the Minerals, you know, Management Service, if you're confirmed is going to be reporting to

you. So what I'd like to do is start here with a sense of what you plan to do to clean up the mess there.

Can you give us some insight into your plans to clean up the Minerals Management Service which as you know was the subject of just scathing, you know, audits. You know, audits about problems with conflicts of employees and sex and money and you name it, hiring and the like. The list just went on and on. I mean documented problems.

So give me your sense of what your plans are to go in there, Minerals Management, and clean it up.

Ms. LEWIS. Thank you, Senator Wyden. During our conversation I may have mentioned to you that integrity in government operations has always been something that I have been very, very focused on. I think that started not with being the Inspector General or being the United States Attorney for the District of Columbia but from way back.

I explained in my opening statement that I come from a family of public servants. The integrity of, you know, the manner in which they exercised their responsibilities with integrity was something that I was always very proud of. I associated public service with integrity.

As Inspector General and as United States Attorney those positions in particular gave me the opportunity to put into play what I had long felt about what public service should be all about and the high standards that public servants should be held to. I would, if confirmed, come into this position with those same, deeply held, views. I believe that and it is certainly no question that there have been a number of issues and a number of reports on problems over the last several years at the Department.

I guess I would first want to look to see the extent to which recommendations that have been made have in fact been implemented. Examine that. Make sure that those recommendations are in fact implemented to the fullest degree.

But I think beyond that it's important not only to fix something on a temporary basis, but to make sure to have permanent fixes. I think first leading by example is an important thing.

Second, making sure everyone is clear about the important responsibilities that we shoulder as public servants. The awesome nature of the responsibility that it is, the public trust that we hold. Make sure they understand what that means in terms of their everyday responsibilities.

The fact that they are there as public servants to make sure that our programs and operations work the way they should with integrity, with accountability. Those are the kinds of things that I would focus on. Making sure that that message is clear to everyone within the jurisdiction that I am responsible for.

So my example, making sure that we have clear understandings of what public service really is about. Making sure that we have constant training on these issues and making sure, and I know that the team that would be in place there, that I hope would be in place, would be people who would believe these and act them in their everyday responsibilities. Those are the kinds of things that I would want to do to make sure that fulfilling the recommendations is not only something that we do and then turn our backs on.

But really keep moving forward with a service that has integrity and that has accountability and that we can all be proud of.

Senator WYDEN. I very much appreciate your outstanding background and long history of public service. What I'm trying to do is get a little bit more in the way of specifics, in terms of what's going to be done to turn this problem around. For example, the former Inspector General, Earl Devaney, issued some scathing reports with respect to what has gone on there.

I mean, for all practical purposes, he said on the royalty issue that was asked about earlier. MMS adopted a policy according to the Inspector General that pretty much abandoned the need to audit oil and gas companies to make sure that they actually pay royalties. So why don't—my way of trying to get a bit more in the way of specifics. What was your reaction when you read these audit reports put out by the former Inspector General?

Ms. LEWIS. Let me just say at the outset that I have not read all of the reports. But I am aware that there are reports. I'm aware that the reports clearly indicated that there were significant problems.

As I stated at the outset, there is one issue in terms of going in and ensuring that recommendations that were made to correct those problems have in fact been worked on. You mentioned policies or practices of the MMS. Certainly we have to take a look at those policies and practices as we go forward and make sure that those policies and practices are consistent with appropriate policies for the government.

If you're asking me about specifics I think before giving specifics, before identifying what the correction is to the particular problem, one needs to make sure one understands, one, what the problem is.

Two, exactly where the Department is or the Bureau is in rectifying that problem.

Three, what else might need to be done to rectify it.

If I'm confirmed I would go in and do precisely those three things.

One, make sure I've read all of the reports.

Two, look and see where it is that we are with respect to addressing the recommendations.

Three, look at what else needs to be done.

Let me say, Senator, if I could. When I was in the running for the United States Attorney position and I became United States Attorney, because I have feelings as strongly as I do about integrity and public service I had decided from before I went into the office that public corruption would be one of the highest priorities that I would have. But before I could decide exactly what needed to be done in that area, I needed to get into the position and see what the office was doing at the time with respect to the public corruption issues.

At the end of the day when we looked at the record, we saw that within the first 3 years convictions on public corruptions had doubled over the preceding 2 years. That's what I'm saying. I have a firm belief in what it is to be a public servant and what we should be doing to ensure integrity. But before I can sit and say to you that I want to take these three actions or these four actions. I feel

more comfortable getting a clear indication of exactly where we are at this time.

Then looking to see where we need to go. That's what I would want to do if I'm confirmed as Assistant Secretary.

Senator WYDEN. You have a very fine record, Ms. Lewis, as I noted in terms of past efforts. My last question simply dealt with your reaction to the Devaney reports, the GAO reports. These are very thorough documented case after case.

I think I will expect to ask you the same questions before not too long again because I really do want to know at least your reaction to those reports. These are reports that were widely available. Your point about all the recommendations you might pursue after you've seen the reports is one thing.

But I do want your reaction to the reports.

Ms. LEWIS. Senator, I can say to you right now that based on what you've read and based on what I have—I am made to understand, not having read all of the reports. There were significant problems that weren't covered. My reaction is that I'm appalled by that. I'm always appalled whenever we have problems in government service. We uncover that kind of behavior or a lack of integrity. I'm appalled.

But I think we need to go beyond the fact that I'm appalled. That what I was trying to respond to is what I would given the fact that we all would agree that those are the kinds of significant problems that we don't want to have among our government employees.

Senator WYDEN. Let's move on. I'm going to offer on MMS issues, Ms. Lewis, some additional questions in writing.

Senator Barrasso and I introduced legislation to make the MMS position a confirmable position. We'd like to hear your thoughts again by way of just trying to get some inkling of how you're going to approach this. I think part of what has troubled me is that this has gone on for so long.

It's gone on really through two administrations that when I'm trying to evaluate what's going to happen in the days ahead. I say to myself, I'm sure impressed with Ms. Lewis' record of fighting corruption in the past. But I still have an obligation as a United States Senator to get some kind of sense of what's going to be done to go in there and as I told Secretary Salazar to drain the swamp.

So we'll have this conversation some more. I'm going to want to have your reaction after you've had a chance to get through those reports.

Ms. LEWIS. Thank you, Senator. I look forward to chatting with you more about it. My hope is that after I've had an opportunity to review what's there that not only would I tell you, but what you see in terms of the result will make you more comfortable.

Senator WYDEN. Very good. Let's move on to a bit of forestry activity. We can get you a bit involved in this discussion, Mr. Abbey.

As you know the Bureau of Land Management manages a lot of our land in the State of Oregon. They're responsible for two million acres of really extraordinary, you know, forests in the western part of the State. Those are the lands known as O and C lands.

They are important for old growth, clean water and of course they're critically important for the sharing of revenue with local county government. Now the agency under the last administration

underwent a large planning effort for what was known as the Western Oregon Lands Program, the whopper program. Suffice it to say this has generated a great deal of controversy.

At this point there are legal challenges from both the timber industry and from environmental groups and the administration has already made it clear it's looking at various options for dealing with this. Now I thought it was very constructive that the Department sent officials out to Oregon recently to look at the issue first hand. I spoke with Secretary Strickland about it.

I was wary as I've indicated to both Secretary Salazar and Secretary Strickland about meddling in the last administration, really political meddling. I'm very much concerned that we now have the future decisions based on sound science. But also a decision that incorporates the importance of O and C lands which have been so vital to Oregon's past and frankly our opportunities for the future.

Fairly shortly I plan to introduce legislation to move forest management on Federal lands in Oregon beyond a lot of these old conflicts. This is of urgent priority given unemployment in our State, a backlog of forests that need management. The land management agencies, you know, tied in knots. We've got to find a way to go forward.

So give me some insight about how you're going to promote new management approaches that are going to give a chance to break the gridlock and find this path forward for forest management.

Mr. ABBEY. Wow. Senator, that's an excellent question. I am aware of the significance of those forest lands in Oregon. I understand how important they are to the economies of that State as well as the entire Pacific Northwest.

I have not had an opportunity to review those existing plans that are in place or those proposed plans in place. So I really don't know the quality of the decisions that came out of those plans. I am aware of the litigation that has been filed by really both sides of the issue. Those that would like to see more timber harvested and those that would like to see less timber harvested.

If we're to be successful in moving forward with new ideas and maybe a different strategy in managing these lands we have to use the land use planning process to do so. Now one of the maybe deficiencies that we've had in the past is not necessarily looking at the full range of alternatives as part of the land use planning process. That we have limited the number of alternatives to just a few so that we can work through the land use planning process and reach conclusions or decisions that we can then move forward and implement.

To address your issues to address the different ideas that are starting to surface regarding how these lands should be managed. It may behoove all of us to start looking outside of the box and looking at a full range of options that could be considered and should be considered as part of the land use process, our land use planning process. So the only thing that I would share with you today without the full range of knowledge of what has been done in the past or the quality of the plans that are currently in place is a commitment to you to work with the various constituencies out there, with your office and others to identify what are the true issues.

Then to work toward resolution of those issues through the various management prescriptions that would come out of the land use planning process.

Senator WYDEN. Tell me if you have any thoughts about fresh approaches to streamline the process for these forest health projects. Let me tell you what I'm thinking about. Let's see your reactions along the lines of what we talked about as well in the office, you and Ms. Lewis.

I think the American people expect to have the legal right to pursue through the court process a difference of opinion with respect to forestry policy. I mean, I don't think that should translate into a constitutional right for 5-year appeals to just go on and on and on. So what we're going to be trying to do is find a place in between.

In doing so I think it's a pretty sure bet we're going to get beat up by both sides on that as well. Because there are people who will think that that is too much, that people will think it's not enough. But I think that is the kind of specific thinking that's going to be needed to streamline the process on some of these forest health projects.

What's your reaction to that? Do you have any ideas of your own for streamlining the process?

Mr. ABBEY. You know, first, I guess my philosophy is that we should not be fearful of litigation. It is certainly problematic as far as holding up final decisions and therefore actions on these public lands. But my advice and counsel to the BLM employees that if confirmed I will be working with, would be to go forward taking the best available information. To make decisions, make good decisions, based upon that information without being fearful of who might sue the agency.

I think, you know, what I have seen occur over the past 10 years, if not longer, is this fear of being sued. Therefore people are reluctant to take any action at all. Therefore some of the decisions that could be made more timely are set aside and it takes us or it takes the agency a heck of a lot longer than maybe it should in order to issue those decisions.

So again, the only fresh idea I could bring to the table and to present to you today is the fact is that we were hired to do a job. We have the ability to do the job. We need to do the job. Then we let the chips fall where they may.

Senator WYDEN. With respect to going forward. I plan to offer this legislation pretty soon. Can I have a pledge from you today to get back to us quickly and to work in a cooperative kind of fashion?

Mr. ABBEY. Senator, you have my pledge to work with you if I'm confirmed on all issues, but this is certainly an issue of importance. I would be happy to give you my personal time on this.

Senator WYDEN. Let me ask you a timber contract question as well. I noted the fact that we've just been clobbered in rural areas with the economic decline. Unemployment rate at 12.4 percent. Construction market decline is devastated. Forest products.

This is the case in a whole host of western States. You've got family owned sawmills and logging, you know, contracts being forced to make financial decisions that can result in bankruptcies,

defaults on BLM, timber sale contracts. In effect they're no longer economically viable. People are just defaulting.

So a number of weeks ago Senators Baucus and Tester and Merkley and I along with a number of House members from Oregon and Montana sent a letter to the Secretary requesting a 3-year contract extension for the BLM timber sale purchasers they can get through these kind of times until the economy gets better. There's precedent for this. This is a matter that our delegations from Oregon and Washington feel very strongly about.

Now if it hasn't been resolved before your confirmation can we have your assurance today that you'll help Senator Baucus and I and the other members of the delegation get an answer before, in effect, we lose these sawmills and loggers?

Mr. ABBEY. Do you know the expiration dates of that, sir?

Senator WYDEN. We sent, in terms of the expiration dates—

Mr. ABBEY. Of the contracts?

Senator WYDEN. I will get all of that to you.

Mr. ABBEY. Ok.

Senator WYDEN. But, I mean, they are at really the point now if they don't get some relief, of going under. In other words the conditions are so serious that when we wrote that June 17 letter they conveyed to us they aren't going to make it unless they get a quick response. There is precedent for this.

Unfortunately BLM timber sale purchasers, thus far, have been discussions in the past about relief. So they are looking at a whole host of defaults and 6 figure, you know, losses. I think a lot of the, you know, timber sales are scheduled to terminate later, you know, this year, early next year.

But the point is they need an answer, quickly. That's why we asked for a fast response from the administration.

Mr. ABBEY. Senator, again, I've not seen that letter. But I assure you that if confirmed and if that decision has not already been made by the Secretary that I will work with him and many others within the Department to issue you a decision and to work with your office on that.

Senator WYDEN. Ok. One last one on forestry. Of course, Ms. Lewis, if you want to add anything on forestry as well, you're welcome to do that.

Biomass. We have had a great deal of difficulty getting biomass treated as the extraordinary opportunity it presents for the West. It's an opportunity to create good paying jobs that take this wood waste and get it to the mills. It's merchantable, you know, timber.

It's a clean source of energy. It will reduce the risk of fire. Certainly it's a plus in terms of climate change.

We have been trying to, particularly get it treated as a priority for this administration. It's going to mean we're going to have to have some new policies in order to get it off Federal land. You'll have a chance right now to speak to Westerners about the importance of this issue, if you will, so state.

Because this is what I get asked throughout rural Oregon, is are we going to be able to get through to the new administration about the priority to get biomass from Federal lands, to make this a priority. It makes sense for jobs. It makes sense for the environment. It makes sense for reducing the risk of fire.

We're looking for some leadership that is going to push through the red tape and bureaucracy. Make it possible for us to get something that is of extraordinary benefit, I think, to the rural West, but also to the country.

Mr. ABBEY. Senator, I know oftentimes when we talk about renewable energy and the need to increase renewable energy that our statements fail to include biomass. I'm a proponent of using biomass as part of our renewable energy portfolio and as part of our national energy portfolio. I know the Forest Service has been supportive of increasing biomass as a source for renewable energy and the States of Washington as well as Oregon.

I have read statements recently that were given by either the regional forester or the Forest Service Supervisor in one of the forests there in Oregon supporting such a concept. What I would offer to you today, if confirmed, that I would be happy to work with your office to ensure that the Bureau of Land Management's renewable energy program consists of a component of biomass as part of a viable source for renewable energy.

Senator WYDEN. I just hope that this will be approached with a real sense of urgency because it has not been in the past. Westerners have been trying to get the attention of the past administration, you know, on this. We've had a lot of difficulty, particularly in terms of getting access to biomass that comes from Federal lands.

I would just ask that you not miss this kind of opportunity for a bold change in Federal forestry policy. It's going to pay off the economy. It's going to pay off for the environment. I can just assure you there will not be an appearance you make before this committee that I won't be asking you about biomass.

Mr. ABBEY. I appreciate that advice and warning. Senator, I would just add one thing. The Bureau of Land Management does have sufficient tools to move forward and make available biomass under the stewardship contracting program.

If it's not being used than I will find out why it's not being used. But there are existing authorities and tools available to the agency to make such a source of renewable energy accessible to the public.

Senator WYDEN. If you were standing up in front of a town hall meeting in rural Oregon and you said that. They'd say better go out and use them quick because we're not seeing much of it out our way. We will talk further about it.

Let me ask a few questions for you, Mr. Newell. The EIA has long said that the skyrocketing energy prices could be explained by market fundamentals. Now in the past year the country has seen the price of oil go to \$145 a barrel with no significant increase in demand, no major supply disruption and inventories at or above the normal levels.

Then when the markets crashed last fall, the price of oil dropped to a low of \$34 a barrel. Now in the middle of a very painful set of economic times the price has started back up, the physical inventories, oil that literally sits in the storage tanks is at a record high. So you look at this and the wild price swings and the inventory levels. Pretty hard to say that this is just something explained by garden variety market conditions.



So a number of experts, the new chairman of the CFTC says that speculative investors are at least partly to blame for the high prices and this increased market volatility. If you're confirmed is there going to be a chance to get the agency's head out from under the barrel and take a new look at the role of energy speculators and commodity markets and the role they play in energy prices?

Mr. NEWELL. Yes, Senator. I think as you've described there's a very wide variety of factors that are impinging on oil and related energy markets over the last year or so. It's certainly not a simple set of dynamics that's unfolded. I would definitely agree with that.

There's both—one issue is in terms of what some people would classify as fundamentals verses, you know, the wide variety of factors. There's clearly issues of uncertainty over what consumers' response will be to prices. There's uncertainty about what the near term availability of supply is.

There's uncertainty about the risk of global oil disruptions around the world. There's changes in related commodity market prices. There's the broader financial market which has gone through some very dramatic swings over the last year which itself showed significant excesses which have been working their way out. There's the broader economy both in the United States and abroad which has gone through dramatic swings over the last year which we weren't even a year ago, seeing what that would be.

So all of these factors in addition to the forward looking nature of this because oil is a storable commodity, you can store it in tanks and you can store it in the ground by never taking it out of the ground. So there's a forward looking element to this. I think there is again, there's uncertainty about how fast the United States economy is going to come out of the current economic downturn as well as how fast, fast growing Asian economies are going to come out of it.

So all these dynamics are entering into the oil markets. You know, CFTC, the Commodity Futures Trading Commission, has an important regulatory role to play in this in terms of determining and ensuring that there is both market transparency and that there's market efficiency there. EIA, which if confirmed I would see that our important role which is providing the best analysis and information in order to provide the, you know, the best information for to inform these market prices. I would ensure that we do that.

Senator WYDEN. That wasn't the question, Mr. Newell. The question is are you going to take a different approach than your predecessors? That's really a yes or a no question.

Mr. NEWELL. Yes.

Senator WYDEN. Are you going to look at speculators?

Mr. NEWELL. Yes. I think that the key way in which we would take a different approach and which I think that EIA could do a better job on is explaining more thoroughly what are the many factors that are leading to these very significant energy price changes. I think a much better job can be done on that.

Senator WYDEN. Are you going to look at speculators?

Mr. NEWELL. Certainly EIA, if one wants to understand what's driving these energy prices, one needs to look at a lot of different factors. Speculators is one of them. I mean—

Senator WYDEN. I couldn't really get your predecessors to look at speculators. What I want to know because I think this is an administration with huge opportunities in the energy field whether they're going to take a different approach. I believe you said, yes which I liked.

Now I hope that you'll say that that yes, by way of a different approach will incorporate a look at speculators. Is there a yes to that one too?

Mr. NEWELL. There's absolutely a yes in that one.

Senator WYDEN. Very good. Let's quit while we're ahead.

[Laughter.]

Senator WYDEN. Ms. Lewis, Mr. Newell, Mr. Abbey, we can give you the last word. Would any of you three like to add anything? Ms. Lewis?

Any? Any? You're not required to, this is just I always like when witnesses come to give them the last word.

Ms. LEWIS. Thank you, Senator.

I would just say that if I'm confirmed I would look forward to working with you and your staff and the rest of the committee on a variety of issues. There are lots of tough issues that we'll be facing. But I look forward to the challenge. I would look forward to the challenge, if confirmed to tackling those tough issues and exercising the best judgment that I can on those various issues.

Senator WYDEN. Very good. Anything by way of wrap up from you, Mr. Newell, Mr. Abbey?

Mr. NEWELL. I'll just quickly say thank you very much for this opportunity. I appreciate all the questions. I look forward, if confirmed, to increasing EIA's both information base and analytic capacity on the wide range of issues that have been brought up today.

Mr. ABBEY. The only thing I would add, Senator is that these Bureau of Land Management managed public lands are national assets. It would be a privilege to serve our country as the BLM Director.

Senator WYDEN. A good note to end on. Thank you all for your willingness to serve. With that the committee is adjourned.

[Whereupon, at 3:55 p.m. the hearing was adjourned.]

[The following statement was received for the record.]

THE UNITED STATES VIRGIN ISLANDS,  
OFFICE OF THE GOVERNOR, GOVERNMENT HOUSE,  
*Charlotte Amalie, V.I., July 27, 2009.*

Hon. HON. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

Hon. HON. LISA MURKOWSKI,  
*Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI, I am writing to give my strongest support for the nomination of Wilma A. Lewis to the position of Assistant Secretary of the Interior for Land and Minerals Management.

Ms. Lewis is an outstanding individual who has devoted much of her professional legal career to leadership positions in public service. A noted lawyer from a distinguished Virgin Islands family, Ms. Lewis was valedictorian of her high school class on St. Thomas, a Phi Beta Kappa graduate of Swarthmore College, and received her Juris Doctor degree from Harvard Law School. Her professional career includes outstanding service as Solicitor General in the U.S. Department of the Interior, United

States Attorney for the District of Columbia, and partner in a distinguished law firm in the nation's capital. She has also served as adjunct professor at the George Washington University National Law Center. Ms. Lewis exemplifies the accomplishments that we hold up to our young people as indicative of what a good education, a consistent work ethic and contribution in public service can make possible.

Indeed, through her professional service in the public and private sectors, Ms. Lewis has demonstrated the experience, dedication and leadership necessary for success as Assistant Secretary of the Interior.

I have personally known Ms. Lewis for many years. She has the highest standards of ethics and moral character, and she has my unqualified endorsement for this important position in the service of our country.

Very truly yours,

JOHN P. DE JONGH, JR.,  
*Governor.*



APPENDIX  
RESPONSES TO ADDITIONAL QUESTIONS

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RESPONSES OF ROBERT V. ABBEY TO QUESTIONS FROM SENATOR MURKOWSKI

EXPERIENCE

*Question 1.* You spent a long time as Nevada State director of the Bureau of Land Management. I would like you to tell us the three things that you did to address each of the issues listed below; what worked and what didn't work; and which of the lessons that you learned from those experiences you will use to improve BLM land management nationwide if confirmed:

*a. wildland fire*

Answer. Prior to the 1999 fire season in Nevada, the BLM had placed primary emphasis on fire suppression strategies and implementation. Equipment purchase, employee recruitment and training, and crew deployment to wildfires were actions routinely managed by the BLM. This all changed after the 1999 fire season when almost 1.7 million acres of land in the Great Basin burned in less than two weeks. A series of lightning storms, most of them with little or no moisture, ignited hundreds of rangeland and forest fires in Nevada. Suppressing the fires was one challenge. The other, and more formidable problem, was preventing much of the burned land from being overwhelmed by annual grasses and noxious weeds.

Before the fires were controlled, I requested that a team of resource specialists be assembled to review the consequences of the large number of fires and to provide me and others with recommendations relating to the rehabilitation of burned areas as well as the actions that might be needed to reduce the severity of future wildfires in Nevada. This meeting of resource specialists in Boise was the beginning of the Great Basin Restoration Initiative (GBRI). The GBRI recognizes that traditional means of fighting invasive species and restoring native habitat are not enough to reverse the downward spiral of ecological health in the Great Basin. In addition; we found that close coordination with key individuals, local government and agencies, and organizations is vital to successful restoration. The GBRI is intended to restore some areas of high resource values, reduce impacts to other areas from annual grasses and noxious weed invasion, and reverse the destructive cycle of wildfire and weeds.

In both 1999 and 2000, I worked with the Governor of Nevada to plan for and implement statewide fire conferences to discuss among many topics, the role of individuals in helping to reduce the threat of wildfire on private property. This discussion led to the creation of Nevada fire safe councils which are now operating throughout the State. These councils are made up of volunteers from homeowner associations and other nonprofit groups who help communicate and demonstrate best management practices for homeowners residing in rural-urban interface areas.

Reducing the impact of wildfire on public land was a high priority of mine as the BLM's Nevada State Director and many of the initiatives we introduced in Nevada were adopted for western wide implementation. While taking pride in this fact, I take greater pride in the emphasis we consistently applied to firefighter safety, a program area where I will continue to place high priority, if confirmed as the BLM Director.

*b. ATVs and ORVs*

Answer. The burgeoning use of off-road vehicles on public lands is one of the greatest challenges facing land managers today. Such use is increasing at a rapid rate and all land management agencies are witnessing impacts to important wildlife habitat, riparian areas, and cultural sites. These impacts are often times cited by certain interest groups in petitioning the Fish and Wildlife Service for the listing of specific plant and animal species as endangered.

To address this challenge, I routinely met with organized off-highway vehicle (OHV) groups to solicit their input and assistance when I was the BLM's Nevada State Director. I understand the importance of routine communications with public land stakeholders and the need for partnerships when managing this use. Officers from national and regional OHV groups were invited to speak with BLM line management personnel in Nevada at a special leadership team meeting I convened so we could formulate a joint strategy for OHV management on public land in Nevada. Since the BLM averages one recreation planner and one law enforcement ranger for each million acres managed, I knew it was almost impossible for the BLM to be effective in managing for this activity without "buy-in" from recreationists.

As State Director, offices in Nevada were completing travel management plans as an integral component of each land use plan. Attention was given to providing appropriate protection to areas with sensitive natural and cultural resources while allowing for continued opportunities for OHV use on the public land. I worked with members of the Nevada Congressional delegation to include language in the Lincoln County Lands Act that designated an official OHV trail in that county and which also designated funds from land sale revenues for the planning and management of that trail.

As the BLM's Nevada State Director, it was my practice to work with OHV user groups and to encourage responsible behavior. If confirmed as the BLM Director, I would continue to be an advocate for increasing the public's awareness about the impacts and consequences of irresponsible use on public land. I know the BLM will never have sufficient funds to rehabilitate for impacts which could be easily avoided in the first place. The agency must complete travel management plans as quickly as possible as part of its public planning process. Once completed and decisions are made, the BLM must work in partnership with local and State governmental entities to implement actions consistent with these plans, including enforcement to ensure compliance with management decisions.

While concerned about increasing OHV use on public lands and the damage caused by some individuals, I am cognizant of the need to provide for appropriate and adequate motorized access on public lands so that people can continue to travel the back country as part of their recreation experience.

*c. wild horses and burros*

Answer. Nevada is home to the largest wild horse population in the United States. When I became the BLM State Director in Nevada, populations exceeded 22,000 and nearly half of the appropriate management levels had not been established. Working with diverse interests in the State and with support from the BLM's Washington Office, we established appropriate management levels on all but one herd management area in Nevada. Before I retired in 2005, we had reduced populations to about 14,700 animals, nearly achieving Nevada's appropriate management levels at the time of about 14,000.

As State Director, I worked with the State of Nevada Commission on Wild Horses and with volunteer groups to increase the number of adoptions for wild horses that were being removed from public lands. I entered into a cooperative agreement with the State of Nevada Prison System that used prisoners to gentle and train mustangs which increased the horses' chance of being adopted. The BLM hosted adoptions in communities, bringing wild horses closer to the people who had an interest in providing homes for these horses. Prior to my arrival as State Director in Nevada, the BLM rarely, if ever, scheduled adoptions within that State. While state director and at my suggestion, we used a national cable television station to broadcast adoptions for wild horses being held in a federal holding facility outside of Reno, Nevada. Under this program, people from anywhere in the United States, deemed qualified, could adopt wild horses from videos shown on the network. Exposure on national television helped increase people's understanding of the plight of wild horses and provided a convenient way to adopt a living legend. Finally, as State Director, I supported the passage of State legislation that created a State wild horse foundation intended to help find good homes for wild horses in Nevada. Once the foundation was established locally, I led the effort to expand the scope of the foundation to provide national assistance.

During my 25-year career with the Bureau of Land Management, I gained a great deal of experience from working in this program. There are no easy answers given the likelihood that numbers of horses and burros on the range will continue to exceed the ability of the range to support them. If confirmed as Director of the BLM, I would work to take aggressive steps to reduce the percent of annual population growth within the wild horse herds. This is a critical first step as we attempt to bring the populations in line with the ability to find good homes for the excess horses and burros that are removed from public lands.

If confirmed, I would work with others to identify alternatives for addressing the large number of horses now being held in long-term holding facilities at significant costs to the taxpayer. While willing to review all options, it is possible this review could find that long-term holding facilities are still needed. If true, I will work with members of Congress to find ways to improve efficiencies within the program to offset the costs of holding wild horses over the long term.

*d. grazing*

Answer. As the BLM's Nevada State director, I had an excellent working relationship with the State's livestock industry. This relationship withstood actions that I took to bring individuals into full compliance with laws and policies governing livestock grazing on public lands. My nomination for the BLM Director position has been endorsed by the livestock industry in many of the western States.

As State Director, I made difficult decisions regarding enforcement actions against ranchers who were operating on public lands without authorization. Impoundments were used to remove livestock from public lands but only after BLM officials communicated with those operating illegally and after giving these individuals the opportunity to remove their livestock first. I worked closely with the U.S. Attorney's office in Nevada to ensure coordinated approaches for our enforcement action. While controversial at times, we brought consistency to the grazing program in Nevada and earned the respect of many of the ranchers who were fully complying with all BLM grazing policies.

As State Director, I ensured that grazing interests were represented on each of the three Resource Advisory Councils we had in Nevada. I participated at annual livestock conferences and attended numerous other meetings with grazing interests. The BLM worked cooperatively with permittees to prepare grazing plans in Nevada and we encouraged permittee's participation in the joint monitoring of rangeland conditions.

If confirmed, I would work to maintain and improve working relationships with public land stakeholders, including the BLM's grazing permittees. I know that most ranchers are good stewards of public land and many of the range improvements they construct on public land also benefit wildlife and wild horses in the same area. I know that ranchers often times serve as first responders to accidents on public land and they provide assistance to recreationists who get lost or whose vehicles break down.

As State Director, we developed and implemented a Wildfire Support Group, consisting of ranchers living in remote locations who we trained as initial attack crew members for wildland fire. In some cases, this group helped keep wild fires from spreading until BLM fire crews could respond. If confirmed as the BLM director, I will explore the possibility and feasibility of expanding this program to other areas in the west based on experiences the BLM has gained in Nevada.

*e. mining*

Answer. As the BLM's Nevada State Director, I had the responsibility for providing direct oversight of the largest mining program administered by the BLM. Nevada's gold production by itself makes it the fourth largest producer of gold in the world. The BLM's Nevada State office records almost half, if not more, of all the mining claims filed on public lands in the United States. While these are impressive statistics, I note that Nevada also leads the west in abandoned mine lands requiring remediation. Through partnerships with the State of Nevada, the Nevada Mining Association, and with a number of citizen volunteers, progress was made during my tenure in mitigating risks associated with many of these mine sites.

During my time as the BLM Nevada State Director, we witnessed an increased number of mining proposals on public land requiring environmental analysis and consultation with Native Americans. We worked closely with tribal representatives, EPA, and the State of Nevada on all permitting activities, including the requirement for adequate reclamation bonding and mitigation. Many of our decisions relating to these proposals were appealed or litigated. Since our BLM offices had worked diligently to incorporate best management practices and mitigation in all mining decisions, few, if any, of these decisions were overturned.

I am a firm proponent for the BLM's multiple use mandate and I believe that appropriate public land, but not all public lands, should continue to be accessible for mineral extraction.

*f. geothermal*

Answer. During my tenure as the BLM State Director in Nevada, our office led the BLM in issuing the largest number of geothermal leases in the west. Our success was based on our knowledge of the importance of the available resource and the likely role geothermal might play in diversifying our energy portfolio. We devel-

oped a close working relationship with industry as we attempted to better understand their technology and resource needs. We worked closely with state officials to create efficiencies in the permitting processes as we attempted to avoid duplication and expense. Under my leadership, the BLM in Nevada moved aggressively in offering suitable parcels for geothermal leases and in reviewing applications for new rights of way for proposed new transmission lines to support potential geothermal production. Once parcels were leased, we gave high priority to reviewing applications for permits to drill that we received from the lessee. If confirmed as the BLM director, I would work with all BLM offices to expedite the leasing and permitting activities, consistent with land use planning decisions.

*g. renewable energy including solar and wind*

Answer. I served as the BLM Nevada state director from 1997 through 2005. During this time, there were few renewable energy proposals on public land in Nevada. The exception was geothermal where we had an active leasing program. We did have some interest from industry to perform testing on public lands for possible wind projects. We reviewed each of these proposals and we issued decisions based on the merit of the proposed action and consistency with land use planning.

BLM has the legal authorities required to meet most of the public's demands and expectations for increasing the use of renewable energy as we protect the environment and reduce our nation's dependency on foreign oil. I cannot think of a better gift to the American people or to future generations than meeting these goals. If confirmed, I pledge to work cooperatively with all parties in an effort to address the current backlog in processing applications for renewable energy proposals and related transmission corridors. I also pledge that we will use the best available information in an attempt to reduce potential conflicts and protect sensitive natural and cultural resources.

ESTABLISHMENT OF WILDERNESS AREAS

*Question 2.* In 1997 you testified at an oversight field hearing on BLM and US Forest Service oil and gas regulations regarding access and permitting issues in Colorado. In response to a question from Rep. Barbara Cubin, you stated the following:

Mr. ABBEY. "The CEC's recommendation is basically—and how we're managing those is based upon guidance that was issued in 1994 by Assistant Secretary Bob Armstrong, which basically told BLM offices to pay careful and particular attention to development proposal that could limit Congress's ability to designate certain BLM areas as wilderness, even though these areas are not designated formally as wilderness study areas. So you're absolutely correct. That is not addressed by law. That is their own policy. Our inventory which we are conducting right now provides for a second look to ensure that the information regarding the presence or absence of wilderness characteristics in Colorado is entirely current and accurate. The inventory also will serve the public interest because the results are going to be made public, and if any land management recommendations or decisions are made in the future regarding changing the way we're managing those CEC-proposed areas, then such actions will be subject to full public participation, in following the language of the planning process that we have in place. So that is, in fact, an internal policy."

On May 20th of this year, Secretary Salazar sent to Senator Bennett of Utah a letter related to questions that Senator Bennett had asked about Wilderness Study Areas, the establishment of new Wilderness Study Areas, and the embargo on the BLM's ability to establish new Wilderness Study areas since October 21, 1993. The following is one of the questions and answers included Secretary Salazar's letter to Senator Bennett:

Do you agree that the Department's authority to establish new Wilderness Study Areas under Section 603 of the FLPMA expired no later than October 21, 1993?

Answer. Yes. Section 603 of FLPMA required the Secretary to conduct a review of roadless areas of public lands of at least five thousand acres and report his recommendations about the suitability or unsuitability of each area for preservation as wilderness to the President, who in turn was to make recommendations to Congress. Areas deemed suitable for preservation as wilderness through the process are called Wilderness Study Areas (WSAs). Section 603 specified that the Secretary's review and recommendation were to occur within fifteen years of FLPMA's enactment in 1976. The President then had two years to advise Congress of his recommendations



for areas to be designated as wilderness. This means that all of the requirements of Section 603 were to be completed seventeen years after FLPMA's enactment, or by October 21, 1993, at which time the authority expired.

Do you agree with Secretary Salazar's answers to Senator Bennett's question?

If Yes—

a. In 1997 you testified that the BLM and CEQ had an internal policy that was in direct conflict with the May 20th letter from Secretary Salazar's letter to Senator Bennett. Which controls your policy now, Mr. Abbey, your testimony in 1997 or Secretary Salazar's letter to Senator Bennett in May 2009?

Answer. I have read Secretary Salazar's response to Senator Bennett and I agree with the Secretary's statement.

I am not entirely sure that my testimony in 1997 is in direct conflict with Secretary Salazar's letter to Senator Bennett. It has been a long time since I reviewed the materials associated with that hearing. I agree with Secretary Salazar that the Department's authority to establish new Wilderness Study Areas under Section 603 of FLPMA expired no later than October 21, 1993.

b. If confirmed, are you willing to commit to carry out the directorship of the BLM in strict adherence of Secretary Salazar's answers to Senator Bennett in his May 20th letter to the Senator.

Answer. If confirmed I would follow the Secretary's policy on this matter.

#### PEER

*Question 3.* On the Public Employees for Environmental Responsibility (PEER) website you are listed under "Rangers for Responsible Recreation". Further you are quoted as saying: "The irresponsible use of off-road vehicles on our public lands is one of the greatest challenges facing land managers today. There appears to be a total disregard by many off-roaders of the impacts from their actions. The public land managers have no other option than to close more of these lands to off-road vehicle use unless off-roaders begin exercising responsibility and better judgment."

a. What is your current and past relationship with PEER? Have you ever served on its board or been an officer at either the local, State, or national office of this organization?

Answer. I have no direct relationship with PEER nor have I ever served on its board or as an officer at the local, state, or national office of this organization.

In late 2005 or early 2006, I did agree to lend my name and to contribute a statement as part of an organization calling itself "Rangers for Responsible Recreation." When I agreed to this request I was not aware that this new organization, made up of former land management personnel, was being financed by PEER. If I had known this fact, I still would have supported the Rangers' efforts to share common concerns with the public about the increasing impacts from irresponsible users on the public land. I believe it is important to communicate accurate and relevant information with public land stakeholders. We are experiencing problems on public lands at both the State and Federal levels from irresponsible use of off-highway vehicles. If such behavior continues, there will be management consequences and there will likely be an increasing amount of public land closed to off-highway vehicles as a result of administrative actions or court orders.

b. If confirmed will you agree to recuse yourself from any meetings with PEER or AFSEE or other sister group of PEER?

Answer. I do not see a need to recuse myself from any meetings with PEER, AFSEE, or other sister groups of PEER. However, I will be happy to consult with ethics officers in the Department of the Interior and I will follow their recommendations pertaining to this matter.

#### LIMITATIONS TO FEDERAL COURT JURISDICTION

*Question 4.* In 2003 during a House Subcommittee on Energy and Mineral Resources you had an exchange with Representative Chris Cannon concerning appeals and litigation and the exemption for NEPA—appeals and litigation that Senator Daschle got inserted in an Omnibus Emergency Supplemental bill in 2002. At that time you indicated that you were aware of Senator Daschle's language and in fact gave the following answer to a question from Representative Cannon:

Mr. Cannon. "You're aware that Senator Daschle asserted in, I guess it was last year's Omnibus Bill a few years ago, a limitation on Federal court jurisdiction over appeals of decisions made in the Black Hills Forest? Are you familiar with that?"

Mr. Abbey. "Yes sir."

Mr. Cannon. "Is that something we need to do more broadly in America?"

Mr. Abbey. "I would certainly support—and I'm speaking for myself—I could certainly support such an action by Congress."

If confirmed, would you still support such an action by Congress? If so, why? If not, why not?

Answer. I am aware that the BLM frequently faces litigation challenges to its land and resource management decisions. I am also aware that each branch of our government serves its respective purpose. As I testified at the confirmation hearing, if confirmed, I would encourage the BLM employees and managers to make decisions based on the best science and on their professional experience and expertise. I would strongly encourage them to not let fear of potential litigation sway their decisions on difficult resource management issues. If confirmed, I would reinforce the message to BLM employees and managers that their application of the land use planning process, with its formal role for public input, is the most effective way for the BLM to ensure the decisions reached are defensible should litigation ensue.

#### LAND DESIGNATIONS AND WATER RIGHTS

*Question 5.* On July 30, 2002, you testified to this committee on S. 2612, the Clark County Conservation and Public Land and Natural Resources Act of 2002, and in response to a question from Senator Ron Wyden said the following:

Senator Wyden: "Mr. Abbey on S. 2612, let's go first to the question of water rights. Previous laws designating wilderness areas in Nevada have either expressly reserved the water right, or in the case of Black Rock Desert Wilderness enacted last Congress, were essentially silent on the issue. Why is it appropriate to ignore the wishes of the Nevada delegation on this and create yet another standard?"

Mr. Abbey: "Well, Senator Wyden, it is the position of the Department that we believe that this legislation should not construe or be construed to constitute either an expressed or implied reservation of any water rights. And again we would, you know, we would be the advocate for that position being accepted by the members of this committee."

If confirmed, will you continue to support the position you articulated to Senator Wyden in 2002?

Answer. In general, I continue to support the position I took on S. 2612 in my response to Senator Wyden's question in 2002. However, I am also aware that individual wilderness bills treat the question of water rights in unique ways. If confirmed, my position on individual pieces of legislation would reflect the specific circumstances involving each bill.

#### WILDERNESS DESIGNATIONS

*Question 6.* At that same hearing, in response to the following question from Senator Wyden, you gave the following response:

Senator Wyden. "Now with respect to wilderness issues, here we are talking about release language, and the release language in S. 2612 differs from that used in previous BLM wilderness bills. You recommend incorporating manage language that is "widely understood and accepted." Do you all have any concerns with the standard wilderness study area release language?"

Mr. Abbey. "We would not."

If confirmed will you continue to support the standard wilderness study area release language discussed in the 2002 hearing?

Answer. Only Congress has the express authority to designate wilderness, and to release land indentified under FLPMA Section 603 as Wilderness Study Areas. If confirmed, I pledge to work with Congress to resolve wilderness and other land management issues throughout the West.

*Question 7.* At that same hearing, you also testified:

"Title II (of S. 2612) moves the wilderness debate forward in Clark County, Nevada by designating lands as wilderness and releasing other lands from wilderness study area. Senator Reid and Ensign have worked diligently with their local constituencies to see consensus on these designations and release. We hope that this approach can be a model and provide an impetus for other State and regions to take similar actions."

a. Do you stand by that testimony?

Answer. Yes. I continue to support efforts by Congress to resolve wilderness issues throughout the West. The Clark County Conservation of Public Land and Natural

Resources Act of 2002, Public Law 107-282, is an excellent example of what can be achieved by Congress working with local and national constituencies.

b. If confirmed will you continue to encourage these kinds of wilderness deals?

Answer. I know that proposals for wilderness designation and the disposition of Section 603 Wilderness Study Areas rest with Congress. If confirmed, I would stand ready to provide support to Congress as proposals are developed.

c. If so, will you commit to directing your BLM employees to support similar proposals in the future?

Answer. If confirmed, my staff and I would work cooperatively with Congress to resolve wilderness issues throughout the West. Each proposal is unique, and my staff and I would give each one careful review and consideration.

#### WILD HORSES AND BURROS

*Question 8.* On July 13, 1998 at a House Resources Committee Hearing in Reno, Nevada related to the management of the Wild Horses and Burro Act, in response to questions by then-Representative Ensign you testified:

“In 1971 it was estimated that between 10,000 and 17,000 wild horses and burros roamed the west. Today there are approximately 43,000 wild horses and burros on the public land including an estimated 22,000 in Nevada.” You went on to say: “based upon our estimates we are projecting that the populations in Nevada are increasing approximately 24 percent per year.”

Further, responding to a question by then-Representative Ensign, you said that:

“And therefore, unless there are continuing efforts to reduce the populations of the horses and bring the numbers down to appropriate management levels, I think you would see some suffering on the part of animals themselves and certainly degradation to the natural resources.”

a. How many wild horses and burros does the BLM estimate are on the lands it is been charged to manage?

Answer. I am advised that as of February 2009, the BLM estimates that there are approximately 36,900 wild horses and burros on the public lands.

b. How many are there on BLM lands in Nevada?

Answer. I am advised that as of February 2009, the BLM estimates that there are approximately 17,500 wild horses and burros on public lands in Nevada.

c. If the numbers are not reduced down to realistic numbers, what are the consequences to the range and other animals that utilize those lands?

Answer. I understand that continued and increasing numbers of wild horses and burros beyond the capacity of the land to sustain them would result in ecological impairment including overpopulation of herds; overgrazing of forage; damage to native vegetation and riparian areas; damage to wildlife habitat; increased soil erosion; replacement of native species by invasive species; and lower water quality. If confirmed, I am committed to working with the Congress and stakeholders to develop a practical, effective, and affordable strategy for managing herd populations, both on the range and off-range.

#### ADMINISTRATIVE ACTIONS

*Question 9.* In an October 27, 2003 House Subcommittee Hearing on Forest and Forest Health in Ely, Nevada, you submitted written testimony that included the following section:

2002, the Secretaries of Interior and Agriculture have taken several administrative actions to implement components of HFI, which include the following:

- Endangered Species Act Guidance—On December 11, 2002, the Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) issued joint guidance that allows multiple projects to be grouped into one consultation and provides direction on how to consider and balance potential short-and long-term beneficial and adverse impacts to endangered species when evaluating projects. The goal is to recognize that project specific, short-term adverse impacts on species need to be weighed against the longer-term watershed level benefits to those and other species that such projects will achieve.
- CEQ Memorandum & Model Environmental Assessment Projects—CEQ Chairman Connaughton issued guidance addressing the preparation of model environmental assessments (Model EA) for fuels treatment projects that improve ad-

ministrative processes. These guidelines are now being applied on both Forest Service (FS) and Department of the Interior (DOI) agency model fuels-treatment projects. The Mesquite Hazardous Fuels Project, approved this past August after a public review period, is an on-going Model EA Project that addresses tamarisk-infested stretches of the Virgin River in southern Nevada near the towns of Mesquite and Bunkerville. Under current conditions, tamarisk, a highly flammable non-native species, is establishing its dominance in burned areas and posing an increased risk of wildfire. The BLM was able to initiate this project this past September by removing five acres of tamarisk. Through a combination of mechanical thinning, hand removal, and revegetation, an additional 300 acres of tamarisk removal is targeted for completion next year, with a total planned treatment of 1,700 acres.

- Appeals Process Reform—Both the United States Department of Agriculture (USDA) and DOI made rule changes designed to encourage early and meaningful public participation in project planning, while continuing to provide the public an opportunity to seek review or to appeal project decisions. This enables issues to be resolved earlier in the project planning process, allowing for a more expedited application of hazardous fuels reduction projects.
- Categorical Exclusions (CE)—Both USDA and DOI have established new categorical exclusions, as provided under the National Environmental Policy Act, for certain hazardous fuel reduction projects and for post-fire rehabilitation projects. These new CEs shorten the time between identification of hazardous fuels treatment and restoration projects and their actual implementation on the ground.
- Proposed Section 7 Counterpart Regulation—FWS and NOAA Fisheries have proposed Section 7 joint counterpart regulations under the ESA to improve Section 7 consultation procedures for projects that support the National Fire Plan. The proposed regulations would provide, in some situations, an alternative to the existing Section 7 consultation process by authorizing the agencies to make certain determinations without project-specific consultation and concurrence of the FWS and NOAA Fisheries.

a. If confirmed will you continue to advocate for each of the administrative actions you lauded at the 2003 hearing? If not, why not?

Answer. While I am not familiar with the current status of many of the issues on which I testified six years ago, if confirmed I would continue to support actions that expedite project planning while providing a more complete understanding of short and long-term impacts to species of concern. I would support a process that encourages meaningful public participation in project planning and provides the public with an opportunity to participate in the review of project decisions.

*Question 9b.* What other actions should Congress undertake to expedite implementation of the Healthy Forest Restoration Act?

Answer. If confirmed, I would support expanding efforts to address landscape-scale restoration needs outside the wildland urban interface areas to benefit multiple resources. I understand that the five-year review of HFRA was recently completed and, if confirmed, I would look forward to the recommendations in the forthcoming report to Congress.

*Question 9c.* What other steps can the current Administration take to expedite implementation of the Healthy Forest Restoration Act?

Answer. If confirmed, I would continue to support the integration of authorities and programs to meet hazardous fuels reduction as well as forest and woodland restoration goals. I would also continue to support a collaborative process and stewardship contracting on BLM lands. Additionally, I would work with appropriate agencies to expand efforts to address cross-jurisdictional landscape-scale restoration needs. Finally, if confirmed, I would also support post-treatment monitoring as a tool to improve the effectiveness of implementation actions.

*Question 9d.* Since the legislation was signed into law how many acres of forest land have been treated through the Healthy Forest Restoration Act authority? (Just provide data for the Healthy Forest Restoration Act authority, please.)

Answer. I am informed that through the end of fiscal year 2008, approximately 487,000 acres of federal lands were treated through the HFRA authority.

*Question 9e.* How many acres has the BLM treated through that authority? (Just the Healthy Forest Restoration Act authority, please.)

Answer. I am informed that through the end of fiscal year 2008, approximately 48,000 acres of BLM lands were treated through the HFRA authority.

## SOUTHERN NEVADA LAND MANAGEMENT ACT

*Question 10.* In response to questions at a House Subcommittee Hearing on National Parks, Recreation and Public lands on December 3, 2003 in Las Vegas, Nevada, you testified that the Southern Nevada Land Management Act:

“ . . . generated more than \$690 million by selling a little more than 5,600 acres of public land at 15 public actions.” and that, “The BLM is offering for sale 13,500 acres under the Lincoln County Lands Act for 2000. Over the next several years, we also plan to offer for sale approximately 21,000 acres of land in 13 Nevada counties outside of Clark County.”

a. That was in 2003. How many acres and for how much money did the BLM sell in Nevada since you testified at that hearing?

Answer. I have been provided information that, from 2004 through 2008, the BLM in Nevada sold 24,684 acres for approximately \$2.4 billion.

b. During that same hearing [December 3, 2003], you told Mr. Gibbons that the BLM expected to receive in excess of a billion dollars for the Clark County land that it had yet to sell. Was that an accurate estimate?

Answer. Yes. The information I have been provided shows that the BLM has received approximately \$2.3 billion since 2004 from the sale of public lands in Clark County, Nevada.

## EARLE DIXON

*Question 11.* There have been a number of articles concerning the role you played in the release of Mr. Earle Dixon. Can you provide the committee with your side of that story?

Answer. I appreciate the opportunity to respond to this question. This case arose from a personnel action I took in 2004. I dismissed the BLM project leader who was responsible for coordinating BLM activities at the Yerington (NV) mine site and I moved the oversight responsibility from the BLM's Carson City Field Office to the BLM's Nevada State Office. The Yerington mine is located on 49% federal land and 51% private land. The clean up activity at Yerington is a joint and cooperative effort between the BLM, State of Nevada, and the EPA as prescribed in a Memorandum of Agreement between the three parties.

I felt this personnel action was appropriate in 2004 and now, five years later, I am convinced my decision was the right one. I base my assessment on the fact that today, the BLM is working closely and cooperatively with both the EPA and the State of Nevada to clean up the Yerington mine site while further studies are being completed to determine the scope of actions which might be required in the future. This was not the case in 2004 when Mr. Dixon was the BLM project leader assigned to this cooperative effort.

In 2004, Mr. Dixon was employed as a term employee (not to exceed two years). Shortly after coming on board, Mr. Dixon made statements on a conference call with other BLM employees raising questions about the competency of state employees working at the mine site. He later insinuated that some elected officials at the county level as well as the Governor of Nevada were being paid by Atlantic Richfield (ARCO) to oppose needed clean up activities at the Yerington mine site and that money from ARCO had been used to buy their opposition to listing the Yerington mine site as a Superfund project.

Earle Dixon filed a whistleblower complaint alleging that state and BLM officials were working together to cover up critical information regarding the environmental impacts at the Yerington mine site. Another issue which surfaced is that I was the one who fired Mr. Dixon rather than his direct supervisor who did not agree with my decision to terminate Dixon. The Department of Labor investigated the Dixon complaint and found that I had sufficient grounds to terminate Mr. Dixon. After the investigators had issued their findings, Mr. Dixon and a PEER attorney then filed a formal complaint with the Department of Labor's Office of Administrative Law Judge. A year later, the Administrative Law Judge ruled in favor of Mr. Dixon and ordered the BLM to pay one year back pay and legal fees.

While acknowledging and respecting the Judge's decision, I am comforted in knowing the progress that has occurred on the ground at the Yerington mine site would probably not have occurred if I had not made the decision to terminate Mr. Dixon in 2004. I also know the cooperation between the BLM, Lyon County officials, and the State of Nevada that exists today relating to clean up activities at Yerington would not be there if I had not taken this personnel action. The formal complaint filed by Mr. Dixon is the first and only formal complaint ever filed against me by an employee in my 32 years of public service.

## ENERGY DEVELOPMENT ON PUBLIC LANDS

*Question 12.* You may know that this committee passed legislation that would allow the Secretary to establish a competitive leasing program for wind and solar projects, but he would not be required to do so if he finds it is not in the public interest.

a. What are the shared and differing challenges for the siting of large wind and solar installations near recreational areas or National Parks relative to oil and gas installations?

Answer. I know that large scale wind and solar installations and oil and gas installations both present challenges in siting. I am aware that the BLM has undertaken a series of initiatives to more fully understand the impacts of energy development on public lands and to establish programs for developing renewable energy in an environmentally responsible manner. For example, the BLM conducted a Programmatic Environmental Impact Statement (PEIS) for wind energy development, signing the Record of Decision (ROD) in January, 2006. A similar PEIS is currently underway for solar energy development. Additional environmental analyses will also be conducted before any specific projects are permitted. If confirmed, I would work constructively with all public land users to understand and address the challenges of siting energy development on public lands.

b. Do you think that National Parks or other protected areas have or should have effective "buffer zones" surrounding them, effectively expanding the protected area?

Answer. I know that the BLM follows a rigorous and open planning process to implement its multiple-use mandate. One of the factors considered during land use planning is the potential impact of a proposed activity to adjacent property, whether the property is Federal, State or privately held. If confirmed, I would work with other Federal agencies, states, Tribes, local governments, industry and public land users to consider conservation and development within each landscape setting.

c. In your opinion, should large energy projects be kept, when feasible, at as great a distance as possible from the most heavily frequented vacation areas?

Answer. I know that the BLM planning process seeks to ensure that the appropriate use takes place on the appropriate piece of public land. The BLM's open planning process provides multiple opportunities for public input in order to ensure that stakeholders interests are fully considered in the final outcome. If confirmed, I would work with governments, industry, public land users and other interested parties to balance recreation use and energy development at the local and regional levels.

d. Do you have concerns that your role is in danger of competing with the interests of the Park Service in that both will want control over energy projects that may be in the same general area as Parks?

Answer. The Federal Land Policy and Management Act provides the BLM with its multiple-use mandate, and one of the Bureau's responsibilities is to develop energy resources on the public lands for the benefit of the nation. The BLM continues to fulfill that mandate, both through lease sales and through the development of renewable energy. Congress provided the National Park Service a different mission. If confirmed, I would work cooperatively with all agencies of the Department of the Interior, under the Secretary's guidance, to fulfill our respective missions in a complementary manner that sustains ecosystem health while meeting the diverse land use needs of the American people.

e. In your opinion, what specific criteria should be applied in assessing a given activity's potential for disruption of a neighboring area, specifically including when roads or other development already exists closer to the protected area than some proposed project?

Answer. It is my view that the BLM's planning process provides for full consideration of these various factors. In my experience, the BLM's land use plans, and the extensive public involvement they encourage, identify and assess the wide range of factors, including visual resource management, recreation and travel management, and appropriate mitigation measures, that must be considered in any specific land management proposal or situation.

## BUDGETING

*Question 13.* In your opinion, to what extent should the acreage and percentage of a given state's BLM-managed lands affect the BLM's budget for dealing with issues specific to that State?

Answer. From my experience with the BLM, I know that the BLM assesses a variety of factors in allocating funds to the various offices. The amount of BLM land in a State or region can certainly affect workload and is a consideration in funding allocation. Other factors are also important, such as the relative priority and com-

plexity of the work, and the desire and need to provide good customer service. I am aware that developing the budgets for the BLM requires balancing many different needs throughout the areas that BLM manages. If confirmed, I will review the BLM's existing budgeting process and assess the need for any changes to these processes.

#### RAW MATERIALS NEEDED FOR GREEN TECHNOLOGIES

*Question 14.* I am concerned that, in aggressively pursuing a transition to alternative energy technologies, the United States risks trading a reliance on foreign sources of oil for a reliance on foreign sources of minerals. The demand for minerals is apparent in the use of quartz crystal for photovoltaic panels (100% imported), indium for LED lighting technologies (100% imported), and rare earths for advanced batteries (100% imported).

a. Do you share this concern and, if so, how can the BLM more effectively coordinate with DOE and the USGS to address the potential for unintended consequences related to our energy policies?

Answer. I share this concern and I believe that it is vitally important for the DOE, USGS, and the BLM to coordinate land-use and energy policy decisions related to mineral development from public lands. If confirmed, I would make it the BLM's practice to actively seek out the input from these and other Federal agencies, as well as from the industry, the State geological surveys, and individual members of the public. Having sound and sufficient mineral resource information is an important component in ensuring our nation's energy future.

b. How important do you believe it is that the raw materials for clean energy technologies be produced here in the United States?

Answer. Our national energy security has been inextricably linked to our dependence on foreign oil. As the nation transitions to a greener energy future relying on renewable energy technology, we should evaluate resources that affect our ability to independently implement that technology. If confirmed, I would not lose sight of the economic and strategic value of resources available through appropriate, balanced use of the public lands.

c. Would you consider the jobs associated with providing the raw materials for clean energy technologies to be "green"?

Answer. Having managed the largest locatable mineral program in the BLM while serving as the Nevada State Director, I am very familiar with the relationship between the production of raw minerals and their important application to "green" technologies. If confirmed, I would support environmentally-responsible resource production necessary for these green technologies.

#### RESOURCES WITHIN LAND WITHDRAWALS

*Question 15.* This committee regularly considers legislation to designate certain federal lands for a particular purpose. Quite often, those designations include lands with significant natural resource potential that could be locked up if the proposal moves forward. I have a standing request that the Interior Department provide very specific information on the natural resources that may be rendered unavailable by bills before this committee. It is my understanding that the Interior Department may require some assistance from DOE to ascertain what raw materials are used for which alternative energy technologies.

Will you commit to coordinating with DOE on my request so that this committee has the most accurate information possible related to any legislation that we may consider?

Answer. The United States Geological Survey document titled "2008 U.S. Net Import Reliance for Selected Nonfuel Mineral Materials" indicates which minerals the United States is more than 15 percent reliant upon from foreign sources. If confirmed, the BLM will work with the Department of Energy to find the intersect between those minerals and minerals used in "green" or "renewable" energy.

#### MINE VETO AUTHORITY

*Question 16.* In the coming months, this committee is preparing to spend some time considering reforms to the 1872 Mining Law. The so called 'mine veto' issue is one that we must understand more clearly.

a. Can you discuss the existing authorities for deciding whether or not to allow mining in a particular area and how changes to that existing framework might impact domestic mining?

Answer. The BLM manages mining activities on the public lands under the Federal Land Policy and Management Act. Under that authority, BLM has promulgated regulations at 43 CFR subpart 3809 (the "3809 regulations,") which provide the re-

quirements for obtaining approval of a mining operation on BLM-administered public lands. These regulations require compliance with all pertinent Federal and State laws.

I am advised that Congress is currently considering reform of the Mining Law, and the Department will work with Congress to assess how particular changes might affect domestic mining.

b. Under what circumstances can an Interior Secretary say “no” to mining?

Answer. I understand that the 3809 regulations provide at least three reasons why the Secretary may disapprove a proposed plan of operations:

1. The proposed plan does not meet the filing requirements for a plan of operations outlined in the 3809 regulations.
2. The proposed mining operation is on lands withdrawn or segregated from the operation of the Mining Law and the mining claims are found to be invalid.
3. The proposed operations would result in unnecessary or undue degradation of the public lands because the plan would violate, among other things, the regulatory performance standards in the 3809 regulations or other applicable Federal and State laws.

There may be other applicable laws with which I am not familiar.

#### MINING AND ENVIRONMENTAL PROTECTION

*Question 17.* In the coming months, this committee is preparing to spend some time considering reforms to the 1872 Mining Law. A 1999 National Research Council report to Congress concluded that, “the overall structure of the Federal and State laws and regulations that provide mining-related environmental protection is complicated but generally effective.” Do you agree with this finding?

Answer. I am not familiar with the specifics of the 1999 Report. I am aware that there is great interest in pursuing reforms to the 1872 Mining Law. If confirmed, I look forward to working with the Department and Congress on this important issue.

#### APPLYING LEASE SALE PRACTICES TO HARDROCK MINING

*Question 18.* In the coming months, this committee is preparing to spend some time considering reforms to the 1872 Mining Law. Some have continued to insist upon the applicability of leasing to the hardrock mineral industry, as opposed to location and entry.

Can you share with us some of the issues that may be encountered in attempting to apply to hardrock minerals some of the resource management practices that exist for oil, gas, and coal based the similarities and differences that exist between those sectors?

Answer. I understand that the BLM already has experience with managing hardrock mineral development under a leasing system. When minerals that would be locatable under the 1872 Mining Law on public domain lands in the West are found on acquired Federal lands (mainly in the east), these same minerals are leased under regulations at 43 CFR 3500. These are the same regulations that currently apply to potash, phosphate and sodium leasing and development. I am aware that there is great interest in pursuing reforms to the 1872 Mining Law. If confirmed, I look forward to working with the Department and Congress on this important issue.

#### SUFFICIENCY OF EXISTING ENVIRONMENTAL STANDARDS FOR MINING

*Question 19.* Current BLM guidance, based on the so-called 3809 regulations, provide for the protection of BLM lands from “unnecessary or undue degradation”.

Do you believe that the existing legal and regulatory framework for hardrock mining is sufficient to protect units of the National Conservation System from unnecessary or undue degradation of the values for which such units were established in the first place?

Answer. BLM manages the lands within these areas in accordance with the principles and priorities established by the statute or the Presidential proclamation creating the National Landscape Conservation System (NLCS) unit. In addition, it is my understanding that any valid existing right could be exercised in compliance with BLM’s surface management regulations.

#### DIFFERENTIATING BETWEEN LAND USE AND ENVIRONMENTAL LAWS

*Question 20.* In considering changes to the Mining Law of 1872, it is important to remember that we are talking about is a land use statute.



Can you provide us with your views of the legal and practical distinctions between federal property laws and federal environmental laws?

Answer. The question is of a legal nature upon which I would defer to the Department of the Interior Solicitor, if confirmed. However, in general, I am advised that Federal property laws and Federal environmental laws are distinguishable primarily because they stem from different constitutional authorities and common law principles.

#### ROLE OF GOOD SAMARITAN PROVISION IN MINING REFORM

*Question 21.* There is a willingness on the part of many to engage in reclamation activities at abandoned mine sites, but often this does not happen due to a fear of incurring certain liabilities.

a. What role do you believe “Good Samaritan” provisions can or should play in the clean-up of abandoned mine sites?

Answer. I am advised that the BLM initiated a program to address the abandoned mine issue in partnership with the U.S Forest Service, the National Association of Abandoned Mine Lands Programs (NAAML), the National Mining Association (NMA), and Bat Conservation International, Inc. (BCI). The program is called “FAST” (Fix A Shaft Today) and draws upon public-private partnerships to close abandoned mine physical safety hazards. This type of voluntary effort is similar to voluntary efforts proposed in “Good Samaritan” provisions. If confirmed, I would work with Congress to encourage similar partnerships to help resolve the critical problems associated with abandoned mines.

b. Is there a risk that eligibility requirements for a “Good Samaritan” could be too stringent to allow those with actual mining and reclamation expertise to qualify?

Answer. Although I am not aware of the details of the “Good Samaritan” legislation, I do know that public-private partnerships are vital to addressing this critical health and safety issue on the public lands. Partners with expertise in mining and reclamation are particularly important. If confirmed, I would work with the Secretary to ensure utilization of any “Good Samaritan” authority that Congress might provide as a tool for abandoned mine reclamation.

#### LAND CLEANUPS

*Question 22.* In Alaska, where the BLM still controls about 85 million acres, the BLM is the largest single landlord. But for cleanup of federally paid for oil exploration efforts in the 1980s, there is still the need for an estimated \$100 million to cap abandoned federal wells, not private wells. There is also the need for extensive environmental study and science reviews, some being conducted by the joint State-Federal North Slope Science Initiative. What can you say about the Obama Administration’s commitment toward providing the funding needed for land management in Alaska in future budgets?

Answer. I am aware of the importance of the remediation of the “legacy wells” on Alaska’s North Slope and the urgency associated with this effort. I am informed that, since 2002, the BLM has plugged 14 wells and has remediated three wells adjacent to the coast and one well adjacent to the largest fresh water lake on the North Slope, Teshekpuk Lake. I am also informed that, this winter, the BLM will be plugging the last high priority coastal erosion well, Drew Point, funding for which comes from the American Recovery and Reinvestment Act. If confirmed, I would work with BLM Alaska in its ongoing efforts to evaluate and address the remaining abandoned wells to protect public health and safety and the environment.

Finally, I am aware that the BLM values the added scientific information provided by the North Slope Science Initiative. If confirmed, I would commit to examine the funding opportunities for Alaska land management, as well as for other western States, as we develop our future budget.

#### LAND USE

*Question 23.* In your mind, which use is causing the most damage to the BLM lands in the Intermountain West: wild horses or ATVs?

Answer. It is difficult to state categorically that one particular land use is more or less harmful than another as such assessments are dependent upon a variety of factors, including site-specific conditions and the intent and duration of a particular use. Every use of the BLM-managed public lands has an impact that, if left unmanaged or conducted irresponsibly, could result in harmful effects on the public lands. As a strong proponent of multiple-use, if confirmed I would work to achieve balance between the various multiple uses, including wild horses and off-highway vehicle recreation, so that the public lands are properly managed.

*Question 24.* Which causes more damage to the BLM lands in the Intermountain West: your answer to my previous question, or range fires?

Answer. If confirmed, I would work to ensure that wildfire and the various multiple-uses on the public land were managed appropriately so as to reduce their potentially harmful impacts. Wildfire is a natural and essential process throughout the Intermountain West, but the spread of cheatgrass and other invasive species has led to large, frequent wildfires that threaten communities and land health. While I was State Director in Nevada, I initiated an effort to restore the Great Basin following a series of large wildfires in the late 1990s. If confirmed, I would hope to continue and expand the BLM's efforts to restore landscape health and reduce harmful wildfire impacts.

#### SUITABILITY OF LANDS FOR MINING

*Question 25.* Some contend that Mining Law reform should include an opportunity for local officials in towns, tribal leaders and others to seek a withdrawal of Federal lands from mining. The Federal Land Policy and Management Act of 1976 already contains withdrawal authority, as does the Antiquities Act of 1906 and the Surface Mining Control and Reclamation Act of 1977. And any member of Congress can introduce withdrawal legislation at any time.

Do you believe that these existing withdrawal authorities are sufficient?

Answer. I understand that Congress is currently considering reform of the Mining Law. The Department will work with Congress to assess proposals to modify withdrawal authority, which exists with respect to Federal lands and resources. If confirmed, I would assist with that assessment.

#### APPROACH TO WILDERNESS DESIGNATIONS

*Question 26.* Given your testimony at the Senate Energy Committee hearing on July 30, 2002, as well as the testimony you gave at the December 3, 2003 hearing in Las Vegas, Nevada, can you tell me why the BLM has resisted supporting other legislative proposals that were similar to the Southern Nevada Land Management Act (for example the Washington County Utah bill Senator Bennett introduced in 2007 or the Owyhee bill that Senator Crapo offered in 2007)?

Answer. If confirmed, I would work cooperatively with Congress to resolve wilderness and other land management issues throughout the West. It is my understanding that the BLM worked supportively and cooperatively with Congress on the Washington County and Owyhee County bills.

If confirmed are you going to advocate for the Nevada approach or the more recent BLM stance of opposing land for wilderness proposals?

Answer. It is my understanding that the BLM has worked cooperatively with Congress on a number of wilderness proposals over the last several years, and many of those were included in Public Law 111-11, the Omnibus Public Land Management Act of 2009. I support resolving wilderness issues and if confirmed I pledge to work with Congress in a spirit of cooperation on these and all other issues concerning the BLM.

#### MINE PERMITTING

*Question 27.* BLM's FY2010 budget includes an additional \$2 million for the Mining Law Administration Program. As you know from your time as head of the State of Nevada's BLM office, permit approvals for large mining projects can take a great deal of time to complete, and as a result, the U.S. is ranked as one of the worst countries from the perspective of obtaining permits. According to Behre Dolbear's 2009 edition of "Where Not to Invest", it takes an average of 5 to 7 years to obtain the approvals needed for mine development to commence. As Director, how would you ensure that BLM utilizes its additional FY2010 budget resources to promote a more efficient permitting process?

Answer. As former BLM State Director of Nevada, I am aware of the timeframes associated with approval of permits for mining operations. I understand that over the past couple of years timeframes for the approval of plans and notices have been reduced. But I also believe there is still more work to be done in this area. If confirmed, I would work to continue improving efficiencies in the permitting process.

#### RESPONSE OF ROBERT V. ABBEY TO QUESTION FROM SENATOR BUNNING

*Question 1.* Wild Burro program and population control—Robert Abbey—one of the challenges facing the national wild horse and burro program is effective population control. I have met with veterinarians that have discussed population control alternative outside of adoption or sale. If implemented these alternatives, which

largely focus on the stallions as opposed to mares, could be more cost effective at controlling herd populations. If confirmed, would you support reexamining current population control methods?

Answer. I understand that reducing wild horse population growth rates is one of the most significant challenges facing the BLM, and the bureau is willing to consider any reasonable proposals to address this issue. I am advised that to respond to this challenge, the BLM is currently considering adjusting the sex ratios of wild horse herds to favor males (stallions or geldings) in order to reduce breeding populations. If confirmed, I am committed to working with the Congress and stakeholders to examine population control strategies.

RESPONSE OF ROBERT V. ABBEY TO QUESTION FROM SENATOR CANTWELL

Mr. Abbey, over one million acres of prime wildlife and salmon habitat adjacent to the proposed pebble mine site in Bristol Bay Alaska could be opened to new mining claims. Closed to mining since 1971, these wild Alaska lands are integral to Bristol Bay's salmon-supporting habitat that is anchored by miles of untamed rivers and feeds a 360 million dollar commercial and sport fishery comprised of many fisherman from Washington State.

Last year, the Bureau of Land Management finalized its first ever Resource Management Plan (RMP) for this area. Despite the rich fish and wildlife habitat that this area supports, including two of the world's most productive salmon rivers, the BLM recommended that 99 percent of its lands in the area be opened to hard rock mining. The RMP is particularly problematic because the lands lie close to the proposed Pebble Mine, a giant gold, copper and molybdenum deposit.

Would you, as Director of the BLM, consider a plan revision of the Bay RMP that strikes a better balance between mineral development and habitat conservation?

Answer. While I am not familiar with the details of the Bay Resource Management Plan, I am advised that BLM-managed lands are significantly west and downriver from the proposed Pebble project. If confirmed, I would commit to reviewing the Bay Resource Management Plan, including the existing withdrawal decisions in the Bristol Bay area to ensure that habitat management objectives for public lands in this region will be achieved.

RESPONSES OF ROBERT V. ABBEY TO QUESTIONS FROM SENATOR WYDEN

*Question 1.* I'm pleased that the President recently signed into law legislation codifying the National Landscape Conservation System. This extraordinary system of BLM lands, which will celebrate its tenth anniversary next year, protects the crown jewels of BLM lands and waters designated for conservation purposes, including National Monuments, Wilderness, National Scenic and Historic Trails, and Wild and Scenic Rivers. If confirmed, will you commit to ensure that these areas are managed to guarantee protection of the nationally significant values they were designated to preserve?

Answer. I am fully aware that the BLM's National Landscape Conservation System is a top priority of Secretary Salazar. Public Law 111-11, which expands the NLCS by 1.2 million acres, was one of the first bills signed into law by President Obama. This historic piece of legislation codified the National Landscape Conservation System and designated many unique landscapes treasured by the American people. If confirmed, I look forward to presiding over next year's tenth anniversary celebration of the NLCS. I am strongly committed to the conservation and protection of all of the values inherent in the NLCS.

*Question 2.* Throughout the West, and in my State, there are dozens of towns that have small BLM parcels in the middle of towns and within the towns' urban growth boundaries. This seems like both a problem for the BLM and for these communities, which could often benefit from having the land for city parks or other public uses. I currently have a couple bills to transfer parcels of land to counties in Oregon, and there are more pending issues in my State that will be coming up on land use—including possible land conveyances, land exchanges and Wilderness designations. But this is certainly a piecemeal and time consuming approach, as is the Agency's Recreation and Public Purposes (R&PP) process. I hope that I will be able to work on these issues with you going forward. Would you be willing to explore more comprehensive ways to address these kinds of land use issues?

Answer. I appreciate your desire to find a different approach, and if confirmed I would be happy to work with you and your staff to address the needs of Oregon's communities concerning BLM-managed lands located in these communities, including issues related to land conveyances, exchanges and wilderness designations.

## RESPONSES OF ROBERT V. ABBEY TO QUESTIONS FROM SENATOR BARRASSO

## SAGE GROUSE

*Question 1.* There are extraordinary sage grouse conservation efforts ongoing in Wyoming. The Bureau of Land Management plays a big role in the success of this statewide initiative.

Will you work with the State of Wyoming to find land management options that decrease the possibility of listing the sage grouse as endangered, while maintaining traditional multiple use?

Answer. Yes. If confirmed I look forward to working with the State of Wyoming on this issue. I understand the State is currently taking steps to conserve sage grouse. I am committed to working with Federal, State and local agencies to help in this effort and to facilitate appropriate resource development.

## GOOD NEIGHBOR AUTHORITY

*Question 2.* Good Neighbor authority is a tool for Federal and State land managers to work together to complete land management goals. Bipartisan members of the Senate Energy and Natural Resources Committee advocate for its approval in all Western States.

Secretary Salazar was a strong advocate of this policy during his time in the Senate. He committed during his confirmation hearing to see that the BLM finalizes its legal opinion on the policy.

Will each of you commit to joining the Secretary in supporting this authority?

Answer. If confirmed, I would join the Secretary in supporting the Good Neighbor authority. I know that the BLM received Good Neighbor authority for BLM managed lands in the State of Colorado in 2004. I am advised that, to date, nine projects have been initiated under this authority and it is generally viewed as an effective tool. I support the use of the authority, where appropriate, to increase efficiency and improve Federal and State coordination in the management of large-scale wildfire mitigation, restoration and other land-health issues.

*Question 3.* When should we expect the agency to finalize an opinion on the [Good Neighbor] policy?

Answer. I am not aware of any pending legal opinion within the Department of the Interior regarding the current Good Neighbor authority. Under current law, this authority applies only to the State of Colorado for the BLM. I am advised that the BLM is developing policy for implementation of the Good Neighbor authority in Colorado in response to a recent GAO audit, and expects to have the policy finalized by the end of the calendar year.

## GRAZING PERMIT RENEWALS

*Question 4.* We have a significant problem at the BLM with grazing permit renewals. This is a nationwide problem.

Completing NEPA paperwork takes months, even year, and threatens ranchers' livelihood. Currently, we have legislative language in place that allows permits to continue while NEPA paperwork is completed. This is responsible stewardship and good business. However, there would be no need for annual legislation if the agency reliably completed its job on time.

How will you address this complicated management problem?

Answer. I understand that the congressional permit renewal language has been helpful to the BLM in prioritizing the processing of over 18,000 permits and leases while meeting its NEPA obligations. I also know that there remains a need to address this complex management issue and examine the tools available to the BLM to more effectively process grazing permit renewals. I understand that grazing management is complicated by a number of factors, such as increased demands on public lands, spread of invasive species, changing wildland fire patterns, litigation, and the impacts of climate change. If confirmed, I am committed to working with the Congress and stakeholders to implement workable strategies to address grazing permit renewals.

*Question 5.* What specific policies will you support to make grazing management more effective?

Answer. I am not sufficiently familiar with the existing policies or any pending policy reform proposals to make specific recommendations at this time. If confirmed, I would ensure that the BLM works closely with stakeholders to implement effective policies to address the complexities of the grazing issue.

## RESPONSES OF ROBERT V. ABBEY TO QUESTIONS FROM SENATOR LANDRIEU

*Question 1.* At present, there are 22 thousand wild horses in BLM-managed long-term facilities, 10 thousand horses in short-term facilities, and an additional 36 thousand horses on the open range. BLM suggests that the appropriate management level "on the range" is approximately 27 thousand horses, thus indicating significant overcrowding of the range in addition to the horses currently held in short and long-term facilities. Given the rapid reproduction rates of wild horses, the situation appears to be unsustainable.

What is your vision for this program? How would you improve the current management regime to better protect America's wild horse legacy, while also ensuring that taxpayer's dollars are wisely spent?

Answer. Having served as the BLM Nevada State Director where nearly half of the Nation's wild horses and burros are found, I am very familiar with the program and its significant challenges. I know that it is a challenge for the BLM to maintain both appropriate populations on the range and care for unadopted animals off the range. I fully understand that the increasing cost of caring for unadopted animals is also a growing concern. If confirmed, I would work to lower the numbers of animals on our western rangelands to proper levels and slowing population growth rates.

*Question 2.* In that same vein, Madeleine Pickens has outlined a plan for a non-profit foundation to care for the horses now in holding facilities, which she believes can be performed at a substantially reduced cost to the United States. Under her plan, the foundation would acquire a substantial ranch for the horses, allowing the horses to live in a natural setting. Under this plan, Mrs. Pickens maintains that any surplus funds accumulated by the foundation would be returned to the United States. Mrs. Pickens has proposed that the BLM conduct open bidding to select a contractor meeting these guidelines to handle the horses. Do you favor this approach?

Answer. Mrs. Pickens' proposal provides creative and potentially constructive ideas for addressing this issue. Mrs. Pickens' willingness to put her considerable energy and resources toward this challenge is something that I welcome and encourage. If confirmed, I would continue to work with Mrs. Pickens and other interested parties to find ways to care for these icons of the West and reduce the costs of caring for unadopted animals.

## RESPONSE OF ROBERT V. ABBEY TO QUESTION FROM SENATOR SESSIONS

*Question 1.* Mr. Abbey, Alabama is affected by several invasive species. As Director of the BLM, what degree of priority do you plan to place both policy and budget wise on eradication of invasive species? Will you be open to considering a much more effective strategy than operated under the EQIP Program?

Answer. The BLM manages scattered parcels of surface management lands in the South and East; however, the vast majority of the 256 million acres of BLM-managed public land surface is in the Western United States. I am not aware of any specific invasive species problems on BLM-managed lands in Alabama. If confirmed, I would work with my staff to better understand the current invasive species issues, and ensure that the most effective strategies are implemented and appropriate actions are taken on BLM-managed lands. I would also ensure that the control and management of invasive species would be one of my priorities.

## RESPONSES OF WILMA A. LEWIS TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 1.* During the 1990s you were involved in management of the U.S. Territories. In recent years there has been an inconsistent push to solve territorial problems, from the economic problems in American Samoa to the economic woes in the Commonwealth of the Northern Marianas Islands. We have compact talks coming up with Palau, and continued needs for aid to the Republic of the Marshall Islands stemming from our past nuclear testing in the atolls. What can you tell us about the Obama Administration's commitment to focus on the problems that exist in the western territories, not counting the Caribbean?

Answer. While management of the U.S. Territories would not fall under my jurisdiction if confirmed as Assistant Secretary for Land and Minerals Management, I have been informed that the White House under President Barack Obama has held several high level meetings regarding important territorial issues, and has been represented at meetings of the Intergovernmental Group on Insular Areas (IGIA). These efforts are indicative of the priority attention the Administration is giving territorial issues. In addition, President Obama has nominated Mr. Tony Babauta to

be Assistant Secretary of the Interior for Insular Areas. Heretofore, territorial issues have been handled by a deputy assistant secretary. This elevation of island issues within to the assistant secretary level will bring heightened priority for the territories and freely associated States.

#### SUBSISTENCE

*Question 2.* There is one complex issue involving the Department and the State of Alaska, management of wildlife not just on federal lands, but also on State lands, to protect the subsistence hunting and fishing rights of Alaska Natives. Did you hear anything in your preparations for this confirmation hearing as to whether the Administration is planning any changes in federal subsistence policy or management efforts in Alaska?

Answer. During preparations for my confirmation hearing, I was not made aware, formally or otherwise, of any Administration plans to change Federal subsistence policy or management efforts in Alaska.

#### OIL AND GAS LEASING

*Question 3.* Would you support any adjustments (including new or higher costs and fees, increased rents, shorter (or longer) lease terms, and/or increased royalty rates) for onshore and offshore oil and gas leases?

Would you support or encourage a policy of "use it or lose it", as proposed during the 110th Congress, when it comes to federally-issued leases?

Answer. I believe that review of existing practices in the Department's programs is important. Such reevaluations can lead to the improvement of existing programs. I know that the Department announced, as part of the fiscal year 2010 Budget Proposal, the initiation of a comprehensive review of oil and gas leasing and royalty policies, including consideration of reform options, such as encouraging the diligent development of future leases, that would assure a fair return to the American taxpayer. Although it would depend upon the details of the changes, I could support adjustments of costs and fees, rents, lease terms, or royalty rates if such adjustments would improve the Department's oil and gas leasing programs, and are consistent with the Department's resource management obligations. I also support President Obama's and Secretary Salazar's position that domestic energy production can help reduce our dependence on foreign sources of energy and that we should encourage production on leased acreage.

#### LITIGATION

*Question 4.* Every year, a significant number of federal leases are delayed by litigation from environmental and other groups opposed to development. As Assistant Secretary, do you anticipate these lawsuits having a significant impact on the federal revenues associated with onshore and offshore oil and gas development?

Answer. I am aware that there are several federal oil and gas leases and resource management plans that have been challenged in the courts. Litigation may slow the development of, and thus the revenues from, federal oil and gas resources. If confirmed, I would seek to ensure that the Department continues to make fully informed decisions that comply with applicable legal requirements.

#### PERMITTING

*Question 5.* Companies are often required to obtain or complete dozens of permits and plans to develop a typical lease. This can add months, if not years, to the length of time it takes to bring resources to market. As Assistant Secretary, will you consider or support any initiatives to streamline this process, including joint permitting efforts and interagency memorandums of agreement?

Answer. If confirmed, I will seek to ensure that the Department continues to identify opportunities for improvement through interagency agreements, joint efforts and other means. The efficiency of our operations will be an important focus of my attention. I would therefore support initiatives that would create efficiencies in the permitting process. I fully support seeking greater efficiency and coordination in the permitting process, consistent with the environmentally responsible development of our important energy resources.

#### DOMESTIC PRODUCTION

*Question 6.* No matter how quickly the use of alternative and renewable resources increases, our nation will be heavily dependent on oil, natural gas, and coal long into the future. In conjunction with our efforts to increase the development of clean

energy resources, do you agree that it will also be critical to increase conventional resource production, at least in the near-term?

Answer. Secretary Salazar supports increased domestic production of conventional resources as part of a comprehensive energy plan. I agree with the Secretary that the solution to our nation's energy needs requires development of the full range of energy sources available, including conventional fuels and renewable resources. If confirmed, I would work to ensure that energy resources are identified and appropriate access to them is made available consistent with environmental safeguards.

#### COAL LEASING BONUS BIDS

*Question 7.* The Federal Coal Leasing Amendments Act of 1976 provides for a bonus bid system allowing deferred payments to be paid in installments and, in fact, requires no less than 50 percent of the acreage offered for lease to be under a system of deferred bonus bids. The system essentially requires 20 percent of the bid to be paid at the time of acceptance and 20 percent on each anniversary for the following 4 years. Congress authorized this system to promote competition, to ensure the public receives a fair return on federal coal leases, and to assure diverse sources of coal supply for the nation's economic wellbeing.

a) The elimination of the bonus bid system (as proposed in the FY2009 budget request) would force successful bidders to pay hundreds of millions of dollars upon the award of the lease, long before they are able to realize any return on their investment. Do you believe this would undermine congressional intent on the issue of bonus bid payment, which was last affirmed in 2005?

Answer. I understand that the FY 2009 Budget included a proposal to change the existing bonus bid system. However, I am not familiar with the legislative history underlying the existing system. If confirmed, I will learn more about this issue.

b) Can you explain what has occurred within the leasing program since its last legislative review, in 2005, that would warrant the abandonment of the system of deferred bonus bid payments?

Answer. I have been advised that there have been no recent, major changes in the coal leasing program.

c) If the bonus bid program is eliminated and this, in turn, leads to less competition, lower lease bids, and/or lower Federal and State revenues, would you support its re-instatement?

Answer. If the bonus bid proposal that would require payment in one lump sum is implemented, I would, if confirmed, ensure that the BLM and MMS monitor and assess the impacts associated with bonus bid payments. I would carefully review those impacts and any other relevant information regarding the bonus bid program.

#### RESPONSES OF WILMA A. LEWIS TO QUESTIONS FROM SENATOR BUNNING

##### STATE PERMITTING RIGHTS

*Question 1.* If confirmed, you will oversee the Office of Surface Mining Reclamation and Enforcement. As you know, under the Surface Mining Control and Reclamation Act, most coal mining States, including my home State of Kentucky, have been granted primacy, placing them as the lead permitting and enforcement agency. Through the use of primacy, States have the ability to carry out their own regulatory and reclamation programs so long as they meet the law's standards. What assurances can you give me that OSM will continue to respect States' rights and not second-guess States' decisions where they are acting in accordance with the law?

Answer. The Office of Surface Mining Reclamation and Enforcement (OSM) has the responsibility in its oversight role to ensure States are properly enforcing their regulatory programs. If confirmed, I will work with OSM to ensure it is properly carrying out its oversight responsibilities while appropriately recognizing state primacy.

##### STREAM BUFFER ZONE

*Question 2.* As you know, Secretary Salazar has asked the Department of Justice to file a plea with the U.S. District Court requesting that the 2008 Stream Buffer Zone Rule be vacated. Aside from striking a balance between environmental protections, this rule clarified a long-standing dispute over how the Surface Mining Law should be applied. If vacated, would you support implementing the previous stream buffer zone regulations or initiating a new rulemaking process?

Answer. I understand that the Department of Justice's motion requests that the 1983 rule be reinstated. Should the court grant that motion, I am informed that the Department of the Interior plans to issue interim guidance to clarify how the 1983 rule should be applied while the Department determines whether a new stream

buffer zone rule is necessary. If confirmed, I will work to ensure that this review occurs in an expeditious and inclusive manner.

PERMITTING DELAYS

*Question 3.* A continuing problem with obtaining permits under the Surface Mining Act is the inability of the Fish and Wildlife Service at the Department of the Interior to perform its consultations in a timely manner. Coal miners as well as land developers end up with idled capital waiting for the Service to conduct its consultations. The previous Administration tried to address that problem through revised regulations with tighter timelines for action. Unfortunately, this Administration has placed those regulations on hold pending a review. If confirmed, will you work with the Director of Fish and Wildlife Services and the Assistant Secretary for Fish, Wildlife and Parks to develop a plan to effect timely consultations under the E.S.A.?

*Answer.* I am not familiar with this issue. If confirmed, however, I will appropriately coordinate with the Assistant Secretary for Fish, Wildlife, and Parks on this and other potentially overlapping matters to help ensure that we carry out our respective responsibilities in a timely manner.

RESPONSES OF WILMA A. LEWIS TO QUESTIONS FROM SENATOR WYDEN

*Question 1.* As I indicated to Mr. Abbey in the hearing, BLM manages a lot of land in my State. I know you are aware that the BLM is responsible for over 2 million acres of truly remarkable forests in the western part of my State—known as the O&C Lands—with a unique Federal mandate that includes sharing revenue for local county government. These lands are also important for threatened and endangered species, old growth forests, clean water, clean air and carbon sinks. BLM's massive planning effort for its Western Oregon lands (WOPR) under the last Administration has stirred up a great deal of controversy and legal challenges from both sides of this issue—both timber and environmental groups. I know the Administration is reviewing its options. I was wary of political meddling in scientific decisions in the last Administration and I hope that you will ensure that any decision the Agency makes on this is based on sound science but also considers the importance that O&C lands have played in Oregon's past and the opportunity they have in our collective future. I have been circulating a draft proposal of legislation I intend to introduce to move forest management on Federal lands in Oregon beyond the old conflicts so that the land management agencies cease to get tied up in knots trying to advance controversial projects when there is a great need for forest health projects that many parties can agree are necessary.

Can you also tell me how you are going to encourage finding a path forward for forest management and specifically whether you will work with me to help identify new management approaches that help streamline forest health projects?

*Answer.* Like you, the Department recognizes this is a time for bold action and decisions that will resolve long-standing conflicts. If confirmed as Assistant Secretary, I am committed to working with other Federal agencies, State and local officials, tribes, the timber industry, conservationists, and you and other members of the Oregon delegation in a collaborative effort to effect meaningful progress.

*Question 2.* BLM is our biggest Federal landlord in Oregon. There is enormous opportunity for renewable energy development—biomass, geothermal, wind—in the State, but it can't be developed without the help of Federal agencies that manage most of the land area. Last year, BLM initiated a programmatic environmental impact statement (PEIS) for development of solar energy projects on BLM land, but that PEIS did not include Oregon. If confirmed, what will you do to ensure that all States with BLM-managed lands will be included in renewable energy development plans, including the pending solar PEIS?

*Answer.* It is my understanding that BLM's Solar PEIS focuses on BLM lands in the southwest because that area has the greatest potential for utility-scale solar development during the document's 20 year planning horizon and has received a high degree of interest from industry. I have also been informed that any best management practices adopted by the BLM as a result of the Solar PEIS will be applicable to all BLM-administered lands, and that the NEPA analysis completed as part of the PEIS will provide valuable information that could be used to assess the impacts of possible solar projects in other areas. If confirmed, I will work to ensure that the full potential of renewable energy development on public lands is understood and considered, and that opportunities for environmentally-sensitive development are offered in appropriate areas.

*Question 3.* As I discussed with Mr. Abbey during the hearing, utilization of biomass offers unique opportunities to simultaneously address forest health, hazardous



fuels reduction, energy production, and rural economic development issues. Yet, these opportunities have not been adequately developed. If confirmed, what will you do to ensure that biomass energy development is integrated into BLM land management policies and what actions will you take to work with the Forest Service to jointly develop resource plans that will support commercial investment in biomass energy projects?

Answer. Biomass has important clean energy potential. I agree that the prudent and sustainable use of biomass as a by-product of forest health, hazardous fuels reduction, and other vegetation management treatments offers valuable opportunities to support renewable energy production as well as rural economic development. If confirmed, I will promote BLM efforts to develop and improve biomass use. Also, I will ensure that the BLM will continue to use available authorities such as stewardship contracting and good neighbor authorities to increase biomass utilization and reduce treatment costs. In addition, I will work with the Forest Service to further the development of this resource, and with partners to increase community awareness of project goals, leverage funds for better results, and support local businesses.

*Question 4.* Royalty policy and royalty administration at Interior has been an embarrassment. MMS has adopted a policy that simply abandoned the need to audit oil and gas companies to make sure they pay royalties. MMS administrators left out contract provisions in hundreds of Gulf of Mexico leases for price thresholds. Oil and gas companies have been allowed to unilaterally adjust the royalty amounts they owe, even years after the payments are due and the statutory deadlines for such adjustments have expired. Royalty-in-kind seems to be a charade costing taxpayers more than the old system according to the GAO. What are your plans to reform the royalty system?

Answer. I share Secretary Salazar's commitment to restoring the public's trust in MMS and support the strong actions taken by the Secretary to enact reform. If I am confirmed, royalty management and reform will be among my highest priorities. I will work closely with the Secretary and MMS to help ensure that taxpayers are getting fair value from the resources they own; audit and enforcement activities for the royalty program are robust and effective; operations are conducted in accordance with the law; and Department of the Interior employees perform their responsibilities with the highest degree of integrity.

*Question 5.* In the wake of the conflict of interest scandal at the end of the last Congress, Sen. Barrasso and I introduced legislation to begin to reform MMS by making the Director a Presidential appointee and Senate confirmed. MMS is the only major agency within Interior that doesn't have a Senate confirmed director or statutory framework governing its responsibilities. A similar provision has now been included in legislation approved by the Senate Energy and Natural Resources Committee. If confirmed would you support enactment of this provision?

Answer. If confirmed, I would support making the MMS Director position a Presidential appointment with Senate confirmation.

#### RESPONSES OF WILMA A. LEWIS TO QUESTIONS FROM SENATOR BARRASSO

##### SAGE GROUSE

*Question 1.* There are extraordinary sage grouse conservation efforts ongoing in Wyoming. The Bureau of Land Management plays a big role in the success of this statewide initiative.

Will you work with the State of Wyoming to find land management options that decrease the possibility of listing the sage grouse as endangered, while maintaining traditional multiple use?

Answer. Yes. If confirmed I look forward to working with the State of Wyoming on this issue. I understand the State is currently taking steps to conserve sage grouse. I am committed to working with Federal, State and local agencies to help in this effort and to facilitate appropriate resource development.

##### GOOD NEIGHBOR AUTHORITY

*Question 2.* Good Neighbor authority is a tool for Federal and State land managers to work together to complete land management goals. Bipartisan members of the Senate Energy and Natural Resources Committee advocate for its approval in all Western States.

Secretary Salazar was a strong advocate of this policy during his time in the Senate. He committed during his confirmation hearing to see that the BLM finalizes its legal opinion on the policy.

Will each of you commit to joining the Secretary in supporting this authority?

Answer. If confirmed, I would join the Secretary in supporting the Good Neighbor authority. I understand that the BLM received Good Neighbor authority in 2004 for BLM-managed lands in the state of Colorado. I am advised that, to date, nine projects have been initiated under this authority and it is generally viewed as an effective tool. I support the use of the authority, where appropriate, to increase efficiency and improve federal and State coordination in the management of large-scale wildfire mitigation, restoration and other land management issues.

*Question 3.* When should we expect the agency to finalize an opinion on the policy?

Answer. I am not aware of any pending legal opinion within the Department of the Interior regarding the current Good Neighbor authority. However, I am advised that the BLM is developing policy for implementation of the Good Neighbor authority in Colorado in response to a recent GAO audit, and expects to have the policy finalized by the end of the calendar year.

#### GRAZING PERMIT RENEWALS

*Question 4.* We have a significant problem at the BLM with grazing permit renewals. This is a nationwide problem.

Completing NEPA paperwork takes months, even years, and threatens ranchers' livelihood. Currently, we have legislative language in place that allows permits to continue while NEPA paperwork is completed. This is responsible stewardship and good business. However, there would be no need for annual legislation if the agency reliably completed its job on time.

How will you address this complicated management problem?

Answer. I understand that the congressional permit renewal language has been helpful to the BLM in prioritizing the processing of over 18,000 permits and leases while meeting its NEPA obligations. I also know that there remains a need to address this complex management issue and examine the tools available to the BLM to process grazing permit renewals more effectively. I understand that grazing management is complicated by a number of factors, such as increased demands on public lands, spread of invasive species, changing wildland fire patterns, litigation, and the impacts of climate change. If confirmed, I am committed to working with the Congress and stakeholders to implement workable strategies to address grazing permit renewals.

*Question 5.* What specific policies will you support to make grazing management more effective?

Answer. I am not sufficiently familiar with the existing policies or any pending policy reform proposals to make specific recommendations at this time. If confirmed, I would ensure that the BLM works closely with stakeholders to develop and implement effective policies to address the complexities of the grazing issue.

*Question 6.* Your resume is very impressive. You are impeccably educated and your experience with the law, revenue and personnel management is extensive. This experience and knowledge will be a valuable asset in your new capacity.

However, it doesn't seem you've spend a lot of time kicking around the sagebrush. On the ground land management experience is not a part of your resume. I'd like to know how you will handle that weakness.

Working on land management issues is extremely difficult. Here in Washington, resource issues are polarized, and the debate centers on the ideological divide rather than common sense.

The health of our lands and our communities is ignored in these debates. If we are to have effective management, it will be imperative that you put aside politics, and do what's right.

How are you going to approach land management decisions?

Answer. As you correctly note, I do not have a background in land management issues. If confirmed, I intend to become well versed in matters with which I am not currently familiar by reviewing written materials; receiving oral briefings; meeting and consulting with others, including stakeholders; generally immersing myself in the substantive areas; and, where appropriate, viewing and experiencing first-hand the lands the Department manages and the challenges it faces. As a general litigator for virtually my entire twenty-eight year professional career, becoming familiar with new subject areas is something that I have done regularly. In so doing, I have developed the ability to be a quick study and to handle even the most complicated matters successfully. If confirmed, I will approach land management decisions in the same manner that I have approached other important decisions during my over fifteen years in public service—with a careful and objective analysis of the facts and other relevant considerations; reasoned judgment, honesty, and integrity.

I also intend to consult with western Members of Congress and our western staff while engaging in ongoing public dialogue on western public lands issues.

*Question 7.* How will you ensure that the land comes first and ideology comes last?

Answer. Throughout my career in public service, I have focused steadfastly on performing the responsibilities with which I am entrusted consistent with the letter and spirit of the mission of the particular government agency with which I have been associated. If confirmed, I will do likewise as the Assistant Secretary for Land and Minerals Management.

*Question 8.* How do you intend to direct personnel to undertake designation of Areas of Critical Environmental Concern on BLM lands?

Answer. I am aware that the Federal Land Policy and Management Act (FLPMA) and its implementing regulations emphasize the importance of considering Areas of Critical Environmental Concern (ACECs) in the development and revision of land use plans. If confirmed, I would ensure compliance with FLPMA's direction and applicable regulations.

*Question 9.* What management benefits and drawbacks do you see in such designations?

Answer. I understand that designation of areas with important values and resources, such as Areas of Critical Environmental Concern (ACECs), results in the necessary special protection of environmentally sensitive areas, which sometimes limits multiple-use opportunities. Designating these areas, as appropriate, is an important part of BLM's land planning responsibilities under the Federal Lands Policy and Management Act. One benefit is that such designations enable the BLM to protect sensitive biological, cultural and other resources. Another benefit is that designation may enhance public appreciation of the important areas that exist on public lands. ACEC designations can, however, limit multiple-use opportunities, or require more focused or intensive management to ensure that multiple-use activities, such as recreation and grazing, are managed in a manner that is consistent with maintaining an area's special values.

*Question 10.* How will you ensure that ACEC nominations are evaluated consistently nationwide?

Answer. I understand that BLM land use plans, which include potential ACEC designations, are subject to a rigorous internal evaluation process before they are finalized. If confirmed, I would seek to ensure that the criteria used to evaluate the nominations are clear, consistent and were understood by BLM staff, and are fairly and appropriately applied.

*Question 11.* How will you ensure that ACEC designations adhere to the agency's specific statutory authority under FLPMA?

Answer. I understand the BLM ACEC guidance is derived directly from the BLM's statutory responsibility under FLPMA. This guidance provides direction to BLM Field Offices when considering designation of ACECs during the BLM's planning process. If confirmed, I will support this process.

*Question 12.* Congress recently authorized an existing program within BLM to manage certain areas within the National Landscape Conservation System.

What benefits and drawbacks to management of land health do you see in this program?

Answer. Congress' recent enactment of the Omnibus Public Lands Act represents a pivotal new direction for BLM management of some of America's most treasured landscapes. The National Landscape Conservation System (NLCS) has an important role in promoting healthy lands by conserving, protecting, and restoring designated lands and assuring appropriate public access and recreational opportunities. It is my understanding that the BLM does not perceive any drawbacks in the program.

*Question 13.* How will you ensure that administrative designations of lands to be managed under this program are handled uniformly and appropriately nationwide?

Answer. Secretary Salazar and I consider the NLCS an important addition to the Department's treasured lands portfolio, which is a high priority for the Department. If confirmed, I will seek to ensure that the policy guidelines and management prescriptions for these lands are clear, consistent, and well understood by BLM staff, and that ongoing monitoring of their implementation occurs. I look forward to working with the Secretary, Congress, BLM and local interests to conserve and manage these valued lands, if confirmed.

*Question 14.* The NLCS program has been criticized as being heavily influenced by outside interest groups. The program and outside groups are alleged to regularly consult on pre-decisional matters, swap personnel and conduct management under a biased regime.

How will you address these allegations?

Answer. I share Secretary Salazar's commitment to the highest standards of ethical conduct and integrity throughout the Department. I am not familiar with the details of this matter. However, if pursuant to an investigation it is determined that inappropriate conduct has occurred, I will take the necessary steps to correct the problem and restore integrity to the program's operations.

*Question 15.* Do you see any weakness within the program making it more susceptible to outside interest groups' influence?

Answer. I am not sufficiently familiar with the NLCS program to assess any possible weaknesses that would make it more susceptible to influence by outside interest groups. Working with stakeholders is an important aspect of the Department's mission, provided that such contact occurs in accordance with the law and consistent with the high ethical standards that should guide all of our endeavors.

*Question 16.* How will you address the tendency for bias in all management agencies under your direction?

Answer. I have had the privilege of serving in senior government positions, including as Inspector General for the Department of the Interior and United States Attorney for the District of Columbia, that have required the exercise of independent, objective decision making. If confirmed, I intend to bring those experiences to bear in my new position—both personally and in the agencies within my purview. I will seek, through a variety of efforts—including my leadership by example, regular monitoring of our operations and activities, informed external input, and communications with the bureau directors and career staff regarding our role and responsibilities as public servants—to create an environment that promotes responsible decision making in the public interest.

*Question 17.* How will you direct personnel to handle interest groups that might help DOI programs in one instance, but unduly influence programs in other instances?

Answer. If confirmed, I will direct personnel to handle contacts with all interest groups fairly and evenhandedly—never abdicating our role to exercise our independent judgment consistent with our mission and in the public interest, or our responsibility to act with honesty, integrity and in accordance with the highest ethical and professional standards, while remaining accessible and transparent.

*Question 18.* Last year, the Interior Department's IG released a report detailing corruption and other misconduct by employees at MMS. Secretary Salazar has taken steps to address the issue.

What is your plan to restore integrity and accountability at MMS and to prevent this type of behavior in the future?

Answer. Secretary Salazar has already made good progress on this challenge and, if confirmed, I would continue his efforts. Integrity in government operations has been a central focus of mine during my Federal career. I learned this core value at a young age, from the example set by my parents, who were both long-serving public servants. If confirmed, I would bring those deeply held views and values to my efforts as Assistant Secretary. I would examine the extent to which recommendations contained in the Inspector General's report have been implemented, and ensure that those efforts continue. I would also ascertain if there are other corrective measures that need to be adopted. In addition, if confirmed I would lead by example, and ensure that the expectations of excellence, service with integrity, accountability, and transparency are clear to all of those who serve under the supervision of the Office of the Assistant Secretary.

#### GRAZING

*Question 19.* There is more to public lands grazing issues than meets the eye. Federal lands across the West are interspersed with private lands. Most often, ranch families own the most fertile lands for agriculture and wildlife. These families depend on access to grazing in order to run their business and sustain their private lands.

When we consider policy for federal lands, we must consider the health of the entire landscape—private and public alike.

Do you believe that grazing should continue on public lands?

Answer. Livestock grazing is an important and productive part of western public lands management. Under BLM's multiple use mandate, it is important to continue this use.

*Question 20.* Will you advocate reductions in grazing on public lands?

Answer. Well managed grazing can benefit public rangelands. If confirmed, I would ensure that the BLM continues to seek an appropriate balance between stewardship and use of the public lands in all of the BLM's multiple resource manage-

ment programs. Until I have had an opportunity to learn more about the specifics of the grazing issue, I am unable to comment on changes to the policies.

*Question 21.* How will you address the issues of adjoining public and private lands?

Answer. I understand that BLM has a long tradition of working collaboratively with adjacent public and private landowners. I support collaborative relations with adjacent landowners.

*Question 22.* In 1980, the Secretary of the Interior approved Wyoming's program to administer the Surface Mining Control and Reclamation Act (SMCRA) for surface coal mining and reclamation operations on non-Federal and non-Indian land in the State.

Will you seek to insure that the Office of Surface Mining does not second guess State decisions where they are acting under the primacy provisions of the law?

Answer. The Office of Surface Mining Reclamation and Enforcement (OSM) has the responsibility in its oversight role to ensure States are properly enforcing their regulatory programs. If confirmed, I will work with OSM to ensure it is properly carrying out its oversight responsibilities while appropriately recognizing state primacy.

*Question 23.* In March 2006, the Wyoming Secretary of State submitted an amendment to its Coal Regulatory Program (referred to Wyoming Rule Package 1-U) proposing change to the rules governing self-bonding requirements. The rule included important additions and revisions designed to address Wyoming-specific circumstances taking into account the substantially larger size of the surface coal mines in the State. It is my understanding that three years later the proposal is still awaiting approval by the Office of Surface Mining. What has caused the delay?

Answer. I have not been briefed on this issue. If confirmed, I will review the issue and would be pleased to discuss it further with you.

*Question 24.* What is the status of the Wyoming Rule Package 1-U?

Answer. As I indicated, I have not been briefed on this issue. If confirmed, however, I will look into this matter and would be pleased to discuss it further with you.

*Question 25.* What steps remain in order for the rule to be finalized?

Answer. As noted in my previous responses, I have not been briefed on this issue. If confirmed, I will review the matter and would be pleased to discuss it further with you.

*Question 26.* Will you commit to ensuring this rule is finalized?

Answer. If confirmed, I will commit to reviewing this matter and ensuring that OSM makes a decision.

*Question 27.* The Mineral Leasing Act provides for the deferred payment of bonus bids for coal leases in equal installments. Under current regulations, federal coal lessees pay the bonus in five equal installments.

The current system makes sense because cost is so significant—the average bonus bid for a federal coal lease is \$60 million. The Interior Appropriations bill recently passed by the House requires full payment up front.

Requiring payment of the bonus bid in one up front payment would undermine domestic coal production, exclude smaller companies that lack the financial resources, and likely reduce government revenues from coal leasing in the long run.

Do you think the House passed provision puts smaller coal companies at a disadvantage?

Answer. I am not sufficiently familiar with all of the relevant information to provide an informed response to this question. If confirmed, I will learn more about this issue.

*Question 28.* Will you oppose this provision in the Interior Appropriations bill?

Answer. I am not sufficiently informed in order to take a position. If confirmed I will examine the bill.

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RESPONSES OF RICHARD G. NEWELL TO QUESTIONS FROM SENATOR MURKOWSKI

EIA BUDGET

*Question 1.* The Administration's FY2010 budget request includes \$133 million for EIA, which represents an increase of 20 percent compared to this year. The additional funding would be used to "to improve energy data and analysis programs." Can you describe in detail how you would use this funding, if confirmed?

Answer. While I have not been privy to the decisions behind this year's budget request, I do believe there are areas where the EIA could effectively use additional resources to improve its work. In fact, I think the availability of these additional

resources could significantly influence EIA's ability to effectively respond to the important challenges it faces. As I understand it, of the \$22.5 million increase requested for EIA in the Administration's FY 2010 budget, \$17.2 million would provide funding for three new initiatives. First, the budget provides for a new interdisciplinary team that would focus on understanding the roles of futures markets' trading behavior and oil market fundamentals in short-term oil price formation and on increasing public understanding of price formation. Increasing EIA capacity in this area is a priority for me, as I know it is for you and other members of Congress. Second, the budget would expand and strengthen EIA's Residential and Commercial Buildings Energy Consumption Surveys for 2010 and beyond to provide better data for benchmarking and performance measurement of weatherization and other energy efficiency programs. Third, the budget provides for improved data collection in oil and refined products markets to improve both short forecasting and long-term projection capabilities. In addition, the increased resources compared with the FY 2009 level would support the National Energy Model Replacement Project, which focuses on comprehensively updating EIA's long-run energy modeling capabilities. This multi-year effort will keep EIA's modeling tools relevant in areas where the energy sector has undergone significant structural change since the National Energy Modeling System was originally launched in the early 1990's.

#### SPECULATION AND OIL PRICES

*Question 2.* Given your previous work, what is your opinion on the role that speculation in oil futures is playing on energy prices here and globally?

a. What are the leading impacts on prices and how are global market conditions changing the traditional price inputs for energy?

Answer. The oil market, as you know, has gone through a period of increased volatility in the past 18 months. As I indicated at my nomination hearing, I believe there are a wide variety of factors involved in oil price movements, including financial market activity and its interaction with energy markets. Speculation is one factor that enters into the oil price equation along with other factors that can affect energy markets at any one point in time including, in my view, the underlying economic situation and outlook, both in the United States and globally; traditional market fundamentals such as inventories, demand, and spare production and refining capacity; geopolitical events, such as unrest in Nigeria and Iran; and the value of the U.S. dollar as it fluctuates vis-à-vis other currencies.

One of EIA's main roles is to bring transparency to the operation of energy markets, in order to encourage market efficiency. If confirmed, I would therefore intend to take a fresh look at the oil market speculation issue, in conjunction with EIA's ongoing oil market analysis. I also want to carefully assess EIA staff qualifications and work aggressively to remedy any skills gaps in this important area.

b. In your opinion, should EIA play a role in regulating or more intensively investigating commodity futures?

Answer. EIA is not a regulatory or enforcement agency, such as the Commodity Futures Trading Commission (CFTC) or the Federal Trade Commission (FTC), but EIA has conducted energy market analyses in recent years. In addition, it is my understanding that EIA has been engaging with the CFTC on the interaction of energy and financial markets, since CFTC has access to data that EIA does not have. If confirmed, I would certainly want to enhance and expand that interagency engagement, with the aim of strengthening EIA's oil market analysis through improved use of financial data. I am also aware of the additional data-gathering activity that EIA would undertake with the CFTC pursuant to energy legislation recently adopted by the committee.

#### BIOFUELS

*Question 3.* In the past, EIA has been skeptical that domestic biofuel production will keep pace with congressionally-mandated levels. The agency's Annual Energy Outlook, for example, projects that the current target—36 billion gallons per year—will be exceeded by 2030 rather than 2022. Do you agree with this assessment? Please describe your views on biofuels, particularly with regard to how quickly you think their production can displace substantial amounts of petroleum.

Answer. The Energy Independence and Security Act of 2007 (EISA) established the Renewable Fuel Standard program, targeting an increase in the volume of renewable fuel to be blended into gasoline from 9 billion gallons in 2008 to 36 billion gallons by 2022. Of the 36 billion gallons, 21 billion gallons is targeted to come from advanced biofuels (as opposed to corn starch), which depend on technologies that are still developing. EISA also provides for waivers and modification of required volumes under certain circumstances. As the question notes, the reference case projec-

tions in EIA's 2009 Annual Energy Outlook do not show the 36 billion gallon target being met until 2030, implicitly assuming that waivers would be granted in the intervening period. While the conditions underlying EIA's projection appear to be within the range of plausible scenarios, I have not had the opportunity to closely assess the relevant detailed assumptions. More generally, I would expect the speed with which biofuels can displace petroleum to depend on a number of factors, including: the technological readiness and cost of necessary process technologies; the availability and cost of biomass feedstocks; the availability and cost of investment funds and other inputs (e.g., natural gas); the level of biofuels support policies (e.g., tax credits, standards, tariffs); the presence of necessary distribution networks; and the price of competing fuels, especially oil.

#### CLIMATE CHANGE LEGISLATION

*Question 4.* You have written extensively about climate change throughout the course of your career. Given your depth of knowledge on the subject, can you share your thoughts on the Waxman-Markey bill that recently passed the House of Representatives? With everything it includes—all the concessions that have already been made—do you believe Waxman-Markey would adequately reduce domestic emissions without impairing our economy?

Answer. I am familiar with the basic structure of the Waxman-Markey legislation. The bill has at its core a “cap-and-trade” system that is designed to substantially reduce greenhouse gas emissions over the next 40 years. The cap-and-trade system allows for domestic and international offsets, includes cost-containment measures, and allocates allowance value to a variety of purposes. The bill also includes other policies and incentives designed to increase renewable energy, energy efficiency, carbon capture and storage, and to serve a range of other purposes. Clearly, this is a complex piece of legislation, one that should be evaluated in terms of its environmental effectiveness, its impacts on the economy, and its achievement of other energy goals. If confirmed as EIA Administrator, I would not view it as my role to offer an opinion about the adequacy of the bill's emissions targets, but I would certainly expect to offer analysis of the impacts of the legislation on the energy sector and the economy. I understand that the EIA is in the process of completing such an analysis at present. If confirmed, I look forward to reviewing this work when it becomes available, and to continue working with Congress and the Administration to provide unbiased analysis to inform the ongoing energy and climate change policy debate.

#### ENERGY INDUSTRY EMPLOYMENT

*Question 5.* As the United States transitions to cleaner sources of energy, how many new jobs can we realistically expect to create on a net basis? Do you believe that Waxman-Markey, by adding a significant price to carbon dioxide emissions and thereby increasing the price of more than 80 percent of the United States' energy supply, will generate millions of new jobs? Are those jobs desirable from the standpoint of market and labor efficiency? If you are unable to provide answers to these questions, would you be willing to work with the Bureau of Labor Statistics to shed light on many of the “green jobs” claims being made?

Answer. Analysis of the employment impacts of energy and environmental policies has not been a specific focus of my past research, and I have not analyzed this issue in the specific context of the Waxman-Markey bill. Generally speaking, however, aggregate employment in the economy tends to be determined more by overall macroeconomic conditions than by specific energy or environmental policies. As I mentioned above, the EIA is currently working on a report on the House-passed bill. I look forward to reading that analysis, including any employment impacts estimated therein. If confirmed, I would also be happy to work with BLS to examine green jobs data.

#### EIA'S ROLE

*Question 6.* As stated on EIA's website, the agency is tasked with providing “policy-neutral data, forecasts, and analyses to promote sound policy making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment.” In recent years, however, lawmakers on both sides of the aisle have expressed their unhappiness with the perceived politicization of information released by EIA. As Administrator, will you commit to ensuring that all materials produced by EIA are objective and free of political influence?

Answer. Yes. I believe the production of independent, policy-neutral, and unbiased forecasts and analyses is an essential tenet of EIA's mission.

## ANWR METHODOLOGY

*Question 7.* Those who oppose the development of the 1002 Area of ANWR, including several members of this committee, regularly cite past EIA analyses as evidence that supply from that area (at a mean estimate of 1 million barrels of oil per day) would have little impact on the price of oil. At a hearing held by this committee in March 2008, however, Administrator Caruso testified that adding 100,000 barrels of oil per day to the Strategic Petroleum Reserve could increase oil prices by \$2 per barrel. In a subsequent letter to Rep. Jack Kingston, Administrator Caruso acknowledged that if the “same methodology and set of circumstances and assumptions” underlying that response were applied to the development of the 1002 Area, “prices could be expected to decline by up to \$20 per barrel.”

This series of events brings about two important questions:

a. If confirmed, will you ensure that all EIA analyses are conducted in a fair, consistent manner—that is, with standardized methodologies—even if the proposal under consideration runs contrary to the administration’s preferences?

Answer. Yes. If confirmed, I would ensure that all EIA analyses are conducted in a fair and consistent manner, even if the proposal under consideration runs contrary to Administration policies. In the case of ANWR and other oil supply proposals, fair and consistent treatment of timing issues, which affect the size of demand and supply responses, is especially important.

b. Will you commit to re-evaluating the impact that the 1002 Area’s development would likely have on the price of oil, as well as the economic and budgetary impacts likely to be associated with production, under the same set of standards as EIA will use to examine oil price impacts from increased supply from foreign sources or the Strategic Petroleum Reserve?

Answer. Yes, I will commit to re-evaluating in a fair and consistent manner the development of the 1002 Area. It is important to note, however, that modeling oil market responses to short-term changes in supply is different in some respects from modeling market responses to long-term changes in supply. This holds regardless of the reasons for such increases.

## ENERGY PRICE FORECASTING

*Question 8.* While I have great respect for the difficult task that the EIA and all energy-price forecasters have in forecasting energy prices, I have to say that the agency’s performance has been wildly off in recent years. When prices were climbing, EIA’s forecasts markedly underestimated price hikes. When the economy collapsed last fall, EIA somewhat underestimated the price drop. Do you foresee any changes in your modeling process that you can make to make your forecasts marginally more accurate? Can you talk about what, if anything, you want to do differently at EIA to improve the reliability of your energy forecasts?

Answer. I would consider the continued improvement in EIA’s modeling capabilities to be one of my most important activities, if I am confirmed. Good modeling requires good data, so the two go hand in hand. As I noted in my response to question #2, there are myriad factors affecting the oil market at any given time. It is extremely difficult to dissect the individual effects of these factors in the past, and harder still to forecast how they might unfold in the future. It is important, therefore, to provide a sense of the degree of uncertainty surrounding these forecasts, along with one’s best estimate. Along these lines, I am advised that EIA is developing oil price uncertainty ranges (i.e., confidence intervals) which will be incorporated in the near future into EIA’s short-term modeling and monthly energy outlook. With regard to long-term modeling, EIA has underway a multiyear effort, begun this fiscal year, to comprehensively update its aging National Energy Modeling System. As I have mentioned to several Senators, I believe that EIA should consider and communicate the range of uncertainty surrounding price forecasts. If confirmed, I would plan to examine these and other efforts, as well as the views of outside experts, to ascertain how best to assure that the agency is doing the best job it can.

## HYDRO FORECASTING

*Question 9.* EIA’s recent reports have forecast little to no growth in the hydro-power industry. Yet, as a result of new economic and other incentives, hydro companies are developing new projects and pursuing significant upgrades to existing facilities. We also know that there is tremendous potential for ocean, tidal and in-stream hydrokinetic projects. FERC currently has close to 34GW of potential projects under investigation from all sectors of the hydropower industry, including conventional, pumped storage and new waterpower applications. Can you comment on this appar-



ent discrepancy, and commit, if confirmed, that EIA will reevaluate how it forecasts growth in the hydropower industry?

Answer. For conventional hydroelectricity, it is my understanding that EIA relies on a site-by-site database of potential new capacity. This database includes about 22 gigawatts of potential new capacity, although much of this capacity is currently assumed not to be economically viable because of high capital costs and environmental concerns.

It is also my understanding that EIA does not estimate resources for a variety of pre-commercial renewable technologies including tidal/in-stream hydropower; wave, or ocean thermal technologies in early stages of research and development. In most cases this is the result of insufficient data on resource cost and availability and/or technology cost and performance characteristics. With future research and development and changing market and policy conditions, some of these resources could become commercially viable. As technologies approach this point of commercial introduction, improved data should be available to allow their incorporation into EIA projections. My own specialization in the economic issues related to the research, development and deployment of advanced technologies, especially energy technologies, is directly applicable to consideration of how advanced hydroelectric technologies and other advanced technologies might be incorporated into long-term energy projections. If confirmed, I plan to delve into EIA's methodologies for a number of forecasts, including hydropower capacity.

RESPONSE OF RICHARD G. NEWELL TO QUESTION FROM SENATOR BUNNING

IRAN

*Question 1.* Dr. Newell, the Energy Information Administration reports on Iran's energy sector have been a valuable resource in developing U.S. Iran foreign policy. The reports have identified companies investing in Iran in violation of U.S. sanction laws as well as exposing Iran's vulnerability to a cutoff of refined petroleum imports. If confirmed, will you ensure the E.I.A continues to publish timely, neutral, and in-depth analysis of Iran's energy sector? Including the names of those companies investing in Iran's energy sector?

Answer. I understand that EIA publishes periodic reports about the energy sector in Iran and in a number of other countries. If confirmed, I plan to continue this work and would have no plans to break with past practices regarding inclusion of information about investment trends or other contents of such reports.