

STRICKLAND NOMINATION

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

FIRST SESSION

TO

CONSIDER THE NOMINATION OF THOMAS L. STRICKLAND, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

MARCH 24, 2009



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STRICKLAND NOMINATION

TUESDAY, MARCH 24, 2009

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

The committee met, pursuant to notice, at 2:33 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. Why don't we try to get started here. I know people have other things they need to be doing. The committee meets this afternoon to consider the nomination of Thomas Strickland to be the Assistant Secretary for Fish and Wildlife and Parks at the Department of Interior. Mr. Strickland has had a long and distinguished career as Chief Policy Adviser to former Governor Richard Lamb in Colorado, as the U.S. Attorney for the District of Colorado, as a partner in two of Denver's highly respected law firms, most recently as Executive Vice President and Chief Legal Officer for one of the country's largest health care companies.

Mr. Strickland is no stranger to many of the issues that he will face if confirmed. Along with Secretary Salazar, he was one of the founders of the Great Outdoors Colorado Program, which uses State lottery money to protect Colorado's parks and wildlife habitat and open space. Moreover, since January he has served as Secretary Salazar's chief of staff at the Department of the Interior.

I believe President Obama has made an excellent choice and I strongly support Mr. Strickland's nomination.

Let me defer to Senator Murkowski for any comments she has before we proceed with the rest of the hearing.

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

Senator MURKOWSKI. Thank you, Mr. Chairman.

Just a welcome from the committee to you, Mr. Strickland. I appreciate to opportunity to ask a few questions of you and to welcome you and to thank you for your willingness to serve. We recognize that, as competent and as able as our friend and former colleague Secretary Salazar is, he can't do this job alone. So he needs some help up there, and it's important that we work through this process to make sure that the men and women who are standing by to provide that level of service are moved through the process.

So I look forward to hearing your comments and responses to our questions today, but welcome you to the committee. Again, thank you for your willingness to serve the Administration.

Mr. STRICKLAND. Thank you, Senator.

Chairman LEVIN. First, before we get into the rules of the committee, let me recognize our colleague and esteemed member of this committee, Senator Udall, to introduce Mr. Strickland. Why don't you go ahead with that introduction at this time, and then we will proceed to the rest of the hearing.

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

Senator UDALL. Thank you, Mr. Chairman, Ranking Member Murkowski.

Two months ago I had the pleasure of introducing my fellow Coloradan, Ken Salazar, to this committee for his confirmation to be Secretary of the Interior, and today I have another honor, that of introducing and supporting another fellow Coloradan, Tom Strickland, to be the next Assistant Secretary for—

The CHAIRMAN. We're a little concerned about this Colorado cabal that seems to be settling in.

Senator UDALL. We're going to work it a little bit more, Mr. Chairman, as I proceed.

But we're here to hear from I hope the next Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior. As the chairman of the National Parks Subcommittee, I'm particularly pleased to support that nomination of Tom Strickland for Assistant Secretary for Fish and Wildlife and Parks because he's had a long, long history of activism on behalf of protecting our national and State parks and public lands in general.

You're going to have to excuse me again for indulging in a bit of home State pride when I say how great it's been to see so many Coloradans going to work for the Department of the Federal Government that has so much influence on the economic life and really our quality of life in the West. Interior, Mr. Chairman, is now home to so many Coloradans that I understand the cafeteria at Interior is now offering up Rocky Mountain oysters. I just want to make that note for the committee.

It speaks highly, I think, of the motivational leadership of both Secretary Salazar and his chief of staff and nominee to be the Assistant Secretary for Fish and Wildlife and Parks, Tom Strickland, that so many of their fellow Coloradans have voluntarily left the best State in the Union to work in Washington.

Mr. Chairman, why do I know that Tom Strickland will be an excellent Assistant Secretary of the Interior? He has an exceptional track record of leadership, both as an attorney, as a businessman, as a civic leader, as someone dedicated to public service. He also has an extraordinary wife, Beth, who's inspirational in her own right.

Before coming to Interior, Tom worked in both the public and private sectors. He served as the United States Attorney for the District of Colorado from 1999 through 2001 and has been a partner at several law firms, including Hogan and Hartson, in Colorado. From 1982 to 1984 he served as the Chief Policy Adviser for

Colorado Governor Richard D. Lamb, advising the Governor on all policy and intergovernmental issues; and from 1985 to 1989 he served on and then chaired the Colorado Transportation Commission.

Tom graduated with honors from Louisiana State University, where he was an all-SEC academic football selection, and he received his J.D. with honors from the University of Texas School of Law.

Mr. Chairman, as is obviously, I've known Tom Strickland over many years. Our work together has largely been in the public arena, where Tom, working with Secretary Ken Salazar, led efforts in Colorado to pass the historic Great Outdoors Colorado Program, which takes State lottery money which is then used to acquire public lands for parks, open space, and conservation.

Tom is also an accomplished outdoorsman and, while we haven't climbed mountains together, at least not the 14,000-foot kind, we both have a love for the out of doors and the history, people, and landscapes of the West. I know this love for the land is what motivated Tom to public service in the first place and sustained his two courageous runs for the U.S. Senate.

Mr. Chairman, I was struck this weekend, as I often am, by Tom Friedman's column. This weekend he reminded us of the value of inspirational leadership. Mr. Friedman quoted Dov Seidman, the author of the book "Hal," on what makes an organization sustainable. In there Dov said: "Laws tell you what you can do. Values inspire you what you should do. It's a leader's job to inspire in us those values."

I mention this because I know that as Assistant Secretary for Fish and Wildlife and Parks Tom's job will demand both enforcement of important rules, regulations, and laws and inspired collaborative leadership. As one of the country's most successful lawyers, Tom will know how to enforce environmental laws, and as a man who draws inspiration from our mountains, plains, and waters, he also knows how to motivate and lead others.

So in that spirit, Mr. Chairman, I'm pleased to support his confirmation and honored to introduce him today.

The CHAIRMAN. Thank you very much for your strong endorsement and your introduction. We appreciate that. I understand you're going to have to excuse yourself to preside at some point here fairly soon, but thank you for that.

Let me get on with the rest of our procedure here. The rules of the committee that apply to all nominees require that they be sworn in connection with their testimony. Mr. Strickland, would you please stand and raise your right hand.

TESTIMONY OF THOMAS L. STRICKLAND, NOMINEE TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

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

Mr. STRICKLAND. I do.

The CHAIRMAN. Please be seated.

Before you begin your statement, I'll ask three questions that we address to each nominee who comes before this committee. First, 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?

Mr. STRICKLAND. I will.

The CHAIRMAN. Second question: 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?

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

The CHAIRMAN. Fine. Then let me ask the third and final question: Are you involved or do you have any assets that are held in a blind trust?

Mr. STRICKLAND. No, I do not.

The CHAIRMAN. All right. At this point the tradition of our committee is to ask the nominee if they have any family members they would like to introduce. So please feel free to do that if you'd like.

Mr. STRICKLAND. Thank you, Mr. Chairman. I'm honored to have behind me my wife of 35 years, and I'd like to thank her for her love and support, Beth. Not here in person, but with us in spirit, are our three daughters, Lauren, Annie, and Callie.

Thank you very much.

The CHAIRMAN. Thank you very much.

Why don't we have you go ahead with your statement here, and then I'm sure members of the committee will have some questions.

Mr. STRICKLAND. Thank you, Mr. Chairman, Senator Murkowski, and members of the committee. I'd like to start out by thanking Senator Udall for his gracious remarks and his willingness to introduce me to the committee. I have known Senator Udall and his fabulous wife Maggie, and Beth and I have, for many, many years, and his service to the State of Colorado and to the United States, and it's particularly meaningful to me to have him introduce me for this position given the history of his family, his uncle having been a Secretary of Interior, of course, and his father's great leadership on so many issues, but particularly ones that affect this committee and its jurisdiction. So thank you very much, Senator Udall. It was an honor.

I'm very much honored to be here today as President Obama's nominee for Assistant Secretary for Fish and Wildlife and Parks. Later in the week I'll also appear before the Senate Environment and Public Works Committee.

Like each of you, I have a deep commitment to public service and consider it a privilege to have the opportunity, if confirmed, to return to government service. As I will briefly describe in a few moments, I've had the opportunity during my career to serve in both State and Federal Government and these experiences have been the highlight of my career.

The responsibilities of this position include oversight of two very important parts of the Interior Department, the National Parks Service and the Fish and Wildlife Service. As I will address in my brief remarks, I believe my passion and experience qualify me for this position at this important moment in time.

A lawyer by training, I have spent the majority of my career in Colorado, where, as I said, I worked in both the public and private sector. Following a judicial clerkship with a Federal judge, in 1979 Beth and I moved to Denver. In 1982 I was asked by Governor Richard Lamb to become his Chief Policy Adviser. In this role I dealt extensively with the Interior Department and other Federal agencies regarding many important natural resource issues.

Because Colorado is one-third Federal land, decisions made in Washington have a profound impact on the State and consume much of our attention. I believe that this perspective that I gained during this experience will be valuable in helping me understand and work with State and local governments should I be confirmed in this position.

After I left the Governor's office and returned to private law practice, I was asked by Governor Lamb to serve on and eventually chair the Colorado Transportation Commission, where I had the opportunity to once again work with the Federal land management agencies. My civic and community work included volunteering on many environmental and natural resource issues, including helping to create the Great Outdoors Colorado Program and serving on its original organizing board. We now proudly look back at the Great Outdoors Colorado Program, \$600 million invested and 600,000 acres protected in State parks, open space, and wildlife since 1993 just in the State of Colorado.

In 1999 I was appointed by President Clinton and confirmed by the Senate as United States Attorney for Colorado. I was sworn in the day after the Columbine tragedy and spent my first day on the job at the school with the Attorney General of the United States. During my tenure as U.S. Attorney I had the responsibility of representing the United States in all civil and criminal matters in Colorado and I worked closely with the Interior Department, as well as other Federal agencies in this regard. Once again, this experience gave me a valuable perspective on the role and impact of the Federal Government outside of Washington.

While these professional experiences contribute to my qualifications for this position, I believe my passion for the mission of the Department is equally relevant. Simply put, Beth and I fell in love with the West, the mountains, rivers, deserts, the parks and the wildlife. Like many couples before us, we bought a book on the national parks and set out to visit all of them. We're still working on it, but from Acadia to Yosemite we've enjoyed most of them.

They are, as Wallace Stegner famously said, America's best idea, and it is time for our generation to be responsible stewards for these treasured icons. As the Park System approaches its 100th anniversary, the parks are in great need of significant investment. Just as President Lincoln didn't let the Civil War keep him from protecting Yosemite Valley, we must not use our current economic circumstances as an excuse for inaction. If confirmed, I will do ev-

everything in my power to protect and enhance our incomparable Park System.

Although the activities of the Fish and Wildlife Service are not directly within the purview of this committee, I would like to say a few words about the importance of this agency and the challenges it faces. I grew up hunting and fishing with my father and brother and bring the perspective of a sportsman to this task.

Our system of wildlife refuges play an invaluable role in preserving and protecting countless species. Yet these vital lands face enormous pressures from population growth and climate change. We must develop a strategic plan to assure that these challenges are addressed, so that we have a vibrant 21st century wildlife refuge system.

Another significant responsibility of the Fish and Wildlife Service is the implementation of the Endangered Species Act. My commitment to you is that if confirmed I will work to see that the decisions of the Service are based on science, not politics.

In closing, I would be deeply honored to serve as Assistant Secretary for Fish and Wildlife and Parks. I have a deep passion for the mission of these two services and great respect for Secretary Salazar, a friend for 28 years, and his vision for the Department.

Thank you for the opportunity to present this statement.

[The prepared statement of Mr. Strickland follows:]

PREPARED STATEMENT OF THOMAS L. STRICKLAND, NOMINEE TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Thank you Mr. Chairman, Senator Murkowski and members of the committee. I am honored to be here with you today as President Obama's nominee for Assistant Secretary for Fish and Wildlife and Parks. Later in the week I will also appear before the Senate Environment and Public Works Committee.

I am joined here today by my wife Beth, and I would like to thank her for all of her love and support over many years. Not able to be here today, but with us in spirit, are our three daughters, Lauren, Annie and Callie.

Like each of you, I have a deep commitment to public service and consider it a privilege to have the opportunity, if confirmed, to return to government service. As I will briefly describe in a few moments, I have had the opportunity during my career to serve in both state and federal government, and these experiences have been the highlights of my professional life.

The responsibilities of this position include oversight of two very important parts of the Interior Department—the National Park Service and the Fish and Wildlife Service. As I will address in my brief remarks, I believe my passion and experience qualify me for this position at this important moment in time. A lawyer by training, I have spent the majority of my career in Colorado where I have worked in both the public and private sector. Following a judicial clerkship with a federal judge, in 1979 my wife and I moved to Denver. In 1982, I was asked by Governor Richard Lamm to join his office as his chief policy advisor. In this role, I dealt extensively with the Interior Department and other federal agencies regarding many important natural resource issues. Because one third of Colorado is federal land, the decisions made in Washington have a profound impact on the state and consumed much of our attention. I believe this perspective will be valuable in helping me understand and work with state and local governments.

After I left the Governor's office and returned to private law practice, I was asked by Governor Lamm to serve on and eventually chair the Colorado Transportation Commission, where I had the opportunity to once again work with the federal land management agencies. My civic and community work included volunteering on many environmental and natural resource issues. A crown jewel of my work was helping create the Great Outdoors Colorado program and serve on its original organizing board. We now proudly look back at the Great Outdoors Colorado program—\$600 million invested and 600,000 acres protected in state parks, open space and wildlife since 1993.

In 1999 I was appointed by President Clinton and confirmed by the Senate as United States Attorney for Colorado. I was sworn in the day after the Columbine tragedy and spent my first day on the job at the school with the Attorney General. During my tenure as U.S. Attorney I had the responsibility of representing the United States in all civil and criminal matters in Colorado, and I worked closely with the Interior Department as well as other federal agencies. Once again, this experience gave me a valuable perspective on the role and impact of the federal government.

While these professional experiences contribute to my qualifications for this position, I believe my passion for the mission of the Department of the Interior is equally relevant. Simply put, Beth and I fell in love with the West—the mountains, rivers, deserts, the parks and the wildlife. Like many couples before us, we bought a book on the national parks and set out to visit all of them. We are still working on it, but from Acadia to Yosemite, we've enjoyed most of them.

They are, as Wallace Stegner famously said, "America's best idea," and it is time for our generation to be responsible stewards for these treasured icons. As the park system approaches its 100th anniversary, the parks are in great need of significant investment. Just as President Lincoln didn't let the Civil War keep him from protecting Yosemite Valley, we must not use our current economic circumstances as an excuse for inaction. If confirmed, I will do everything in my power to protect and enhance our incomparable park system.

Although the activities of the Fish and Wildlife Service are not directly within the purview of this committee, I would like to say a few words about the importance of this agency and the challenges it faces. I grew up hunting and fishing with my father and brother and bring the perspective of a sportsman to this task. Our system of wildlife refuges span all 50 states and play an invaluable role in preserving and protecting countless species. Yet these vital lands face enormous pressures from population growth and climate change. We must develop a strategic plan to assure that these challenges are addressed so that we have a vibrant 21st century wildlife refuge system.

Another significant responsibility of the Fish and Wildlife Service is the implementation of the Endangered Species Act. My commitment to you is that, if confirmed, I will work to see that the decisions of the Service are based on science, not politics.

In the work I will do at the Department, I pledge to listen to the broad diversity of voices that care about our national parks and fish and wildlife resources. That inclusive approach is one that I have always embraced and one that is consistent with how Secretary Salazar has always conducted himself.

In closing, I would be deeply honored to serve as Assistant Secretary for Fish and Wildlife and Parks. I have a deep passion for the mission of these two services and great respect for Secretary Salazar, a friend for 28 years, and his vision for the Department. Thank you for the opportunity to present this statement.

The CHAIRMAN. Thank you very much for your statement.

Let me start with a few questions. It's my understanding that Secretary Salazar has determined to have you retain your current position as Chief of Staff even if you are confirmed as Assistant Secretary for Fish and Wildlife and Parks. Although there's no legal impediment to your holding both those offices, I would ask if you think you can do both of those jobs as a practical matter? If so, how would you propose to divide your time and energy between the two positions?

Mr. STRICKLAND. Mr. Chairman, the Secretary asked me to take both these responsibilities on and we have organized the staffing of the Secretary's office with that in mind. I'm very fortunate to have an extraordinary Deputy Chief of Staff, who's with us here today, Renee Stone, what is literally a Rhodes scholar and will take on the large part of the administrative responsibilities normally assumed by a Chief of Staff. We're also going to build out a very strong supporting staff around Renee.

I will prioritize my responsibilities if confirmed as Assistant Secretary. I will not compromise those responsibilities in any fashion, and if we need to make further adjustments we will.

The Secretary and I have known each other for a long time. At one point I was the U.S. Attorney, he was the Attorney General at the same time. So he's asked me to help him with some of the major policy issues, and I think that's the reason he wanted me to stay on in a role as Chief of Staff. But my primary focus will be on the duties of Assistant Secretary.

The CHAIRMAN. Let me ask about the Centennial Challenge. The previous Administration proposed what they called, what's been designated the Centennial Challenge, to provide a source of dedicated funds to restore and care for the national parks in preparation for the centennial of the National Parks Service's founding in 2016. Both Secretary Kempthorne and then-Senator Salazar supported this initiative during the last Congress.

I'd be interested in any thoughts you have on the idea. Is this something you believe is worth pursuing in this Administration?

Mr. STRICKLAND. Mr. Chairman, yes, wholeheartedly. With the 100th anniversary of the Park System approaching in 2016, I think the opportunity for public-private partnerships that the Centennial Challenge represents is as strong as it's ever been. In addition, I think the members of the committee are aware Ken Burns, the noted and award-winning documentary filmmaker, is going to be unveiling his 6-part, 12-hour series on the national parks. Actually, it's going to start running in the fall. I think it's going to create an unprecedented opportunity for public interest and partnerships relative to investing in the parks at the level that we need.

I know the members of the committee are aware of this, but we have what's been estimated to be a \$9 billion backlog in terms of deferred maintenance in the national parks. We got about \$750 million out of the Recovery Act. That'll be an important step forward, but there's much work to be done.

The CHAIRMAN. Thank you very much.

Senator MURKOWSKI.

Senator MURKOWSKI. Thank you, Mr. Chairman.

You mentioned your mission with your wife to visit all of the national parks. I don't know if you've had an opportunity to come up north and see what Alaska has to offer, but in terms of acreage there you know we've got more than anybody else and we'd be honored to have you come and take a look at what we've got to show off. It's pretty phenomenal.

I wanted to ask you this afternoon about the polar bear listing and if you were to be confirmed to this position your role in the consultation process. There would be a role that I'm trying to understand how this actually works. As you know, with Secretary Kempthorne's listing last year in the ESA designation there was a 4[d] provision that would lessen the threat to subsistence hunting and oil and gas development. But in the omnibus just several weeks ago you're given the ability to remove these provisions without new public comment.

I believed then, as I believe now, that that was a process and a policy mistake. But it's where we are. So the question that I've got is, as we evaluate this, the polar bear listing, and recognizing that it's relatively unlimited in its scope and can threaten or bring about litigation over most any Federal action that would produce carbon emissions, I'm concerned that within U.S. Fish and Wildlife

the staffing levels are not what you would need in order to do the section 7 consultations on what could be an incredible number of requests.

How do you see Interior handling this, moving ahead? I know that it's all theoretical at this point in time because we haven't gone down this road. But I'm very concerned as to how that consultation process will unroll. If you can give me any guidance as to what you would recommend the Department do as its next step during this 60-day period during which it can revise previous listing decisions? Can you just speak to me a little about how you envision this consultation?

Mr. STRICKLAND. I'd be happy to, Senator. First of all, let me say I have had the pleasure of going to Alaska. I look forward to spending more time there if confirmed on business. But I had a great week fly fishing with my father around Lake Iliamna and the Copper River and caught some beautiful rainbow trout that week. So very fond memories, and I know how much it plays a role in the Department and vice versa.

With respect to the ESA, I would say at the outset, in deference to this process, while I have been at the Department since January 21, I've been wearing my hat as Chief of Staff and I haven't spent any time down within the Fish and Wildlife Service in any way presuming to take on those responsibilities. So with respect to the questions that you raise, I know I can say this: that those ultimate decisions will be made by the Secretary, but up to this point no decisions have been made following the congressional language that was passed in the omnibus spending bill. Those matters are under review.

We are, with respect to the consultation responsibilities of the Fish and Wildlife Service under the ESA—we did allocate or are planning on allocating some meaningful dollars under the Recovery Act for additional staffing levels, because we recognize that the consultation workload will be increased by virtue of all the money that will be coming through on a very accelerated basis for those projects.

So your points are well taken. We'll certainly give them very serious consideration, and we appreciate that if it's not properly staffed these processes could create a bottleneck. But at this point no decision has been made. These issues are under review and if confirmed I will certainly look forward to working with you and the rest of the members of the committee as we sort through these very important issues.

Senator MURKOWSKI. I appreciate the response. If there is more that comes forward that you can share—just in terms of that consultation process, I think it will be important to know exactly how that is to be implemented.

Let me ask you a very quick question. This is about the North Slope Science Initiative. As you know, up North U.S. Fish and Wildlife is considering listing dozens of Alaskan species under the Endangered Species Act. We've got the walrus, we've got seals, in addition to the beluga whales that are currently being considered.

We established several years ago the North Slope Science Initiative and it was to do just sound, basic science and, using this great wealth of science, base the decisions, policy decisions, on our

science. You've stated science—we should be using science, not politics. That's exactly what this North Slope Science Initiative was designed to do.

Unfortunately, the funding for this has been very limited over the years. It's about \$1.4 million today. So if confirmed, as you move forward I would ask you to look very carefully at the opportunities that present themselves with this consortium of all of these different Federal agencies designed to do just that, to focus on the science, because if we cannot provide for the sound scientific basis for these listings that move forward the process that we have set up here in Congress just fails.

So I'd ask you to look at that and, if you've got questions about how it operates and how it can function more efficiently, we'd be delighted to share that with you, but to put that on your radar screen.

Mr. STRICKLAND. I appreciate that, Senator, and I think that we do have concerns that there wasn't adequate funding over the last number of years for there to be the staffing levels necessary so that we could provide that sort of effort. I think in this last bill there was some increased funding, and so we look forward to working with you on that, because that's very much at the heart of this process working, is that you have good data and good science. We'll work with you on that.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Landrieu.

Senator LANDRIEU. Thank you, Mr. Chairman.

I wanted to be here personally to welcome my good friend Tom Strickland and his wife Beth to the committee this afternoon and say how happy and really thrilled we are, Tom, that the President has recommended you, and to know that your strong partnership with Secretary Salazar is going to inure to the benefit of everyone in this country. You've got a strong working relationship and he most certainly, as he's outlined to our committee, has some very ambitious goals and objectives for his work.

I just wanted to make just a couple of brief comments and then a question or two. First of all, we're very happy to see all of our Colorado folks advancing right on up there, but we want to make just a point about the importance of the South and the Southeast and the East Coast. Sometimes, and I've been a member of this committee now for over 10 years, we spend a lot of focus on the West because most of the lands are out West, and of course Alaska has huge issues that need attention. But just a push to not forget the southern States and these East Coast States, and not just our national parks, but, as you so graciously with the Secretary visited one of our large urban parks that are also very starved for resources and sometimes really overlooked.

Although we have an Urban Park Initiative, a program funded at a \$100 million level, I don't believe if it's been once in the last 25 years that it's ever been funded at that level; that would be a lot.

As I've said often, and the chairman's heard me before, not every child gets to the Grand Canyon and not every child can get to Yosemite Park or to ski the beautiful slopes in Colorado, but these

parks are right around the corner from their house, and just with a little stronger partnership.

Number 2, I look forward to working with the chairman and with you, Tom, on finding a real solution to finding a dedicated stream of revenue for our Park System. There was an initial idea some years ago that I think should be revisited, which is to dedicate a portion of the offshore oil and gas revenues. This idea is not mine, although I'd love to take credit for its original version. But it came from, years ago, promoting the notion that resources that belong to the Nation, the taxes generated from those resources could be reinvested back in the land and water.

It would seem to me, Mr. Chairman, that on the 100th anniversary of our National Park System this might be a good time to revisit the opportunity to not just share those revenues, as we have under the law, with coastal States for coastal restoration, but to use a portion of it to fund appropriately at appropriate levels the State side and the Federal side of the Land and Water Conservation Fund.

Do you have any thoughts or comments, or have you heard any general discussion about that at your level so far?

Mr. STRICKLAND. Senator, first of all on a personal note, thank you for your welcoming remarks. As you know, my wife is from Louisiana and I—

Senator LANDRIEU. We're very proud of her.

Mr. STRICKLAND [continuing]. Went there for college and actually, as was referenced earlier, I spent 4 summers on a football practice field that was 100 years from the Mississippi River. So I know that river and that coastline quite well, and I spent a summer on an oil rig out of Dulac, Louisiana, working the lead tongs in the middle of the marshland. So I know a little bit about offshore drilling, I know a little bit about what it's like to be on the deck of an oil rig when you're doing a round trip in the middle of the night, in the middle of the summer.

I have an appreciation for the fragility and importance of the coastal wetlands to our whole country, and the particular pain for us and our family, because we still have family members in Louisiana, at the impact of those hurricanes in the last number of years.

So I look forward to working with you and your staff. The Secretary and I had a great visit there last week. We flew over the coastline. We went out to an oil platform 120 miles out and we participated in the Gulf lease sale. So there are some very important issues that we'll make sure that we bring appropriate attention to.

With respect to a dedicated stream of revenue for parks and land acquisition more broadly, it's a very high priority of the Secretary. He's already begun to work with the Administration and with Members of Congress, and I know he'll want to work with this committee, to identify various ideas so that we can realize the vision that President Kennedy started with the Land and Water Conservation Fund back in 1963. That vision has never really been honored.

We need to do something even beyond fully funding the Land and Water Conservation Fund and we need to look for dedicated revenue streams. So we look forward to working with you and the

other members of the committee. It is the highest priority and it's something very much on the top list of Secretary Salazar's priorities.

Senator LANDRIEU. Thank you, Mr. Strickland. My time is over for now, but I'll submit some other questions relative to sports fishing and hunting, which is also a huge value, I know, in Colorado, but it's a great value in Louisiana, and we just want to make sure we have the right partnership for our sportsmen and women in our State. We appreciate your attention to that.

Thank you.

The CHAIRMAN. Senator Bennett.

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

Mr. Strickland, thank you for coming by to see me in my office yesterday. We had a good visit. I want to revisit some of those issues now just to get them on the record.

First, purely parochial. You're going to be in charge of the Endangered Species Act. In Iron County in Utah, the prairie dog has been listed as threatened on the Endangered Species Act. The trouble with the prairie dog is that it does not like the desert. It loves cultivated property, like lawns and agricultural lands, cemeteries, and especially the local golf course.

So when a potential industry comes to town and thinks about houses for their people and maybe playing golf on the weekends, they realize that all of these things are in thrall to the prairie dog. In the Endangered Species Act there's a 5- to 7-year waiting list to get a takings permit to remove the Utah prairie dog from private property before it can be built. Now, if you like golf come to the Cedar City Golf Course and I almost guarantee you will have a hole in one because the prairie dog will put a hole wherever it is you plan to put your ball.

The county has been developing an HCP which we believe will adequately address the program—or the problem, and I would like to ask you, if you are confirmed, to commit to visit southern Utah, see the issue firsthand. There are plenty of national parks close by that you can visit while you're there. You might even want to play a round of golf to improve your handicap.

Is that something you would consider?

Mr. STRICKLAND. Senator, very much so. I'm not specifically familiar with the circumstances of that particular issue. I'm generally familiar with the challenges that species provides, but I'm also very much familiar with the tools that we have available with habitat protection plans, conservation banking, to do the kind of partnerships that you're asking us to look into, and we should be doing those kinds of things. That's really in the spirit of the act, and you have my commitment I'll work with you on that.

Senator BENNETT. Good. If we could speed that up so that the prairie dog gets relocated somewhere and we reclaim the land that we have created for him, that's so attractive for him. Let him go back to the desert from whence he came, whether he likes it or not.

The other issue which we talked about has to do with the 77 oil and gas leases in Utah that were pulled by the Department for review. I'm working with Mr. Hayes and Secretary Salazar to make sure that the review is thorough and transparent and we hope

rapid, because in my view they were properly handled and probably didn't need a review.

But the law gives the Department the discretion to conduct such a review, and I imagine you will be in it because one of the problems that arose was that in his letter to me Mr. Hayes indicated that bad information had come from the National Park Service and not the BLM.

Do you plan to be involved in the review, and particularly to initiate a review of how the Park Service submitted incorrect information to Mr. Hayes?

Mr. STRICKLAND. First of all, Senator, again, as I said with respect to another issue earlier, I have not taken on any of the responsibilities of the position for which I've been nominated because that would be presumptuous, not having gone through a confirmation. So I did not participate in those processes—

Senator BENNETT. I understand that, but looking forward.

Mr. STRICKLAND. Yes, sir. Second, looking forward, if confirmed and if confirmed within the timeframe of this review, I would expect to be involved in that and I would commit to look into it. I think my record and history and reputation in government and in private life has been as somebody that is about due process and transparency, and that's the kind of approach I would bring. I would be happy to work with you and your office and the officials in Utah on that.

Senator BENNETT. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator SHAHEEN. Thank you, Mr. Chairman.

Congratulations, Tom.

Mr. STRICKLAND. Thank you, Senator.

Senator SHAHEEN. Thank you for your willingness to return to public life and the public sector. We're delighted to have you here.

I have to start, though, by being totally parochial and saying, I love the West too, but given all my colleagues who are here on the committee, I feel a need to point out that New Hampshire also has mountains, fly fishing, coastal marshes, but I confess no prairie dogs and no oil rigs. But we appreciate that you will be looking after not only the West, but the East, as Senator Landrieu pointed out, and the Northeast.

One of the things that we're concerned about in New Hampshire is climate change. The Fish and Game Department in our State has worked with partners in the environmental community to develop the State's first wildlife action plan. The plan was mandated and funded by the Federal Government through the State wildlife grants, and it is there to help give us a tool to look at how we maintain these critical habitats.

The report found that climate change not only will affect every species and habitat of conservation in New Hampshire, but that the impacts will be most severe for habitats with narrow ranges of temperature and water level, such as alpine areas, high and low elevation, spruce-fir islands, forests, coastal islands, and aquatic habitats. The changes will not only affect the existing habitat and wildlife, but we expect and are already seeing invasive species as

the result of warming temperatures, diseases and pathogens that are likely to get worse as time goes on.

Now, my question is, a recent GAO report found that the Bureau of Land Management, Fish and Wildlife, and the National Park Service have not made climate change a priority, and the agencies' strategic plans don't specifically address it. So I guess, what steps are you thinking about taking or do you believe you should take in your capacity should you be approved as Assistant Secretary for Fish and Wildlife and Parks to help develop a Federal action plan for response to climate change?

Mr. STRICKLAND. First of all, Senator, thank you for your welcoming remarks as well. It's a pleasure to be in front of the committee today, and I hope to have the opportunity to work with you in this position if confirmed.

I do want to make it clear that my outdoor activities have also included hiking and biking in New Hampshire—

Senator SHAHEEN. Good.

Mr. STRICKLAND [continuing]. In Acadia National Park. We are equal opportunity outdoorspeople and so we love your beautiful State as well.

To your point, we appreciate the enormous impact already of climate change on our ecology and on our wildlife species. Just earlier, a few days ago, Secretary Salazar participated in the release of the State of the Birds Report. You probably saw it. It got broad attention, and the impact of climate change and population growth on bird populations has been dramatic.

We recognize we have almost 100 million acres of wildlife refuges and whether it's the rising sea levels or changes in temperature, the most sensitive habitat is the most susceptible to impact from climate change. So that's the land that's often been set aside because it's most important to wildlife preservation.

We have to take a look at what we are preserving to see whether we have to adjust those assets. We are in the midst, I think—and it already started when we came. We just need to accelerate it. I think a belated review of the impacts of climate change on our wildlife refuge system, we have to fast-forward that in a very significant way.

In the President's 2010 budget there are substantial dollars to the USGS and Fish and Wildlife for this kind of work. We have great scientists within the Department at the USGS and at Fish and Wildlife, and we plan on hiring the best and the brightest to accelerate this work.

Senator SHAHEEN. Thank you.

I only have a few seconds left, but you already referred to the backlog in maintenance in our parks that exists. Can you talk a little about the kinds of guidelines that you would expect to set in prioritizing that backlog and looking at what should be done first?

Mr. STRICKLAND. Again, because I haven't taken on the responsibilities of the job, I haven't been down on the third floor where the Assistant Secretary operates to kind of get into the granular details. But I have been involved as the point person on the stimulus dollars for the Department in working at a 20,000-foot level with each of the bureaus with their preliminary plans.

So with respect to the stimulus dollars, the priority is supposed to be at Congress's direction on shovel-ready projects that are permitted and ready to go. So because the backlog has been so long and deep at the Parks Department, we have an ample supply of projects. Secretary Salazar has also emphasized that he wants projects that promote renewable energy and energy efficiency within the parks and projects that also promote youth and youth engagement in the out of doors. We're looking at a revival of sorts of the CCC from the great efforts of President Roosevelt.

So we're looking at maintaining what we have. We're looking at acquiring critical inholdings. We're looking at things that seem the most urgent. But we do have a prioritization approach. We're going to be looking at it afresh with this new Administration and, again, according to those priorities that I just laid out from the Secretary.

Senator SHAHEEN. Right. Thank you.

The CHAIRMAN. Senator Barrasso.

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

Thank you, Mr. Strickland. Congratulations to you and to your wife Beth. Thank you very much for allowing him to serve in two jobs, it sounds like.

Thank you also for coming to my office yesterday to visit about some of the issues that are critical, that are clearly reflecting the people of Wyoming. The number 1 thing we started to talk about yesterday was the issue of wolves. As you know, the grey wolf was introduced in Wyoming in the mid-1990s. At the outset the Fish and Wildlife Service required 30 packs of wolves, 10 in each State. We currently have more than 300 wolves in Wyoming alone. Yet the Fish and Wildlife Service refuses to de-list.

Yesterday you told me that the goal is to de-list because that's a success story. I appreciated that comment that you made yesterday, and I'd like you to just visit a little bit about that and how we define success.

Mr. STRICKLAND. Thank you, Senator. The issue of the wolf obviously, there are strong feelings around that issue from different points of view. The action taken recently by the Secretary to de-list in Idaho and Montana and other parts of the country, but not in Wyoming, definitely generated—both ears were sore after the calls came in on that one.

But the fact that we consider, the Department considers, situations where we reach population levels that are sufficient to support de-listing as good outcomes, as success stories. So in this case the biologists at the Department who were working on this issue from the very outset were virtually unanimous in their view that very strong populations had been achieved and that strong management plans had been put in place in Idaho and Montana to support de-listing.

While the populations are robust in Wyoming, as you recount, there were concerns about the management plans that were in place in Wyoming. But the goal would be to continue to work with the State, with the hope of reaching agreement so that there could be ultimately de-listing there as well, and then monitoring to make sure that the populations are maintained.

Senator BARRASSO. I appreciate your commitment, because you know you have the commitment for the Wyoming delegation, as

well as Wyoming's Governor, to make sure that we can achieve a successful end.

Now I'd like to go to talk a little about the Endangered Species Act and climate change. Senator Murkowski asked a little about the polar bear. We had Mr. Hayes here earlier, talked to him. He had said that the Endangered Species Act should not be used as a climate change tool and I wanted to know if you believe that the Endangered Species Act should be used as a climate change tool.

Mr. STRICKLAND. I don't think that's how it was intended—I think it doesn't lend itself to those kinds of assessments. Climate change, as we understand it, is a cumulative result of lots of activity over a long period of time. The ESA is designed to look at causality with respect to particular acts and the impact they have on habitat or species. So it is not designed really to deal with those issues.

So I think when Mr. Hayes was making those comments he was reflecting the views of Secretary Salazar, and obviously that would be my view as well.

Senator BARRASSO. Then a little bit about snowmobiles. We talked yesterday about the original legislation in 1872 that established Yellowstone as the first national park, and it says that the parks are for the benefit and enjoyment of the people. Winter use in the parks has become a polarized issue for political campaigns. The people of Wyoming have strong feelings on winter use of the parks.

I just ask that you visit a little bit about that now, if you could, please.

Mr. STRICKLAND. Sure. Not to sound a little bit like Forest Gump and say I've been everywhere, but I have been to Yellowstone in the winter on the Snow Coach, and I have cross-country skied and been there with my family. We do own a snowmobile ourselves because we have a back country cabin in Colorado that you can only access the last few miles by snowshoe or snowmobile.

So I respect and appreciate the balance that is appropriate when you look at that sort of use. I know this has been a long and charged debate over many years, and different viewpoints about what the right number is and whether there should be any snowmobiles. Right now we've got dueling Federal courts looking at that issue, and the Department's trying to steer itself through that to arrive at an end game which reflects the mutual respect for different activities. I think a lot of progress has been made.

I've already visited with, when she came in to brief the whole Department, the park superintendent from Yellowstone on this issue. So my commitment would be that we would work to try and achieve an outcome there that is a proper balance of the competing interests.

Senator BARRASSO. Do I have time, Mr. Chairman, for one more question?

The CHAIRMAN. Yes.

Senator BARRASSO. Thank you very much.

I want to follow up on something Senator Bingaman asked earlier, and it's really the wearing of two hats, doing two jobs. I have full confidence in your ability to be Chief of Staff of the Department. I have full confidence in your ability to be in this position

to which you're testifying today and seeking confirmation by the Senate. I am hesitant to say, how can one person do these two jobs, when to me they seem like more than full-time jobs, each one, in spite of the incredible, capable assistant you have in Renee Stone.

Mr. STRICKLAND. Senator, I appreciate that. Let me just reassert that my highest priority will be to discharge the responsibilities of this Presidentially nominated and Senate-confirmed position if I'm fortunate enough to be confirmed. We'll make the adjustments on the other end. If the Chief of Staff piece needs to be turned down, we'll turn it down. There are plenty of capable people who can step into my shoes in any respect.

Almost a third—almost half the employees of the Department are reflected in the Fish and Wildlife and Parks part of this portfolio, and almost 30 percent of the land. So by virtue of doing the one job I will be doing a big part of the other, if that follows. But I will not shortchange this position, and if I need to make adjustments on the other end I will.

Senator BARRASSO. Thank you, because we look forward to your dedicated service in this specific position.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator WYDEN.

Senator WYDEN. Thank you, Mr. Chairman.

Without making this a bouquet-tossing contest, let me also extend my welcome to Tom Strickland and his family. We're very glad to see you back in public service. I will tell you, my sense is you've got some heavy lifting ahead. Particularly important to me is getting the agency's ethical compass back in place. This is the agency visited by Steven Griles and Jack Abramoff and Julie McDonald, and the list goes on and on and on.

I want to start particularly with Julie McDonald because I think that affects decisions that are being made in the West right now. Here's what the Inspector General had to say about Ms. McDonald, who of course was the former Deputy Assistant Secretary for Fish and Wildlife and in my view an individual who perpetrated numerous ethical transgressions. The Inspector General, Mr. Vaney, said, and I quote here: "Her heavy-handedness has cast doubt on nearly every ESA decision issued during her tenure. Of the 20 decisions we reviewed, her influence potentially jeopardized 13 ESA decisions."

So my first question I think for you today, Mr. Strickland, is what will you do to make sure that these tainted decisions by Ms. McDonald are fixed, and also to put in place a process so that there will never again be the kind of political interference that the Inspector General found with Ms. McDonald?

Mr. STRICKLAND. Senator, first of all, again thank you for your warm welcome.

As I think you know, I'm a former Federal prosecutor. Right after I came on as chief of staff, the Secretary and I went out to Denver to the MMS offices. He met with all the employees of MMS to address some of the problems that had been discovered by the IG out there with respect to the oversight of our royalty programs for oil and gas.

He asked me to take a look and take the lead within the Department, given my background and the fact we had worked together in law enforcement, he and I, at these issues just globally through the Department. So that review is under way, and we are going to have that be part of our ongoing ethos, if you will. The Secretary revised the ethics code for the Department right after he got there with specific emphasis on the mineral royalties.

I haven't had a chance to take on that issue with specific responsibility at Fish and Wildlife because, as I've continued to say through this hearing, it's premature to do that. But the commitment I will give to you and the committee is that we will absolutely assure that the law is followed and that this is not an ideologically driven Department, and that we have scientists whose views are considered and who drive the outcomes here in this Department.

Any Department, any institution, is only as good as the people that populate it, and I think the leadership of Secretary Salazar and hopefully the standard that we set in our own conduct will avoid those kind of outcomes in the future.

Senator WYDEN. Can you get me, Mr. Strickland, a time line on when you expect to review the McDonald-tainted endangered species decisions?

Mr. STRICKLAND. I'll be happy to, Senator.

Senator WYDEN. I think that's very important, because I think all over the West people want to know a precise time line with respect to when those decisions are being reviewed. My sense is they're being used on State issues as well, land use matters and the like. So that is important.

My third question involves just having you bring me up to date on something. Is there a Mr. Randall Bowman still at the agency as of now?

Mr. STRICKLAND. I don't know the answer to that question. What part of the agency?

Senator WYDEN. Here's what Mr. Vaney said, and I'll quote here: "McDonald was also ably abetted in her attempts to interfere with the science by Special Assistant Randall Bowman, Office of the Assistant Secretary for Fish and Wildlife and Parks, who held the position and authority to advance the unwritten policy to exclude as many areas as practicable from critical habitat determinations."

I'm not clear as to whether he's there and, if he is there, what his duties are. Do any of the people at the agency who are here with you, can they inform us on that?

Mr. STRICKLAND. I believe I was just told he was still there. I don't know that personally.

Senator WYDEN. Would you get back to me, then, Mr. Strickland? Given what the Inspector General said about his involvement with Ms. McDonald, I would like to know exactly, A, if he's there—and it appears from your staff that he is—and second, what his duties are.

Mr. STRICKLAND. I'd be happy to do that, Senator.

Senator WYDEN. The last area I want to ask you about involves a matter in my home State, and that is the Palomar Natural Gas Pipeline. If this goes forward it would cut through the Mount Hood National Forest and adjacent BLM lands. Now, the Fish and Wildlife Service found numerous shortcomings and said that the infor-

mation provided by FERC was inadequate for proper endangered species consultations to take place.

Obviously, people at home are concerned because they've seen what havoc Julie McDonald wreaked, and I think what I'd like to have an assurance on is that you will give great deference to the folks at the Fish and Wildlife Service, your scientists, as you go forward in looking at this.

Mr. STRICKLAND. Senator, again I'm not specifically familiar with the project. I'll make myself familiar with it and you have that commitment.

Senator WYDEN. That's exactly the kind of approach that we want to see taken. I think the history of our region, and a number of our Governors, both Democrats and Republicans, have said we in the West can find common ground. We can find common ground. So much of our land is multiple use. But we've got to have sensible science. Certainly, for a number of years now the writings of the Inspector General just take your breath away with respect to the kinds of ethical transgressions that took place in the last few years.

I thought the Secretary began quickly to set a very different tone. We're pleased about your appointment, and particularly your record as a former prosecutor, because I frankly think that's exactly the kind of background we need. So I look forward to working with you, and both the chairman and Senator Murkowski—I chair the Public Lands Subcommittee and I'll be working closely with the chairman and Senator Murkowski and yourself and the Secretary in the days ahead.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Murkowski, did you have additional questions?

Senator MURKOWSKI. I do, Mr. Chairman. Thank you.

Mr. Strickland, I wanted to ask you about the decision that came out last week in Federal district court here regarding the guns in parks. There was a preliminary injunction that suspended the Department's regulations allowing the possession of guns in national parks and wildlife refuges, and sustaining that preliminary injunction is a pretty high standard.

My understanding is that, while the Department defended the rule in court, the Department had already undertaken its own review of the regulation. Does the Department intend to appeal the court's decision and continue to defend the regulation in the future?

Mr. STRICKLAND. Senator, the Department made the decision—it was confronted with this issue once the new Administration came in—made the decision to defend the rule. As part of that decision, the Secretary indicated that the position of the Department would be, and the government, that the environmental review—the decisions made regarding the necessary environmental review were defensible and correct. Nonetheless, he was going to—and that was the position we were going to take in court. But he asked the Department, the bureaus, Parks actually in this case, to look at Fish and Wildlife as well because it's national wildlife refuges—to look at the potential impact, environmental considerations that might be implicated in the implementation of this.

That didn't affect the position taken in the court case—

Senator MURKOWSKI. So you will still continue to defend it. You're looking at perhaps another issue, the environmental aspect?

Mr. STRICKLAND. Now that the court has ruled preliminarily with respect to putting an injunction in place, the court has now directed the Department to get back by April 20. The judge has concluded that an environmental review needs to be done to uphold that rule. So the decision facing the Department right now and the Secretary is whether to do a review, whether to appeal, whether to withdraw the regulation, if to do a review whether an EIS or an EA.

Those are all matters that are under consideration right now and no decision has been made. That decision will have to be made by April 20, and that's all under consideration right now.

Senator MURKOWSKI. You mentioned the State of the Birds Report that Secretary Salazar released just last Friday. In that report it concludes that energy development, whether it's conventional or renewable resources, is having a "significant negative effect on birds in North America." I haven't read the report myself, but I understand that the areas where we're seeing the greatest impact is in the grasslands and the arid lands, which are the areas with really great energy potential when it comes to wind and solar energy.

Do you believe that the energy development and the environmental protection can be balanced, or are we going to be in a situation where we're having to place additional lands off limits for development? I don't know. You've got the sage grouse. What impact would a listing, for instance—and I'm just picking the sage grouse. But what impact would that listing, would such a potential listing have on our ability to develop our renewable energy sources, and how are you factoring in decisions like this?

Mr. STRICKLAND. I think it's been demonstrated over time that conventional energy resources can be developed in ways that are respectful and compatible with the environmental laws. I think that same case will be made with respect to renewable energy as it becomes more prevalent. There are real issues that have to be considered, and I think just even in today's paper there's a story about issues and concerns about developing solar power in the Mohave Desert.

So I think that there is not a reason why there can't be an effort to balance the competing interests here and still honor both interests. I think we have a good track record in this country. While there hasn't been complete agreement in all instances, there is an opportunity I think to find ways to do both. That's the spirit I think that Secretary Salazar had when he was the head of the Department of Natural resources in Colorado, when he was Attorney General, and I think he had in the Senate.

So we'll be looking to work to reconcile those interests and that they don't necessarily have to be counterproductive.

Senator MURKOWSKI. I certainly agree with you. We recognize that you can have development of your resources or otherwise, you can have development in concert with care and protection of our environment.

I can't let you leave without bringing up ANWR. You probably know that I have introduced a proposal that would allow for direc-

tional drilling underneath the 1002 area, that would not provide for surface disruption. I understand that in your past as a candidate you have come out in opposition to ANWR, but I would ask if you are confirmed—a new member coming into an Administration, an Administration that has said, we know that we need to do more when it comes to domestic production—I'd like to ask you to take a look at the proposal, because I do think that when our technologies allow us to do something in this day and age that we simply couldn't do 20 years ago, allow us to provide for a level of protection for our environment while at this same time figuring out how we can tap into resources that we need for our energy security, for the strength of this country—it's a proposal that's out there and I would hope that you'd be willing to take a look at it perhaps with a fresh approach.

Mr. STRICKLAND. Senator, as you know, it's the position of this Administration and Secretary Salazar not to support drilling in the Arctic Wildlife Refuge at this time.

Senator MURKOWSKI. That's why we wouldn't be doing it there. We're doing it over there.

Mr. STRICKLAND. I appreciate that. I think we should always pay attention to what technology can make possible. I won't be making that call even if confirmed on this issue. So I'll be following the position of the Administration and Secretary Salazar. But I would note that when I went out to visit the rig last week it was remarkable how things have changed in the 35 years since I was out there on a platform myself.

But the issues that play into the protection of the Arctic Wildlife Refuge I think are for this Administration at this time in place, and I would be honoring those. But certainly we should always look at what new technology can do in other areas.

Senator MURKOWSKI. We'll be making sure that you see the new technologies.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Strickland, thanks for taking so much time with us today. I think we will allow members to submit any additional questions for the record until 5:00 o'clock tomorrow. If you could respond to any questions that are submitted we would appreciate it. We hope to act on your nomination in the next week or so.

So thank you very much, and that will conclude our hearing.

[Whereupon, at 3:37 p.m., the committee was adjourned.]

APPENDIX
RESPONSES TO ADDITIONAL QUESTIONS

RESPONSES OF THOMAS L. STRICKLAND TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. The Alaska Department of Fish and Game recently implemented a new predator control effort east of Fairbanks in hopes of boosting caribou numbers in the Fortymile herd that ranges from the Steese Highway to the Canadian border. The National Park Service has expressed concern over this program, but the State has taken the necessary precautions to make sure they do not over-control the wolves. The intended outcome of this effort is to increase the caribou population in this herd from 40,000 to between 50,000 and 100,000. Will you support this policy of the State of Alaska and the agreement that was reached between the State of Alaska and the National Park Service?

Answer. I am told that the National Park Service has been working collaboratively with the State of Alaska in managing wildlife on park and preserve lands. The National Park Service and the Alaska Department of Fish and Game have different statutory frameworks, and a cooperative relationship is essential to fulfilling their different mandates. If confirmed, I will work to ensure that the Department remains supportive of these cooperative efforts.

Question 2a. In a June 5, 2002 article the Rocky Mountain News reported: "Democratic Senate candidate Tom Strickland, however, says yes. He held a news conference with Sen. Harry Reid, D-Nev., the other day, saying he's opposed to having any spent nuclear fuel that's headed for Yucca Mountain, Nev., come through Colorado. Each shipment could be turned by terrorists into a "dirty bomb, creating unspeakable devastation," Strickland said."

Do you think our country is more secure with this high-level nuclear waste stored in dry and wet storage at reactors spread around the country, or at one or two secure underground facilities?

Answer. As you know, nuclear waste disposal is under the jurisdiction of the Department of Energy's Office of Civilian Radioactive Waste Management. Ultimately, I believe we need a safe, long-term disposal solution that is based on sound science.

Question 2b. As Chief of Staff and Assistant Secretary, will you commit to this Committee that if the site at Yucca Mountain is to be defunded, that you will work with Secretary Salazar to select three alternative sites that could be utilized to store high level radioactive waste, and then transmit those recommendations to this Committee?

Answer. Again, the Department of the Interior does not have lead responsibility for siting nuclear waste disposal sites. We will commit to making scientists from USGS and around the Department available for assisting the Department of Energy with developing reliable scientific information about long-term storage of these wastes.

Question 3a. I note that in the past, you and your wife have served on a number of boards of directors for a variety of environmental groups. Do you currently serve on any board of directors or advisory board for any group that has any interest in any of the agencies you would oversee in the position you are now being considered for?

Answer. No.

Question 3b. Does your wife serve on any board of directors or advisory board for any group that has any interest in any of the agencies you would oversee in the position you are now being considered for?

Answer. No.

Question 3c. If yes, will you commit to recuse yourself from dealing with any issue that any of these groups might bring to one of your agencies or to the Department?

Answer. N/A

Question 4. Included in H.R. 146, the Omnibus lands bill now pending before the House, is a land exchange involving the Izembek Wildlife Refuge. This legislation

provides for a one-lane gravel road, from King Cove to the all-weather airport at Cold Bay, for medical emergency cases. If you are aware of the measure, what is your general position on it? Can you talk about your knowledge base for overseeing the EIS that Interior is directed to undertake to implement the legislation?

Answer. I am aware that the legislation mentioned in your question passed the House this week and will now be sent to the President. If the President signs the bill into law, I look forward to reviewing the provisions that my office will be responsible for and determining what specific actions will need to be taken to implement those provisions. As I noted at my confirmation hearing, I have dealt extensively with the Department and its bureaus and other federal agencies regarding many important natural resource issues. If confirmed, I will bring these experiences and the perspectives they have helped form to all of the actions I take as Assistant Secretary.

STIMULUS IMPLEMENTATION

Question 5a. During your nomination hearing, in response to a question from Senator Shaheen concerning the Park Service maintenance backlog you said in part that: "...I have been involved as a point person on the stimulus dollars...so we are looking at maintaining what we have and we are looking at acquiring critical in-holdings, we're looking at things that seem most urgent."

Did you mean to infer that the Park Service intends to use any of the stimulus funds that the Department of the Interior received to acquire any land, critical or not?

Answer. No. The stimulus funds will be used for the purposes specified in the Act. For the Park Service this includes investments in infrastructure, including deferred maintenance and construction.

Question 5b. Do you agree that the stimulus bill did not include any funding for your Department for land acquisition?

Answer. Yes. I agree that the American Reinvestment and Recovery Act does not appropriate funding for land acquisition for the Department of the Interior.

Question 5c. If you believe that the stimulus bill included language and funding that could facilitate land acquisition by any of the Department's agencies, would you provide the language to the Committee?

Answer. The American Reinvestment and Recovery Act does not appropriate funding for land acquisition for the Department of the Interior.

Question 6. In 2007, then-Senator Salazar sponsored legislation that would provide financial incentives for private land owners, including farmers and ranchers, to facilitate the recovery of threatened and endangered species while preserving the opportunities for productive use of land. (Press Release, Salazar and Allard Team Up to Help Farmers & Ranchers Protect Endangered Plants and Animals (Feb. 2007). In the 2008 Farm Bill, a limited measure along these lines was enacted for agricultural activities that help conserve threatened and endangered species.

Does the Department of the Interior support efforts to enact incentives for species conservation, including widening of the tax incentives enacted in the 2008 Farm Bill to all private land owners?

As Assistant Secretary for Fish and Wildlife and Parks, how will you work to ensure that such tax incentives are made available to all private land owners?

How will you work to establish and promote other voluntary efforts to protect threatened and endangered species while preserving opportunities for productive land use?

Answer. I believe that voluntary conservation efforts on private lands play an extremely important role in the conservation of listed species. The Department promotes voluntary cooperation with private landowners to the extent possible to achieve our mission. Incentives are an important tool in this effort to conserve endangered species, migratory birds, fisheries and the habitats upon which they depend.

If confirmed, I will work with Congress, the Fish and Wildlife Service, and partners to investigate other incentives to engage more land owners in natural resource conservation.

Question 7. In a June 10, 2005 letter to Secretary Gale Norton, then-Senator Salazar supported the San Luis Valley Regional Habitat Conservation Plan (HCP), which aids the protection of the southwestern willow flycatcher in the San Luis Valley in Colorado. In addition, he advocated that the "U.S. Department of the Interior Fish and Wildlife Service determine that the lands subject to this HCP be excluded from the designation of critical habitat of the flycatcher in Colorado." (Letter of the Hon. Ken Salazar and Wayne Allard to Secretary of the Interior, Gale Norton, June 10, 2005.)

The exclusion of the lands subject to HCPs from critical habitat designations under the ESA serves as an incentive for partnerships between the state and local governments; conservation organizations and landowners to protect and manage threatened and endangered species which “leads to better protection and faster recovery for endangered species.”

In your role as Assistant Secretary for Fish and Wildlife and Parks, will you apply these same principles to your oversight of the implementation of the ESA and similarly support the exclusion of lands already covered by HCPs from a redundant designation as critical habitat?

Answer. If confirmed I will uphold the principles of the Endangered Species Act. I understand the ESA requires that decisions to exclude areas from critical habitat be based on a case-by-case determination that the benefits of exclusion outweigh the benefits of inclusion in a particular case.

Question 8. Numerous courts have determined that recovery plans are nonbinding guidance—namely, that they do not impose requirements on federal agencies. *Fund for Animals v. Rice*, 863 F.3d. 535 (11th Cir. 1996); *Oregon Natural Resources Council v. Turner*, 863 F. Supp. 1277 (D. Or. 1994); *Defenders of Wildlife v. Lujan*, 792 F. Supp. 834 (D.D.C. 1992) *National Wildlife Federation v. National Park Service*, 669 F. Supp. 384 (D. Wyo. 1987).

How will you ensure that your Department’s implementation of the ESA continues to implement recovery plans as guidance only and does not seek to impose recovery plan measures as mandatory actions through such measures as reasonable and prudent alternatives under a section 7 biological opinion or as required terms in the development of a habitat conservation plan?

Answer. As prescribed in the ESA, Recovery Plans layout a blueprint for management actions and criteria to recover species. I understand that the Fish and Wildlife Service has a longstanding position that Recovery Plans are guidance and are only advisory in nature.

Question 9. What principles will you employ in administration and implementation of the Endangered Species Act?

Answer. If confirmed for this position, I will ensure that the Endangered Species Act is administered and implemented with the highest ethical and professional standards, and respect for scientific integrity. I commit to ensuring that the decisions we make under the ESA will be consistent with the statute and its implementing regulations, based on the best available science, and will be carried out in an accountable, transparent fashion that involves the public.

Question 10. Please describe your previous experiences in balancing differences between economic interests and environmental interests. Are there any lessons learned that you will take to the job on how you have incorporated both environmental and economical values in your decision-making process?

Answer. I believe strongly in taking a pragmatic approach to problems and looking for ways that environmental concerns can be resolved while economic development continues. Some of the most satisfying experiences of my professional life have involved situations where I was able to help negotiate win-win solutions in situations where environmental and business interests at first appeared to be at odds. One example was my experience as the lead lawyer for a project to construct the E-470 highway in the Denver area. Environmental groups were at first strongly opposed to the highway project, arguing that the emissions would have a serious impact on local communities. The project sponsors sat down with the concerned groups and negotiated an agreement under which the project sponsors provided significant mitigation for the air quality impacts from the project. This satisfied the project opponents and allowed the project to move forward without divisive and delaying litigation. The Denver community doubly benefited from an improved transportation system and significant environmental protection.

A second example was my experience helping to establish and serving on the board of Great Outdoors Colorado, an organization founded to help protect, enhance, and manage open space and key wildlife habitat throughout the State of Colorado using dedicated State revenues. Without the use of eminent domain, and with the full support of business and agricultural interests, this organization has helped to preserve over 600,000 acres in Colorado. I am very proud of my leadership role in helping to establish this ongoing conservation program. Great Outdoors Colorado continues to play an active role in preserving the state’s wildlife, park, river, trail, and open space heritage.

Question 11a. Over the last several decades, there has been significant conflict within the scientific community regarding ESA decisions.

Please describe how you will address these differences when they arise, especially as they relate to matters with a high degree of scientific uncertainty.

Answer. Within the realm of science there is need for continuous dialogue. ESA decisions must be made based on the best available science at the time, recognizing that even within the scientific community differences of opinion will exist. If confirmed, I am committed to a transparent decision-making process that includes public involvement and peer review.

Question 11b. Please describe the policy discretion you will consider when making determinations that involve less than certain scientific conclusions, and that could have significant economic and societal consequences.

Answer. If confirmed, where the law affords me an opportunity to exercise policy discretion, I will use that discretion to review issues as they arise and will base my decisions on an accountable, public, and transparent process that includes the best available science at the time.

Question 12. The purpose of the Endangered Species Act is to protect and conserve endangered and threatened species. Certain entities have unequivocally stated that they intend to use the ESA to pursue and require the reduction of greenhouse gas emissions. How will you ensure that, consistent with your obligation to carry out the purposes of the ESA, the Department of the Interior does not allow parties to use the ESA as a back-door mechanism to force the debate or choice of federal statutory or regulatory actions regarding responses to climate change or any regulation of greenhouse gas emissions?

Answer. As I stated during my hearing, I do not think that the ESA is a good tool for regulating greenhouse gas emissions. I know Congress is beginning to work on legislation tailored to address climate change specifically.

Question 13. During his tenure as Attorney General for the State of Colorado, Secretary Salazar raised concerns with the Fish and Wildlife Service's process for considering the listing of the black-tailed prairie dog. In particular, he raised concerns that there was insufficient, credible information demonstrating that such listing was necessary. Almost 10 years later, the Fish and Wildlife Service has made few, if any, substantive changes to the process by which listing petitions are considered and/or how information is gathered and reviewed in determining whether a species should be designated as threatened or endangered under the Endangered Species Act.

How will you work to improve the listing process to ensure that credible data is collected and fully reviewed, including from State and local governments as well as private landowners, prior to any real determination regarding listing of a species under the ESA?

Answer. If confirmed, I commit to implement and administer the Act with the highest ethical standards and professional integrity. I will work with the Fish and Wildlife Service to ensure that ESA decisions are based on the best available science and done in an accountable, transparent fashion with the meaningful involvement of States, local governments, other federal agencies, tribes and the public.

Question 14a. It is now common practice for environmental groups to file lawsuits against the U.S. Fish and Wildlife Service for failure to timely act on petitions to list species under the Endangered Species Act and/or to designate critical habitat. Usually, settlements and court orders from such lawsuits set deadlines for issuance of proposed and final determinations on listing and critical habitat designation matters that ultimately lead to a rush to judgment and incomplete consideration of available data. Such litigation-driven decision making also interferes with any orderly administrative process for these decisions.

As Assistant Secretary for Fish, Wildlife and Parks will you commit to take those actions necessary, including seeking modification of settlements and request for modification of decrees, to ensure that the Fish and Wildlife Service is allowed to properly carry out your responsibilities under the ESA without the threat of arbitrarily imposed deadlines?

Answer. If confirmed, I will work with the Department of the Interior's Office of the Solicitor and the Department of Justice seek reasonable time frames that enable the Fish and Wildlife Service to make decisions on listing and critical habitat consistent with the requirements of the ESA.

Question 14b. Will you fully consider proposals (including regulatory or legislative efforts) that ensure that parties do not use the judicial system to usurp the effective administration of the ESA, including improvements to the management and deadlines for listing and critical habitat determinations under the ESA?

Answer. Yes, if confirmed, I will consider any proposals intended to improve the implementation of the ESA.

Question 15a. This morning, Fish and Wildlife made a finding on a petition to list the yellow billed loon as warranted, although presently precluded by other high priority listings. How will Interior proceed with regard to this listing, and how would

Interior reconcile a potential listing with the leasing plan for the North Aleutian Basin?

Answer. If confirmed, I will ensure that Fish and Wildlife Service works with other Federal agencies on these important issues.

Question 15b. In addition to U.S. entities, including the Center for Biological Diversity and the Natural Resources Defense Council, seven Russian entities appeared on the petition to list the yellow billed loon. Given the potential negative implications for domestic energy production, to what degree do foreign organizations add weight to a petition to list? Particularly in the case of nations with energy production that may compete with our own, does the Interior Department investigate or vet any of the petitioners to assess legitimacy or conflicts of interest?

Answer. I understand that the ESA requires the Fish and Wildlife Service to determine if a petition provides substantial scientific or commercial information that the petitioned action may be warranted, not to authenticate any particular petitioner.

RESPONSE OF THOMAS L. STRICKLAND TO QUESTION FROM SENATOR BURR

Question 16. North Carolina is home to many treasures, one of which is the Cape Hatteras National Seashore. The National Park Service has been remiss in their requirement to prepare an off-road vehicle management plan for the park, and now we are faced with a situation in which a court-sanctioned agreement is dictating the use of this area while the Park Service works on a rule-making process that may take three years to complete. I look at this situation as it pertains to the future enjoyment of all our national park? by the American people. The issue of access to our national treasures is at stake here.

Mr. Strickland, if confirmed, will you commit to working with me to ensure Americans have access to our national parks?

Answer. If confirmed, I will certainly be willing to work with you on national park access issues.

Regarding Cape Hatteras National Seashore, the National Park Service is working diligently to meet the schedule required by the consent decree for completing an off-road vehicle management plan. In the meantime, if confirmed, I will work to ensure that the National Park Service does everything possible to minimize beach closures and facilitate public access at Cape Hatteras while still providing sufficient protection for park resources, including migratory birds and threatened and endangered species.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 31, 2009.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Room SD 304, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed you will find my response to the additional written questions submitted following my March 24, 2009, confirmation hearing.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

THOMAS L. STRICKLAND,
Assistant Secretary—Designate.

[Enclosure.]

RESPONSES TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. I hope you are aware of the effort of many to gain a nonessential-experimental population designation for the Woodland Bison near Fairbanks, Alaska so they can be re-introduced into the wild.

According to the white paper that Interior staff shared with my office the "ADF&G will not release Woodland Bison into the wild until the final special rule containing the nonessential experimental population designation and special conditions and exemptions are in place and determined to ensure sufficient protection to existing and future land uses."

The U.S. Fish and Wildlife Service and the Alaska Department of Fish & Game have been playing around with this proposal since the early 1990's.

Will you commit that you will direct the U.S. Fish & Wildlife Service to make a decision one way or the other on using the experimental population designation 10(j) and the 4(d) provisions of ESA for the Woodland Bison within the next 6 months?

I suspect that without such a listing there is no chance of releasing these animals into the wild and that would be a real shame.

I also want you to understand that it is entirely unacceptable for the U.S. Fish & Wildlife Service to continue to play kick the can, year after year by refusing to make a decision on the status in hopes of getting a different level of support from the Doyon's and the public.

Answer. I am aware that officials within the U.S. Fish and Wildlife Service are working with the Alaska Department of Fish and Game on reintroduction of wood bison in Alaska. Under section 10(j) and 4(d) of the ESA, the Service has the ability, as appropriate, to provide management flexibility for species that are reintroduced. If confirmed, I commit to working with the State of Alaska and the Service to ensure that we move forward in a timely fashion and responsive fashion.

Question 2. In response to questions regarding the construction of a road from King Cove to Cold Bay, Alaska, the following quote from Secretary Salazar was recently broadcast on Alaska public radio: "We will now look at the specific language of that bill. I know it was one of the specific areas of conflict (in the legislation). Can't let the perfect be the enemy of what's already a very spectacular bill. We will now look at the specifics of the particular road that is in controversy. But, I've not done that yet."

I would like you assurances that the Department of the Interior's examination of the Izembek Exchange will be dealt with through the Environmental Impact Statement process and that you will wait until that process is complete prior to making any recommendation to the Secretary that would delay the construction of the road that is authorized in H.R. 146 in the Izembek National Wildlife Refuge.

Answer. I am aware that the legislation requires the Department to comply with the National Environmental Policy Act and to prepare an Environment Impact Statement within 60 days of being notified by the State and King Cove Corporation of their intent to exchange the lands identified in the Act. I understand that the purpose of an EIS is to provide and assessment of the environmental impacts of a proposed agency action and so must be carried out before an agency decision is made. I commit to you that I intend to follow the letter and the spirit of the law in this matter.

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