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KATHLEEN CLARKE NOMINATION

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

NOMINATION OF KATHLEEN CLARKE, NOMINEE TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT FOR THE DEPARTMENT OF THE INTERIOR

NOVEMBER 14, 2001



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KATHLEEN CLARKE NOMINATION

WEDNESDAY, NOVEMBER 14, 2001

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

The committee met, pursuant to notice, at 9:32 a.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. The committee will come to order.

The purpose of today's hearing is to consider the nomination of Kathleen Clarke to be the Director of the Bureau of Land Management. Without objection, Ms. Clarke's prepared statement will be entered into the record.

Senator Murkowski, I understand, is on his way and asked us not to wait on him.

Let me ask if Senator Thomas has any opening statement he would like to make.

[A prepared statement from Senator Domenici follows:]

PREPARED STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Mr. Chairman, I appreciate your calling this hearing today and your continuing efforts to fill the ranks at the Interior Department. I am confident that Secretary Norton is also appreciative to have vital positions filled and all qualified nominees confirmed.

I believe that Ms. Clarke will prove to be an invaluable resource to the Department of the Interior, and I fully support her nomination. She has an excellent record in natural resource conservation.

For example, Kathleen Clarke served as the executive director of the Utah Department of Natural Resources since 1998. During her tenure, she managed seven divisions responsible for a broad range of natural resource issues. Prior to that, she served as the department's deputy director.

In Utah, Ms. Clarke worked on programs important to the protection of endangered species and water resources management. Both of these issues are crucial to New Mexico's future. I look forward to working with a director familiar with the challenges Western states face in balancing resource conservation and their state's water needs.

Additionally, with so much land managed by the federal Bureau of Land Management in New Mexico, I look forward to working with Ms. Clarke on eliminating the backlog on BLM grazing permit renewals, streamlining the BLM Oil and Gas permitting process in this time of foreign energy dependence, and furthering the use of Recreation and Public Purpose lands for land-locked community use. I applaud President Bush's nomination of Kathleen Clarke, and support her as BLM Director to address these and other land management issues important to our nation.

STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Well, thank you, Mr. Chairman. I simply want to thank you, first of all, for having this hearing and welcome Ms. Clarke here.

As you know, for those of us in the West, this is a very important agency, a very important position. Roughly half of our State is owned by the Federal Government. Much of it is managed by BLM. So, it is very important. We are very interested, of course, in the multiple use concept, the idea of access to these lands, and yet at the same time, of course, protecting the environment and protecting the lands as well.

I just would also like to say that I visited with this lady and certainly appreciate her points of view, and I hope that those points of view and the points of view of this administration can be put down through the State and local BLM so that we are quite certain on the ground it is being administered in the way that the Department here would like to have that done.

So, I will not take any longer, but I do welcome you. And thank you for having the hearing.

[The prepared statement of Senator Thomas follows:]

PREPARED STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Mr. Chairman, thank you for holding this hearing today to discuss Kathleen Clarke's nomination for the Director of the Bureau of Land Management.

Roughly 50 percent of Wyoming is owned by the federal government. Decisions made by the BLM impact jobs, local communities and virtually every segment of Wyoming's economy. Unfortunately, many folks believe the Director Secretary of the Interior has more impact on the economy of Wyoming than any citizen of the state.

I remain committed to the concept of multiple use of federal lands in Wyoming and throughout the West. Clearly, we should work to protect public lands in the West, but we must also strive to keep the majority of these areas open for multiple use purposes. Notwithstanding the rhetoric of the extremist groups, these two goals do not run contrary to one another. We can develop reasonable solutions to land management questions in the West so that it is a "win-win" strategy for everyone.

This agency is dire need of leadership. In recent years, the BLM has shown a blatant disregard for our public process laws and has lacked the leadership necessary to ensure the enjoyment of our natural resources by many future generations. We need a real commitment from BLM's leadership to develop some real solutions to address the problems that have seriously undermined our public lands.

Mr. Chairman, it is time for our nation to begin setting priorities regarding management of federal lands. The Department of the Interior must also begin to set priorities on where we should spend our limited budget dollars. The days of spending money on every federal program are over. We must begin to establish priorities for our federal land management agencies that will allow us to spend our funds where they are truly needed. Until we are willing to make these tough choices, our budget dollars will continue to be stretched further and further and our natural resources and other important public land opportunities will continue to be under funded.

Thank you again for holding this hearing today. I look forward to hearing the testimony of Mrs. Clarke and the opportunity to review the Administration's nominee for the Director of the Bureau of Land Management.

The CHAIRMAN. Sure.

Senator Burns, did you have any opening statement?

Senator BURNS. I have no opening statement. Is that all right?

The CHAIRMAN. That is fine.

We have two of our distinguished members here to introduce the nominee, Senator Hatch and Senator Bennett. Let us call on you for any statement you would like to make.

Senator Hatch.

STATEMENT OF HON. ORRIN G. HATCH, U.S. SENATOR FROM UTAH

Senator HATCH. Well, thank you so much, Mr. Chairman. We are grateful to be here. I noticed my nameplate fell right off.

The CHAIRMAN. Yes, I noticed that.

Senator HATCH. I hope that is not a bad omen here.

[Laughter.]

Senator HATCH. But we are grateful that you have held this hearing and you are holding it on behalf of a very fine human being, somebody who is honest, who has worked in the highest way in the service to our home State of Utah and, of course, in other ways as well, and who we believe has as much ability and capacity to head the BLM as anybody in the history of the BLM.

We also know that she will treat this job with dispassion—well, passion in doing the job, but dispassion with regard to both sides of the floor here in the U.S. Senate. She will truly be a bipartisan person who will work in the best interests of public lands.

As you know, the BLM has an awful lot to do with the State of Utah, as it does with your State and the other States that are represented here today. But, in particular, in Utah we have tremendous problems.

I can remember years gone by when I had to go to one section of Utah and diffuse it because during the Carter years, BLM employees were having target practice with human-like sized targets, and it was very offensive to some of the people in Utah who then themselves did some things that would be considered a little bit unusual by almost anybody. And it was a very tense, difficult thing. I had to really have them check their guns at the door almost before I held this meeting down in Moab, Utah.

And a lot of the problems were caused because, I think, of a failure on the part of those were then leading the BLM to be considerate of the needs of the people within the State and the laws that literally they were called upon to enforce at that time.

Kathleen Clarke will enforce the laws. She will abide by the laws. She will do this in the highest sense of statesmanship and effort. We have total confidence in her and we believe that this committee will benefit from having her insights with regard to BLM lands, and we also believe that she is the type of a person who we all owe a debt of gratitude to for being willing to work in the Government to come here to Washington out of the beautiful State of Utah and to do this very, very difficult and tough job.

So, we recommend her totally, as strongly as I possibly can, and I would hope that this committee will immediately act on her nomination and get her to the floor and get her into this job as soon as possible because it is an important job, as we all know, and she is very capable of fulfilling it.

Thank you, Mr. Chairman.

[The prepared statement of Senator Hatch follows:]

PREPARED STATEMENT OF HON. ORRIN G. HATCH, U.S. SENATOR FROM UTAH

Mr. Chairman, I thank you for holding this important hearing today and for allowing me to make a few remarks on behalf of Kathleen Clarke, President Bush's nominee for Director of the Bureau of Land Management.

As the members of this committee know, the BLM oversees 264 million acres of public land, or one-eighth of our nation's land mass. This includes deserts, forests,

mountain ranges, grasslands, and arctic tundra. The BLM must manage these lands for wildlife habitat, mineral and energy development, wilderness values, timber harvesting, archeological and paleontological resources, historic preservation, livestock grazing, and recreation. Balancing these competing values is tough assignment, and management decisions for BLM lands are often controversial.

I believe it was precisely for this reason that President Bush tapped Kathleen Clark for BLM director. No stranger to land management, Kathleen has served as executive director of the Utah Department of Natural Resources since 1998. Prior to that, she was the deputy director from 1993-1998. Utah's state lands are dispersed in a checkerboard pattern throughout Utah's 22 million acres of BLM land and 8 million acres of National Forest. Not only did Ms. Clarke have to manage the state's vast land holdings, but she was required to coordinate many of her decisions with federal land managers. She has been a land manager in her own right, but she knows as well as anyone can how national policies impact state and local interests.

For that reason, Kathleen Clarke is the right person for the job. She is a moderate, balanced professional who is well known for her ability to incorporate diverse interests and to find solutions to complex situations. And Ms. Clarke is no stranger to Congress or the legislative process. For six years she worked for Chairman Jim Hansen, and she also worked for Senator William F. Bennett, not to be confused with his son, my good friend Senator Robert Bennett. Kathleen has all the right tools to lead the Bureau of Land Management. She is a fine American, and I might add that if nominated, Ms. Clarke will be the first woman director of the BLM.

Again, Mr. Chairman, I applaud you for holding this nomination hearing, and I am grateful for an opportunity to sing the praises of Kathleen Clarke. I look forward to her swift and successful confirmation. Thank you.

The CHAIRMAN. Well, thank you very much.

Before I call on Senator Bennett, let me just see if Senator Murkowski had any statement he wished to make at this point.

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

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

I certainly want to join my colleagues in welcoming our nominee. This is a difficult task, the Director of the Bureau, with responsibility for some 260 million acres of surface estate. A large portion is in my State of Alaska, about 87 million acres out of the 260 million. The resource potential of these lands, whether it be grazing, timber, oil and gas activities, is very important to the economy of this Nation, as well as our energy self-sufficiency.

These lands are important, of course, for coal. Sixty percent of the significant deposits of commercial coal are on Federal lands.

We have recently experienced a little episode in your State of Utah, Senators, and I am sure that you could update us on that if it was necessary. But I think it represents a reality that the State of Utah is dependent on the revenues from land grants for schools and that was taken over without a public process, which I felt was extraordinary. The fact the announcement was made outside the State of Utah is even more revealing.

But rather than going back and reliving history, I think it is important to recognize that we have a tremendous obligation relative to stewardship, and I think Kathleen Clarke is certainly up to the challenges ahead and I look forward to working with her.

Thank you.

The CHAIRMAN. Thank you very much.

Senator Bennett, why don't you go right ahead with your statement?

STATEMENT OF HON. ROBERT F. BENNETT, U.S. SENATOR FROM UTAH

Senator BENNETT. Thank you, Mr. Chairman. I appreciate the opportunity to add my voice to Senator Hatch's in endorsing this nomination and urging the committee to act in an expeditious way to move it forward.

Kathleen Clarke has, I think, an interesting and very valuable background to qualify her for this position. She understands the Congress. Her first experience in governmental service was on my father's staff shortly after she graduated from Utah State University. So, she has served on the Senate side. On the House side, she served as the State director for Congressman Jim Hansen who is now chairman of this corresponding committee in the House. So, she comes with congressional credentials that will serve her well in understanding how the Congress works. We have had some experience with BLM directors who were well qualified from the administrative side, but maybe lacked an understanding of how the Congress worked and what the oversight situation is. She does not have that gap in her background.

Now, one of the problems with BLM, as we all understand, has been sometimes in working with the States, not quite understanding the role that the State agencies play in managing lands. And she served as a member of Governor Levitt's cabinet as the executive director of the Utah Department of Natural Resources. So, in that role, she has had to work with State agencies in a State that is over 67 percent Federal managed. She has had to interact with the Federal managers, and she knows how those agencies can work together and how they maybe cannot. So, she comes with that perspective that I think is also very valuable.

Then, being the director of a State agency, a member of the Governor's cabinet, she has had to put together an agency budget, work with the State legislature in getting it adopted, and managing over 1,200 employees in seven State agencies. She was instrumental in organizing that office into seven divisions to give a degree of organizational harmony and structure that perhaps was not there prior to her tenure.

I offer those examples of the credentials she brings to the job: understanding of the Congress, understanding of the State relationship with Federal agencies, understanding of management to put together an agency and run it. I think we are very fortunate that she is willing to do this.

I visited with her and know that her first reaction was that she was not willing to do this. She is not one who came rushing for Federal office or the glory of a Federal title. She has four children of college age and wanted to remain in Utah. The administration came after her and became insistent that she was the one they wanted in this position. And I am delighted that she was willing to answer that call from her country and say, okay, if you really want me that badly, why, I will do it even though it represents some kind of disruption of her personal circumstance.

I think we have here the combination of the perfect candidate, the right kind of background, the right kind of temperament, the right sort of understanding of the issues, and a response to a patriotic call rather than a personal agenda of things she wants to ful-

fill. I am happy to add my full endorsement to that of Senator Hatch and urge the committee to move promptly and affirmatively on this nomination.

[The prepared statement of Senator Bennett follows:]

PREPARED STATEMENT OF HON. ROBERT F. BENNETT, U.S. SENATOR FROM UTAH

Mr. Chairman, Senator Murkowski, this morning I am pleased to introduce to the committee Ms. Kathleen Clarke, President Bush's able nominee to be Director of the Bureau of Land Management. I thank the committee for holding this very important confirmation hearing today. As many of my western colleagues can attest, the Director of the BLM holds substantial sway over significant portions of their states; in my state of Utah the BLM is responsible for the stewardship of 23 million acres or approximately 40% of the total land area. There is no more significant federal agency in Utah than the BLM.

I cannot think of a better person to take the helm of the BLM to manage our public lands and its important resources than Kathleen Clarke. I have known Kathy for many years. Kathy has had a very distinguished career, working for my father, Senator Wallace F. Bennett, a few years after graduation from Utah State University, then working her way up to be Representative Jim Hansen's district director, and now finally working for the State of Utah Department of Natural Resources, first as deputy director and for the last three years as its executive director. During her tenure as executive director Kathy has transformed the DNR into a streamlined organization of seven divisions all focusing on a common goal of integrated and holistic resource management.

Being the director of the DNR in a state that is 68% federally managed, Kathy has worked closely with all of the federal land management agencies. As deputy director, Kathy helped develop the Natural Resources Coordinating Council. The NRCC's purpose is to provide a forum for state and federal land managers in Utah to network and identify opportunities for collaboration and cooperation. I believe Kathy will bring this forward looking approach to the BLM. Meaningful involvement by states and localities in land management decisions will be a hallmark of her directorship.

Kathy also brings a very important but often overlooked skill to a federal agency, that of an administrator. Kathy has developed an agency budget, submitted it to and worked with the state legislature to secure funding, and she has managed over 1,200 employees in seven agencies. As executive director, Kathy has found budget savings and improved customer service, all skills sorely needed in our federal agencies.

I greatly appreciate Kathy Clarke's willingness to share her leadership, expertise, and know-how with the BLM. I also appreciate the sacrifices she is making to be the BLM director; Kathy has four college-aged children who will remain in Utah as she serves the public here in Washington. I believe Kathy summed up her feelings about this position very appropriately when she said "I love the West, and the only thing that's drawing me to Washington is my hope to help shape the West in a positive way."

Mr. Chairman and Senator Murkowski, I appreciate the opportunity to speak this morning in support of Kathy Clarke's nomination. I greatly hope that the committee will move this nomination to the floor quickly. Thank you.

The CHAIRMAN. Well, thank you very much for that statement. I thank both of you for your strong statements.

Ms. Clarke, why do you not come ahead and we will go ahead with your testimony.

The rules of the committee that apply to all nominees require that nominees be sworn in connection with their testimony. Would you begin by standing and raising your right hand please?

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?

Ms. CLARKE. I do.

The CHAIRMAN. Please be seated.

Before you begin your statement, let me ask the three questions that we address to each nominee that comes before this committee.

The first question: 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?

Ms. CLARKE. 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 have been nominated by the President?

Ms. CLARKE. 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 conflict of interest and there are no conflicts of interest or appearances thereof to my knowledge.

The CHAIRMAN. Finally, the third question: Are you involved or do you have any assets that are held in blind trust?

Ms. CLARKE. No.

The CHAIRMAN. At this point, let me invite you to introduce any family members you would like to and then to go ahead with any opening statement.

Ms. CLARKE. Thank you very much, Senator.

I am pleased today to invite two of my four children who have joined me today. This is my son David Clarke, and his wife Rachel. I also have a son Joshua Clarke here and a friend, Tacy Bracken, and a sister-in-law, Amy Burton.

The CHAIRMAN. Well, we welcome all of them and appreciate their being here for this.

Ms. CLARKE. Thank you.

The CHAIRMAN. Why do you not go ahead with your statement.

TESTIMONY OF KATHLEEN CLARKE, NOMINEE TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

Ms. CLARKE. Thank you.

First of all, I would like to say that I am very, very proud to be an American and deeply honored to be nominated by President Bush to serve my country during these challenging times. America's darkest hours have always brought out the best in our people and our leaders and have produced unparalleled resolve and unity. Certainly the events of recent weeks helped to remind us that freedom is not a state of tranquility but that the battles we have won before must be fought again and again.

They also remind us as public servants of the tremendous responsibility we have to make sure our public institutions are dynamic and able to respond to the changing needs of our Nation and the forces of globalization. Today national interest takes on greater meaning and our top priority should be to make sure our institutions can respond to the serious challenges now confronting our Nation.

I would like to express my appreciation to President Bush and to Secretary Norton for their confidence and their trust in my ability to manage the responsibilities and challenges that fall to the Director of the Bureau of Land Management. If confirmed to this position, I pledge to uphold the law and to work in a bipartisan way in overseeing stewardship of the 264 million acres of Federal

land and 700 million additional acres of subsurface minerals under BLM management.

As executive director of Utah's Department of Natural Resources, I am pleased that we have been able to pull together an agency with multiple legislative mandates and divergent interests to work toward common goals. We have involved communities in making decisions and addressing problems that affect their lives. We have worked with farmers and ranchers and landowners to identify ways to enhance the economic productivity of their land while supporting healthy natural systems. We have promoted public and personal stewardship ethics and have launched initiatives aimed at preserving critical lands, reducing our consumption of water and energy, protecting wildlife, and living with wildland fire, all the while working to maintain a healthy economy. And we have made a difference.

Whatever success I have had in leading the department I attribute to the passion and commitment I have about the issues affecting our Nation, my confidence in our public servants and institutions, my faith in the goodness of the American people, and my optimistic belief that the Nation's best days lie ahead.

The BLM manages one-fifth of the public lands in the West, including land in 11 of the country's 15 fastest growing States. In 1945, the West's population was 17 million, and today it is over 60 million. Such rapid growth has heightened conflict and debate over management choices affecting our public lands and natural resources. I do not believe we have the option of choosing between the demands of growth and the imperative for conservation. We must do both. This will require that the BLM take a balanced approach in conserving our public lands, while sustaining their productivity. We must be willing to take a fresh look at the agency, keep and shore up what is working well, and reassess and renew that which is not.

One of the keys in making organizations dynamic and able to respond to change is for its leadership to believe in and trust its people to make decisions and to take risks. Our challenge is to give them direction and support and unleash their creativity. It is also essential that the BLM work to overcome artificial bureaucratic borders and share and focus resources with other agencies around common problems.

The Federal Land Policy and Management Act of 1976 directs the BLM to work with State and local governments in the management of public lands and to consult with all interested parties in making decisions. I believe that we can find reasonable, workable solutions to our problems if we are humble enough to realize that sometimes the best ideas come from individuals and groups outside our systems. It serves us well to remember that the real journey of discovery lies not in seeing new landscapes but in having new eyes.

Given the new economy and the crisis America faces today, we must pay special attention to the laws that direct BLM to manage public lands in a manner that recognizes our Nation's need for domestic resources. Secretary Norton has set forth a vision for the Department of the Interior that embraces the importance of protecting our natural resources and managing them in a way that

promotes a healthy environment and a strong economy. This is particularly important at this time in our Nation's history, and the BLM is in a key position to promote that vision. It would be a privilege to be a part of that effort.

And Mr. Chairman, I would be remiss if I did not take a moment to express to you and to the members of this committee how much I look forward to working with the Congress, should I be confirmed. The issues and problems we face will be solved much more successfully if we work together to find solutions, and I pledge to you today that I will do that. As a former staff member to both a Senator and a Representative and a citizen who cherishes our representative form of government, I understand fully and appreciate the important role of the Congress on behalf of the people of our great country.

Again, thank you for the opportunity to appear before you today, and I thank you too for your efforts and for those of your staff. I am absolutely confident, should I be confirmed, that our relationship will be positive and productive. Thank you very much. And I would welcome your questions.

[The prepared statement of Ms. Clarke follows:]

PREPARED STATEMENT OF KATHLEEN CLARKE, NOMINEE TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

First, I want to say that I am very, very proud to be an American and deeply honored to be nominated by President Bush to serve my country during these challenging times. America's darkest hours have always brought out the best in our people and our leaders, and have produced unparalleled resolve and unity. Certainly, the events of recent weeks help to remind us that freedom is not a state of tranquility and that the battles we have won before must be fought again and again.

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Thank you. I welcome any questions.

The CHAIRMAN. Well, thank you for that very excellent statement.

Let me start with a few questions. One relates to fire management and that will be a responsibility, obviously, that you will share with other agencies. The National Fire Plan that was put in place last year had the Secretary of the Interior creating the Office of Wildland Fire Coordination to ensure the implementation of the plan and to coordinate all of the various agencies' fire policies—that includes the BLM's policy—and to measure performance and accountability.

It is my understanding that that secretarial order out of the Secretary of the Interior establishing the office expires on December 22, a little over a month from now, and it is unclear whether the administration plans to eliminate this office. Given the recent GAO report stating that the Federal Government needs to increase interagency coordination on fire management, I think it is important that we try to keep this office in place. I did not know if you had a chance to focus on that or if you have an opinion, but I would be anxious to hear it if you do.

Ms. CLARKE. Mr. Chairman, I have not personally gotten involved in the discussion regarding the fire coordinator's office, but I certainly would agree that there needs to be a high degree of collaboration and consultation between agencies within the Department of the Interior, as well as with the Forest Service and the Department of Agriculture. And if confirmed, I would look forward to working in a cooperative fashion with other agencies to make sure

we are addressing the wildland fire challenges that confront our Nation at this time.

The CHAIRMAN. One of the other obvious responsibilities you will have in this new position will be deciding on what your funding priorities are for the BLM in the coming years. One issue that we have discussed repeatedly here in recent years has been the funding levels for this National Fire Plan. Unfortunately, the budget we received earlier this year in the Interior appropriation proposal essentially eliminated the rehabilitation and restoration funding for burned-over areas.

I would like any opinion you have as to what priority should be assigned to continued funding of the Fire Plan for a significant number of years. I think many of us on this committee have expressed our view that unless we can maintain this effort for 10 or 15 years, we are not going to really have the impact we need to have.

Ms. CLARKE. I think the health of our natural resources, our rangelands and forest lands, is certainly very, very critical. I am not familiar with the budget discussions that may have taken place at the Department of the Interior that included BLM relative to the Fire Plan, so it would be premature for me to comment on why those decisions were made. But I would certainly look forward to working with this body and with my colleagues at the Department of the Interior to prioritize properly budget needs within the Department.

The CHAIRMAN. One other issue that I discussed a little with you when we had a chance to visit yesterday relates to the management of resources by focusing on watersheds. The BLM, as I understand it, has been actively pursuing a watershed approach to resource management in recent years. I mentioned the Rio Puerco as one watershed within our State of New Mexico that we have tried to have a focus on. Have you had experience with watershed management? Do you have views as to the appropriateness of that way of organizing the BLM's efforts?

Ms. CLARKE. I have had experience in watershed management and have found it to be very useful. It certainly provides a basin opportunity, a drainage basin or a watershed area where we can go into a resource area and usually we get a lot of people that have some common interests in that together. And I would look forward to working on the Rio Puerco, I know, in your State which is an area of great concern and to other watershed challenges throughout the BLM.

The CHAIRMAN. Thank you.

Let me also just raise an issue that I have been interested in now for several years and that is the funding for Youth Conservation Corps programs. You are familiar with the history of it I am sure. But there was a period where Congress and the Federal Government provided significant funds to employ young people in the summers to work in assisting with trail maintenance and other activities in our national forests and on our public lands generally. Unfortunately, that has been cut way, way back, and we are in the process of trying to begin to move this into a higher priority. I do not know if you have had any experience with the Youth Conserva-

tion Corps type activities in Utah. If you have or have any views on the value of those, I would be anxious to hear them.

Ms. CLARKE. I have not had any direct experience, but I am a firm believer in building citizen stewards throughout our Nation, and I think it is the way we are going to be able to coalesce our efforts to make sure we are conserving and taking care of our resource base. So, I would look forward to learning more about this program and working with you on that.

The CHAIRMAN. Fine. Thank you very much.

Senator Murkowski.

Senator MURKOWSKI. Thank you.

As you know, Alaska is a pretty big piece of real estate, 365 million acres, and at Statehood, we were to receive about 104 million acres. We are almost to the 50th anniversary of Statehood, almost a lifetime has passed, and still we are short 16.3 million acres which remain to be turned over to the State. As the head of the agency with primary responsibility, I wonder if you could familiarize yourself with that agreement and give us some idea when we might expect the full transfer of the land that was promised under statehood. Forty-one million acres have been turned over to the State. Forty-six million acres are in what they call interim conveyances, but another 16.3 million acres remain to be transferred.

Ms. CLARKE. Senator, I am not familiar with what may have transpired or the reasons that this has not been completed, but I would commit to you that I would certainly look into that and get back with you.

Senator MURKOWSKI. I appreciate that, because a lifetime means different things to different people. I think most people figure 50 years ought to be enough time for the Federal Government to fulfill its promises.

A couple of other quick questions relative to your area of responsibility. In addition to the land conveyance issue, your responsibility also involves the renewal of the Trans-Alaska or the TAPS pipeline reauthorization.

As you know, this pipeline was built in the early 1970's and has transported about 20 percent of the total crude oil produced in this Nation for the last 27 years, or thereabouts. The pipeline had a 30-year authorization. It is my understanding that the manner in which this reauthorization will occur will require a full EIS. Yet, we feel a little sensitive because, to our understanding, this is the only pipeline renewal that has ever required a full EIS. They are usually renewed on the basis of an environmental assessment. I would ask you why this is different. Maybe you do not have the answer now.

Ms. CLARKE. Senator, I do not have the answer, and I do not know what the justification is for demanding an EIS on this renewal, but I would certainly commit to you to take a look at that and to make sure that we move forward expeditiously to get that renewal in place in a timely fashion.

Senator MURKOWSKI. Well, if it would help you, I posed the same question to the previous person that had your responsibility and the explanation was, well, Alaska is different, which I will concede, and secondly, it is controversial. Now, that does not satisfy most of us.

Ms. CLARKE. I would be pleased to look into that.

Senator MURKOWSKI. We would like a little better explanation.

One of the concerns we have is what they call the cumulative impact assessment. In a full EIS you could say, well, what is the reauthorization of this pipeline for another 30 years going to have on air quality in southern California. You could hire a whole bunch of folks that could go down those rabbit trails. We are just concerned about being treated fairly and in a responsible manner. We are not trying to dodge the procedure, but I think we are entitled to an explanation and we will look forward to that.

Ms. CLARKE. Thank you.

Senator MURKOWSKI. The last question is relative to mining in Alaska. As you know, the previous administration did a pretty good job of shutting down mining on public lands in this country. Thanks to Secretary Norton, we have seen some of the more egregious sections of the regulation package nullified. There is a lot more work to be done. The Secretary has reproposed the mining regulations for a 60-day public comment period. It is especially important that we hear the concerns of all miners, including those in my State of Alaska.

One of the issues is the area of bonding. It is a formidable problem for small miners. I do not know if you know how you are planning to proceed with the regulatory review at the close of the comment period and what steps you might be taking to make sure that bonding regulations do not simply drive the small miners out of business. I am wondering if you have any comments on either one of those.

Ms. CLARKE. Senator, I have not been involved in any of the policy discussions relative to 3809 mining laws, but would commit to you to get involved, should I be confirmed, and to make sure that we are giving due consideration to the impacts of those regulations on all parties.

Senator MURKOWSKI. Well, I appreciate that. My time is up. I want to wish you well and you certainly have my support.

Ms. CLARKE. Thank you, Senator.

The CHAIRMAN. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Welcome, Ms. Clarke. I enjoyed visiting with you yesterday, and I think you know that I particularly want to talk to you about how we might go forward working with you in a bipartisan way to build on, I think, the very significant precedent that was set last year on the county payments legislation. This was something that Senator Craig and I worked on and the Forest Service called the most important bill in the last 3 decades for the agency. And I would like to build on it.

It seems to me that the next step should really be one that involves additional protection for old growth while at the same time ensuring that there be a substantial thinning program so we to get some of that dead material off the forest floor: a significant forest health initiative. I think there are a number of steps, some of which come from Senator Craig's past legislation that would expedite the planning process.

I will tell you I was disappointed that at the hearing that was held on old growth in my subcommittee, the agency did not come

prepared to talk about old growth. They wanted to talk about just about everything else. I do not expect anybody to agree with me on everything, but I would like your pledge this morning that as we go forward in a bipartisan way, trying to build on the very significant success of the last session, that you will work with us, work with Senator Craig and me, in an activist kind of fashion. We are going to come up with some definitions of old growth. As you know, there are many differences of opinion there. But we need you at the table, and the agency was not there at the hearing on old growth, and I want that to change.

Ms. CLARKE. You have my commitment that we would be at the table and willing to discuss and pursue options on that matter with you, Senator.

Senator WYDEN. Okay.

Let me ask you a couple of questions about monuments. As you know, there is a new initiative underway there, as well as the matter of the monuments that were designated by President Clinton are reviewed by Secretary Norton. Secretary Norton sent out letters to Governors and elected officials with respect to their input, and I think that is very welcomed. But I do not think that that is a representative target group. I think there are a lot of other people who care about these issues, and I gather that you all received thousands and thousands of unsolicited responses from citizens and public interest groups.

I guess I would like to start by saying, have you read any of those unsolicited letters?

Ms. CLARKE. I have not read any of the correspondence to the BLM or to the Department of the Interior relative to the Secretary's invitation for comments.

Senator WYDEN. Well, what are your thoughts on opening up the process here if there is going to be a new system for dealing with monuments to ensure again that we have everybody at the table? I do not want to keep coming back to this, but I think the reason that Senator Craig and I were able to get beyond some of the old sort of positions where everybody has read their statement from the last 20 years to each other is we brought everybody to the table. I look at this monument process, and I sure do not see a diversity of citizen input on it. I can tell you people in Oregon feel very disenfranchised by the limited audience that has been asked to comment on the monument process. I want to work with you and I want to work with the Secretary. I want to do what Senator Craig and I did last session, but we cannot do it if we are only looking at one side of the spectrum.

Ms. CLARKE. Senator, I am absolute believer in a broad, collaborative, open process for making important decisions that affect public lands and natural resources throughout the country, and that would extend to decisions affecting those monuments. I would look forward to working with you and this committee in that regard.

Senator WYDEN. So, would you say you agree with Secretary Norton on the idea of only soliciting testimony from elected officials and Governors, or do you agree with me that there needs to be more efforts to get a diversity of opinion if there is going to be a major policy shift here?

Ms. CLARKE. Senator, I believe the Secretary was reaching out in good faith. I have not discussed with her what her motivation or rationale was for the approach she has taken. So, I would decline to comment on that at this point. But I think my understanding is that if there are significant requests for revisions in monument boundaries or monument management plans, that they would turn to a delegation and ask that that be brought to the Congress for review, which would give it a broader base.

I certainly, again, would be happy to get into this if I am confirmed. Many of these monuments are of great concern to communities, but I would work with you and with my colleagues at Interior, should I be confirmed, to resolve this issue.

Senator WYDEN. So, on the question of soliciting the input of ranchers, conservation groups, environmental groups, you want to go in the direction of getting that input before you make decisions.

Ms. CLARKE. I would welcome input from anyone who wants to provide input.

Senator WYDEN. All right. Well, that is not being done now. I recognize that you will want to talk with the Secretary about it, but I do not think that is how we are going to make real progress in the natural resources area. You have got to give everybody a chance to be part of the debate. That is not being done with respect to monuments.

I have some other questions that I would like to furnish for the record. In terms of the Cascade/Siskiyou monument, we have got an opportunity now to have a major breakthrough because the big timber companies and the environmentalists want to go forward with a kind of exchange and purchase arrangement, and yet BLM seems to be holding it up. My guess is you have not had time to review that. I am going to ask about that in writing from you.

But those are the kinds of partnerships I want to see. What I am troubled about is I seem to get the sense that partnerships are something that are good when industry likes them. My sense is partnerships have got to have both environmental and industry considerations blended. That is what we did in our county payments bill and that is what I want to have happen on your watch.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Thomas.

Senator THOMAS. Thank you, sir.

One of the things that does not seem to change is when BLM has wilderness areas nominated, but there is never any action on them but they go on forever. What is your view on that?

Ms. CLARKE. My understanding is we completed inventories of BLM wilderness study areas and recommended those to Congress back in 1991, and I think the BLM would welcome the action of Congress on making a decision as to whether to actually make those wilderness areas. There continues to be discussion in many States as to additional wilderness study areas. I am not aware that we are settling those. So, it would be a welcome opportunity to see some of those resolved.

Senator THOMAS. But I think the question is I have no problem with recommendations or nominations and considerations, but

nominating them should not be a permanent arrangement and that is what has happened.

Ms. CLARKE. Certainly you are correct. As I say, I would welcome the opportunity to make some firm decisions on many of those wilderness study areas and to try to resolve what the permanent status is of those lands.

Senator THOMAS. Some believe there ought to be a time limit. If nothing happens in X number of years, why, it reverts to where it was.

Ms. CLARKE. And I would turn to you folks to consider that possibility and would work with you in resolving those wilderness conflicts.

Senator THOMAS. Clean Water Action Plan—very important nonpoint source kinds of things—more and more becomes a method of managing lands. How do you view working with the Clean Water Action Plan?

Ms. CLARKE. I have worked with the Clean Water Action Plan at the State and have found it to be a useful tool when we have a cooperative effort in that regard. I know the Farm Bureau in the State of Utah has taken a very aggressive action themselves to work collaboratively with Federal and State agencies in pursuing management plans on the ground that help them accomplish the objectives and goals of the Clean Action Plan. So, I think appropriately used, it is a good tool.

Senator THOMAS. Local input I think is key.

Ms. CLARKE. Absolutely.

Senator THOMAS. As you know, on coal bed methane, much of which is on Federal lands managed by BLM, the bottom line, of course, is that there have been conflicting leases between coal and gas. Do you think legislation is necessary to resolve those conflicts, or do you think BLM could find some remedies?

Ms. CLARKE. I would certainly hope that we could find remedies and solutions. We may need to turn to the Congress for some assistance if we find obstacles that need legislative remedies. But I am a believer that there is usually opportunities to work together and to move forward when we are willing to sit down together and explore the challenges and look for those solutions.

Senator THOMAS. I was told a couple of years ago that BLM was going to come up with some solutions, but the problem still exists.

Ms. CLARKE. I would be happy to look into it, find out what efforts may have been made to resolve those, and see what I can do to add some momentum to that, if I should be confirmed, sir.

Senator THOMAS. I assume that the administration, through you, will have some areas where they have different views than the last administration. How do you ensure that the administration's point of view happens on the ground?

Ms. CLARKE. I think a leader has a responsibility to make sure every person within that organization understands the goals and objectives, the values that are driving that organization, and I would accept responsibility to make sure that the folks within the BLM at the ground level understand the rules of the road, as they have been applied by this administration.

Senator THOMAS. Sometimes it appears to be different to get implementation all the way down to the ground.

Ms. CLARKE. Often it is, and we have career employees who have been here, and I know that sometimes they can entrench themselves and sort of go into a bunker mentality. Again, I think that is a leadership challenge to make sure you are getting the message and the vision out there and that you are moving people forward in a positive direction.

Senator THOMAS. Good. That never happens here, of course.

[Laughter.]

Senator THOMAS. Thank you, and we are pleased to have you here. I certainly will support your nomination.

Ms. CLARKE. Thank you, Senator.

The CHAIRMAN. Senator Burns.

Senator BURNS. Thank you, Mr. Chairman.

Ms. Clarke, thank you for coming today and being willing to take this job.

There are two environmental EIS's being done in the country, and one of them is in Wyoming and one of them is in Montana with regard to coal bed methane. And the BLM is a co-lead on those things. We would certainly like to see those things completed as fast as we possibly can.

Then also, in the last Interior appropriations, we put language in there trying to inventory where we think our best prospects are as far as energy development is concerned. I am still concerned about this country and energy security. I know that on BLM and Federal lands there is quite a lot of gas and there is quite a lot of oil that has not been developed yet. And I would like that survey to move forward.

In the areas of national monuments, we have a huge one now in Montana as a result of the last administration, and the Secretary has told us that she is unable to change the boundaries on those that was in the original signed by President Clinton. We have got some private lands inside those boundaries, and so I would like your assurance that we will work with those landlocked landowners until we get legislation that can probably either make a land trade or whatever. But we are just now starting that process. And I would like your assurance on that.

Ms. CLARKE. You bet. I would be happy to work with you and to work with those landowners until we can get this matter resolved.

Senator BURNS. Then I was going up across country here a couple of weeks ago. On watershed management, you said you had a lot to do with that. We would like a little water to manage.

[Laughter.]

Senator BURNS. It is dry. Some of our country up there is in bad need. I am going to try to get some more legislation about offstream storage because I think right now if there is ever a time in this country that we need some more storage of water, to store it, to use it, to retain some of that spring runoff—it also has great environmental value but also has great value to the country.

I will look forward to working with you. Even though you worked for Jim Hansen, I will overlook that.

[Laughter.]

Senator BURNS. Good luck to you.

Ms. CLARKE. Thank you very much, Senator.

The CHAIRMAN. Senator Craig.

Senator CRAIG. Mr. Chairman, thank you very much. I will be brief this morning.

Kathleen, as you know, when we visited yesterday, I was suffering a bit of laryngitis, and it may be a little better but not where I would like it.

Senator BURNS. Whatever you have been drinking, we got a bad batch.

[Laughter.]

Senator CRAIG. It is the absence of water in the West, Conrad.

It is my understanding, Ms. Clarke, that in your past State government position, you supported Conservation and Reinvestment Act legislation, better known as CARA. Many of us on this side of the aisle and many westerners opposed it not because of its wildlife habitat, conservation, and reclamation incentives, but because there was being developed a large trust fund for the purposes of the acquisition of private lands to be made public.

I believe you said your State was 69 percent Federal. Your bordering State, my State of Idaho, is 63 percent Federal. And I have held the position that we really do not need any more Federal acres in our State. That is not to deny that there are not some lands that are private that are extremely valuable and fragile resources that we might not exchange Federal land with to acquire for Federal protection, but just to acquire more depletes all kinds of economic bases in the Western public land States.

I guess I am not asking you a question as much as I want to at least confirm with you your commitment to work with Congress in any Federal land acquisition project.

Ms. CLARKE. I would absolutely commit to that. I do not believe the Federal Government should acquire lands in States unless they are working with the local government there to make sure that it is compatible uses. So, I would look forward to working with you, Senator.

Senator CRAIG. Some of us have looked at a no net loss approach toward any resolution of the offshore monies of the Land and Water Conservation Fund that might ultimately move into a CARA approach, and that is one that many of us, I think, in the West appreciate and recognize would be an important balance.

Given your involvement in R.S. 2477 right-of-ways, could you please give me an overview of how you feel the BLM should address this issue?

Ms. CLARKE. I know that the BLM right now is working with the Department of the Interior to try and resolve the lawsuit with the State of Utah. I certainly have respect for those R.S. 2477 rights, as they have been established by law, and would look forward to the opportunity to work with all of those people involved in that negotiation, and again, feel like it is appropriate that we do sit down at the table and try to come up with negotiated settlements to those disputes.

Senator CRAIG. Well, as you know, whether it be Idaho, Utah, Wyoming, or other Western States, R.S. 2477 rights-of-way are oftentimes the only access that remains on public lands, and there are a good many who would like to deny that access.

Speaking of roads or access and unroaded areas and the effort that President Clinton tried a year and a half ago to be denied largely by the courts that he could not do that, because Congress was bound up in itself, better known as the roadless area review initiative, that was attempting to put large tracts of unroaded lands out of access or off limits, we still have on our public lands predominantly Forest Service, but also BLM, a roads issue and a roads problem. And this is an issue that will not go away.

Senator Thomas mentioned the issue of wilderness recommendations. The last administration was the first administration, since the Wilderness Act, to not recommend any wilderness. They thought they were going to be able to sweep it all in in one grand style and were denied that by the courts.

I have recommended to Secretary Veneman and to Secretary Norton that we have a process, and that I would be very anxious to see this administration out recommending wilderness of that which fell in to the RARE II roadless review process and the BLM process. That is the way it ought to be done instead of to create some arbitrary executive order that denies the congressional process.

My guess is this committee would be very active. Our Public Lands Subcommittee that is now chaired by my colleague, Ron Wyden—and Ron and I work very well together—would also be very active in holding hearings and gaining the public input for making those decisions instead of just letting it sit out there in limbo and cause the conflicts that exist now that ultimately brought President Clinton to an extraordinary effort that failed.

I do not necessarily expect a comment on that from you other than to say it is an issue that begs solution and we ought to address it, if we can.

I mentioned to you yesterday that issue of Oust, a herbicide applied by the BLM to knock down cheat grass so that perennial grasses could come back, usually applied after a fire scenario. And fire management was mentioned. Of course, as you know from our conversation, it was applied. The wind took it later, spread it across private lands, destroyed crops, and created a liability that could be approximately $100 million that I believe BLM has some responsibility for.

The Idaho congressional delegation is going to be pursuing that issue. I have made notice in the Appropriations Committee. The Senator from New Mexico, Senator Domenici, has been very helpful in trying to understand that with me. It is one of those unique kinds of situations. We will work with you on it.

Lastly, I currently have a bill, S. 198, that deals with noxious weeds. While the world is concerned about the health of our forests and the large fuel buildup that is creating the catastrophic fire events that we have seen the last number of years, there is something else going on not only on the Forest Service lands, but on the lands that you are the chief steward for and that is noxious weeds. They are in many instances totally making the land inaccessible to human and wildlife and grazing livestock. We must—you must—become an aggressive advocate of a plan that begins to work with counties and States as a neighbor and as a landlord to resolve that.

The legislation I am talking about, the work we have done the last couple of years, I think gets us a long way down that road.

You may wish to comment on that.

Ms. CLARKE. I certainly would commit to working with this committee and with the House of Representatives and my colleagues both at Interior and in the Department of Agriculture, because this is a very serious problem, and I would agree with your assessment that it is a threat to the health of those lands and resources and to those who use them.

Senator CRAIG. Well, the red light is on and my time is up. There are several other questions that I may submit to you in writing.

Ms. CLARKE. Very fine.

Senator CRAIG. You are phenomenally well qualified to serve in this capacity. And while the Director of the BLM may not make headlines on the east coast, you have become one of my primary landlords. You make headlines in Idaho and other Western public land States. You are a very important person to us.

And as we wrestle through this energy crisis problem in our country, you also will play an extremely valuable role with the subsurface issues and those that will talk out of both sides of their mouth, advocating an energy policy but denying access to it. And somehow we have got to work that out as a Congress. We are heading in that direction now, and I hope we can get there for the sake of our country. And in the midst of all of that, you are going to be caught in the whirlwind of making those decisions and helping provide the regulatory process that gets us to those resources.

Thank you very much.

Ms. CLARKE. Thank you, Senator.

The CHAIRMAN. Senator Smith.

Senator SMITH. Ms. Clarke, are you a native of Utah?

Ms. CLARKE. Yes, sir, I am.

Senator SMITH. Where did you grow up in Utah?

Ms. CLARKE. I grew up in Bountiful, Utah.

Senator SMITH. I am searching my memory of my own genealogy. I wonder if we have some ancestors in common. Anyway, that is not important here.

But what is important is my State is the 10th largest in terms of size, in geography, in the United States, and you control more than one-quarter of it. In 1937, a bunch of acts were passed relative to Oregon and California and the BLM lands, that they were to be managed for the economic well-being of the counties involved. I must tell you this is my own editorial comment, but I think in the past decade, the fishing, farming, forestry industries have been under assault in a way that has left them in economic extremes. Oregon has benefitted much from high tech and tourism, but those two industries just hit the wall and there are no skid marks. As a consequence, Oregon has probably the highest unemployment in America now.

And I guess I am asking for your commitment to go back to the statutory directions on the BLM to manage these lands for the economic well-being of the counties. I wonder if that is your orientation.

Ms. CLARKE. Senator, I would commit to you to go back and not only look at those statutes but seek to provide a balanced manage-

ment scheme for those lands so that, as I indicated in my opening statement, we are demonstrating concern for economic stability in our country as well as for the natural resource base and making sure that we are taking good care of that as well.

Senator SMITH. I would commend to you the work of the Oregon congressional delegation on the Steens Mountain project that we did together, Republicans and Democrats, environmentalists and natural resource users, that instead of just declaring a monument, we did something much better. We actually accounted for the economic and environmental values that were worthy of preservation, and we preserved them both. I think it is a model, if this administration would pursue it, that I think would live up to its environmental duty and also its economic duty. I hope that can be a model all over the West.

Are you aware of a policy in BLM that when BLM lands are on fire, that you're instructed to just let it burn and to keep off of it private interests who would like to help put out the fire but are being told they are not interested in their help and go ahead and let it burn?

Ms. CLARKE. I am only distantly familiar with some of those regs and have heard about them more as rumors. But I am not familiar with details and certainly would want to take a look at that.

Senator SMITH. I would commend it to your investigation. These are people, obviously, who want to graze cattle on public lands and do so under permits and under the environmental obligations that go with those permits. But they were told that it was supposed to just burn. Obviously, that puts them out as well.

On the Steens Mountain, can you let me know if your Department needs any additional resources to carry out the implementation of its scoping process for its management plan?

Ms. CLARKE. Today, I could not answer that question, but Senator, I will be happy to look into that and let you know if we have got sufficient resources to see that project through.

Senator SMITH. In that area, the Burns Paiute Tribe is intertwined in the history of that mountain, and it is important to assist the tribe in recording and archiving its oral history. I hope your Department will secure the funds that will enable that tribe to move forward with this very important ancestral project.

Ms. CLARKE. I will certainly be willing to take a look at that and see in what way we could provide some assistance.

Senator SMITH. Also, Kathleen, one of the primary concerns of the Cascade/Siskiyou National Monument is the effect on property inholders, those who have been, obviously, pursuing their livelihoods and now find themselves within the boundaries of a national monument. I want to make sure that BLM is committed to protecting access rights for private property holders within the national monument. I am hoping that you will come up with a management plan that will reflect this.

Ms. CLARKE. I am not familiar with the details of the management plan of that monument, but certainly I would agree with you that it is important that inholders be able to access their lands, and we would work to find solutions to the challenges in those areas.

Senator SMITH. I wish you all good things and hope to be regarded as a friend and an ally. I know the people of rural Oregon are looking forward to your management of this important agency, as it certainly does reflect very heavily upon what kind of condition my whole State is in. Thank you.

Ms. CLARKE. Thank you, Senator.

The CHAIRMAN. Senator Domenici.

Senator DOMENICI. Thank you very much, Mr. Chairman. I know it is difficult for you to stay here as long as you have to stay, and I will try to be as short as possible.

The CHAIRMAN. I think Senator Wyden is going to ask additional questions, so take what time you need.

Senator DOMENICI. In other words, even if I am finished, you have to stay here.

The CHAIRMAN. That is right. I am going to be here quite a while, so go right ahead.

[Laughter.]

Senator DOMENICI. Well, listen, if I were the chairman, I would rather hear Pete Domenici than Senator Wyden.

[Laughter.]

Senator DOMENICI. So, I am going to take a lot of time so you will just get a little. Anyway, I am pleased that you are going to stay around and ask some questions.

Mr. Chairman, thanks for calling the hearing. Obviously, we need to get on with this nominee.

And I want to say to you, ma'am, I do not know you but you come with very, very exciting recommendations. While you are taking on a difficult job, it appears to me from just observing you here this morning, that you do that with a great deal of enthusiasm. Am I right?

Ms. CLARKE. You are, sir. Thank you.

Senator DOMENICI. And even if it is difficult—and you know that. There are many bridges that we have got to cross that we are not quite sure how we are going to make it to the other side. You accept this as a challenge and you know a lot of work has to be done.

Ms. CLARKE. Absolutely. I think the only thing I am more passionate about than the lands of the West are the people out there, and I would look forward to working with this group, as well as with the people of the West to find solutions to the many challenges they face.

Senator DOMENICI. I do not know how much you know about the State of New Mexico, but whenever the Southwest is mentioned here, sometimes Senators leave our State off the list. But I guarantee you we are part of that. You will hear a lot from the little State of New Mexico because of a couple of people around here, the chairman of the committee and myself. We are going to work very hard with you about our problems.

So, let me start with one that is very, very difficult, and I want to ask you for your commitment. We have grazing leases that you all have issued out in our country, many of them in New Mexico, Arizona, and a few other States. There has been an enormous backlog. It is not an issue about whether people are entitled to grazing permits. It is an issue of your not being able to get them issued by the expiration date, and they have already cleared for renewal,

and it does not get done. And so, we have had a very contentious situation as to what should happen.

Those of us from the West have prevailed here and ultimately with sufficient force, and the President of the United States had to go along with us. And it is a simple proposition, and that is, if you do not get them issued, there is no penalty imposed for the use of the land and that you use them as if they were under lease until the lease is issued.

Now, it would be much better if we had those leases issued, and I am going to ask you if you will undertake a high level look at that and see why we cannot get on with getting those done more expeditiously. I know the chairman shares with me the desire that we get that done. So, I would ask, Mr. Chairman, if you would let me, that as soon as you have time, that you tell us how you can get that done.

Ms. CLARKE. Senator, I commit that I certainly would look at that. It is important that we not disrupt those operations and that we be able to work efficiently with landowners so that they can move ahead with their work. So, I would certainly be willing to look at that and see what we can do to fix what may be broken.

Senator DOMENICI. You have got it right on the head when you say so that landowners and leaseholders can get on with their lives. There are some who did not understand that if you do not have the lease, you do not have the proprietary interests, as small or as large as one thinks they are, to conduct your business. To borrow money, et cetera, people are asking where is the lease. And if you do not have something that is as good as the lease, when you are making them wait, then they do not have a lease, and that is a very difficult thing for some of the rural families.

Ms. CLARKE. I appreciate that.

Senator DOMENICI. Secondly, I find that you have a very good record of management in your job for your State, and there is no question your management skills must be brought to this Department and we must get our work done better. So, I want to just lay before you a situation and ask you again if you think you could help.

I recently asked, after many years of oil and gas lessees complaining about things getting stuck in the mud—and I do not mean the mud of a rig, just that we do not get them done. They run into their own problems of different rules for the Forest Service than yours out in the same oil field with reference to completing activities to get on with either cleaning up the premise or producing oil and gas. From this meeting, I asked them to bring written information about the difficulties they are having. I do not want to hear any more. They brought me a very good, detailed list of the kinds of problems they were having because of the lack of uniformity of application, for instance, between you and the Department of Agriculture.

I see no reason why people at your level cannot meet and decide why two giant parcels of land that abut each other in the same State are applying difficult rules and regulations about how clean is clean, about what rule applies in terms of drilling and not drilling, how long you wait.

I wonder if I sent you kind of an inventory of these conflicts, if you would take a look and see if there are some of these that can be eliminated so we can be working off the same set of guidelines unless there is a legal barrier to that.

Ms. CLARKE. Senator, I certainly would be willing to look at that. I agree with your premise, that Government should work together, and we should provide efficient service to our customers and be somewhat transparent to them in terms of how we are dealing and not have a multiple set of different standards and rules that apply. I am good friends with Chief Bosworth of the Forest Service, and if confirmed, I look forward to working with him to try and build bridges between our agencies that will help us to accomplish that.

Senator DOMENICI. After you have had a chance to review that list, I wonder if we gave you enough time to look at it, if you might find time to come to the part of New Mexico where these problems exist and perhaps spend a few hours at a meeting with the people and anybody else who wants to attend analyzing from your standpoint which can be fixed and which cannot and why not. Could you do that?

Ms. CLARKE. Senator, I would look forward to the opportunity to visit New Mexico and examine those issues with you.

Senator DOMENICI. I would be pleased.

Do you happen to know somebody that works for the Bureau of Land Management in Alaska, a lady named Linda Randell?

Ms. CLARKE. I do not.

Senator DOMENICI. She works for the Bureau up there, and her ability to get things done and the way she handles them—you remind me somewhat of that, and I would hope that you would run into each other in your professional activities.

I ask that the remainder of my remarks, which are nothing but good statements about you, be made a part of the record, as if given.

Ms. CLARKE. Thank you, Senator.

The CHAIRMAN. Those will be included in the record.

Senator DOMENICI. I look forward to voting for you on the floor.

Ms. CLARKE. Thank you.

Senator DOMENICI. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

I do not want to be harmful to Senator Domenici's causes, but I think your point about environmental assessments and grazing is absolutely right. We have got to get that done. And I wanted to ask a couple of additional questions about grazing if I could, Ms. Clarke.

Rangeland reform instituted a variety of standards for measuring the health of public rangelands subject to grazing. But so far the standards have only been applied in a limited sort of way. The Colorado office of BLM has applied these strategies to recreation management, which strikes me as a very attractive kind of concept.

Since maintaining the health of the land is ultimately the goal of all BLM actions, would you be willing to incorporate these standards for land health into all agency decision making processes?

That would mean we would look at it for recreation, we would look at it for energy exploration, we would look at it in a variety of areas that go right to the heart of the mission of the BLM.

Ms. CLARKE. Senator, I am not today familiar with the standards for rangeland health, but I would look forward to the opportunity to familiarize myself with those standards and to determine what their applicability should be to all BLM interests and activities.

Senator WYDEN. One of the reasons I think westerners are so frustrated—and Senator Domenici touched on it—is that these environmental assessments just go on and on and people just feel like there is no predictability and there is no certainty with respect to assessments and permits and the like, we have now got some people who genuinely are interested in retiring their permits. These are individuals who would voluntarily relinquish permits.

Now, Senator Smith and I have been through a variety of debates in our State about what constitutes something that is really voluntary, and my idea is it is not voluntary if the Government makes your life so miserable on an ongoing basis, that you finally say: I have got no choice: I am so-called voluntarily relinquishing my rights. But some people do seem to want to retire grazing permits in a truly voluntary way because it is in their interest.

As BLM Director, would you support creating a program, a process so that when people do want to voluntarily retire a grazing permit, they would have an opportunity to do it?

Ms. CLARKE. Senator, I would certainly commit to getting into that issue and trying to understand the pros and cons on all sides of that. So, I look forward to working with the committee on addressing that possibility and the potential for using that as a tool to manage resources.

Senator WYDEN. The last question I had is one that I think would really give you a chance to talk about where you want to see this agency head. I think you have responded to our questions today. I intend to vote for you. I intend to support your nomination, recognizing that it is clear we are not going to agree on everything that comes up.

But I would like to get a sense of how you want to take this major land conservation and management agency and figure out a way to creatively ensure that as the mining and grazing and various economic considerations, energy production, are dealt with, that we are also going to protect our national treasures. I think it would be very helpful if you would sketch out for us how you think you might go about that and particularly any ideas you have for getting beyond some of the old impasses.

For example, what Senator Craig and I did on the county payments bill, instead of going off and saying we are going to run a lawyer's full employment program when there is a dispute, we said that counties that can agree on ideas for local initiatives would get the funds, and if they could not agree, the money would go somewhere else. And it created an incentive for people to work together. I think I would be interested in your ideas in this area, as you go to trying to ensure that this principal land agency balances economic considerations with the environmental side.

Ms. CLARKE. I believe that the work of the BLM is all about quality of life for our Nation, and I refer to that because I think

we have interests at the BLM that relate to the economic stability and vitality of the domestic resources within this country, but we also manage lands that provide wonderful intrinsic values that we all enjoy, recreation opportunities, wilderness values. And I do believe it is inherent on this agency to protect those values as well as seeking to make sure the land is productive and meets the economic needs of not just the Nation as a whole, but of communities that are in place in those areas.

I totally support the efforts that you are talking about to work collaboratively. I have had very, very positive experiences in bringing together people polarized on all sides of issues and helping them understand that they often have as much in common as they have in conflict, and that if we build on the commonalities, we can work together to find solutions that I think then are sustainable because we are giving consideration and respect to the multiple values and the multiple concerns that people have about the land.

As I said, I feel passionately about the land in the West. I love it for its intrinsic values, but I am also greatly respectful of the way that it provides a livelihood and a living to many of the cultures of the West that I think are important and that we ought to respect and care for and also to meet the national needs of this country in this precarious time.

Again, I am very much a fan and an advocate of innovation, of collaboration. You referred yesterday, Senator, to working from the bottom up, and I would welcome opportunities to engage communities and helping them to find and create solutions to the challenges. I appreciate the flexibility in the laws that govern BLM and think it can be wisely used while we make sure that we are adhering to the standards that are set by the Congress as we govern those lands.

Senator WYDEN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Ms. Clarke, thank you very much for your testimony, and we will try to act quickly on your nomination. And we wish you well in this new position.

Ms. CLARKE. Thank you very much.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 10:45 a.m., the hearing was adjourned.]

APPENDIX

RESPONSES TO ADDITIONAL QUESTIONS

RESPONSES OF KATHLEEN CLARKE TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. As a multiple-use agency, the Bureau of Land Management has perhaps the most difficult task of any Federal land management agency, with the inherent conflicts in decisions to conserve or develop natural resources. In recent years, greater emphasis was placed on ensuring the BLM's role as a major land conservation and management agency. As Director, what would be your vision of the future of the BLM? Do you foresee any major management or policy changes?

Answer. I am committed to achieving the balance that the BLM's mandate demands. In order to do that, I want to consider innovative approaches including partnerships with state and local governments, land users, and other public land stakeholders.

Insofar as major management or policy changes are concerned, I first want to gain more familiarity with the Bureau's wide range of programs and expertise, engage in dialogue with BLM's managers and employees, and talk with a broad range of stakeholders. Further, I look forward to working with the members of this Committee and other elected officials to identify issues that should be addressed.

Question 2. The previous administration established the National Landscape Conservation System as an office within the BLM. What are your plans for this office?

Answer. I have no immediate plans to address organizational issues in the Bureau. I want first to become familiar with the BLM's various offices and programs and to discuss with employees, managers, and stakeholders how we can help make the agency work better. Insofar as the BLM's National Landscape Conservation System is concerned, I intend to provide guidance for responsive planning processes and ongoing direction to protect the resources and to work directly with communities and partners.

Question 3. As you know, President Clinton designated several National Monuments under the authority of the Antiquities Act. Most of these monuments are administered by the BLM. In addition, Congress designated other BLM areas as National Monuments or National Conservation Areas. If confirmed, what actions will you take to ensure that these areas will receive the staffing and funding necessary to fully protect the resources they were designated to protect?

Answer. If confirmed as BLM Director, I will review funding and staffing needs to properly manage the monuments.

Question 4. Is the BLM or the Interior Department considering making any changes to either the management authorities or boundaries of any BLM area designated as a National Monument?

Answer. I understand that the Secretary has asked for public comment on the management of BLM National Monuments and possible boundary changes. If confirmed, I will be working in consultation with her and with interested members of Congress in addressing these issues.

Question 5. Our office received a BLM press release last week announcing that the manager of the Grand Staircase-Escalante National Monument is leaving the monument to assume a position at Grand Canyon National Park. Was this transfer initiated by the monument manager or by the Interior Department?

Answer. I am unaware of the background and details of the recent announcement regarding the manager of the Grand Staircase-Escalante National Monument.

Question 6. Have you been involved in any discussions regarding the transfer of this employee from the Grand Staircase-Escalante National Monument?

Answer. I have had casual discussions related to management of the Grand Staircase-Escalante National Monument. I have not had any involvement in decisions regarding personnel issues in the monument or transfer of the monument manager.

Question 7. In 1995, the BLM adopted new regulations governing its livestock grazing program. Although the regulations were challenged in court, the U.S. Su-

preme Court upheld them by a 9-0 decision. Do you support the current grazing regulations? If not, what areas will you recommend changing and why?

Answer. I have not reviewed the current regulations to determine whether or not changes are needed. If confirmed, I commit to looking into this issue. If changes are appropriate, I will work with BLM's many constituents and with interested members of Congress to ensure that full public involvement occurs throughout the regulatory process.

Question 8. One of the major issues during the previous debate on grazing reform concerned the need for BLM to take proactive measures to ensure the health of public rangelands. Where grazing is contributing to the failure to meet rangeland health standards, do you think it's important to take action on the ground to remedy the situation?

Answer. The BLM must manage public lands for both current and future generations. In situations where grazing is contributing to a failure to meet the rangeland health standards, I am committed to working to identify appropriate actions to meet those standards.

Question 9. As a Utah resident, you are probably familiar with the issue of R.S. 2477 rights-of-way across Federal lands. As you know, the 19th century authority granting these rights-of-way was repealed when FLPMA was enacted in 1976. However, there has been ongoing disagreement between various States and the Federal government about the validity of rights-of-way that were grandfathered prior to 1976. In order to avoid annual legislative debates on the issue, Congress passed a law prohibiting the Interior Department from implementing any final regulation related to the disposition of R.S. 2477 claims unless approved by a future Act of Congress. I understand that the Department is now in discussions with the State of Utah regarding the State's lawsuit claiming thousands of R.S. 2477 rights-of-way across Federal lands in Utah. Although the R.S. 2477 issue is somewhat arcane, it has tremendous implications throughout the west. Will you commit that to keep this Committee informed prior to any decision by the BLM to adopt a policy recognizing or denying R.S. 2477 rights-of-way claims?

Answer. Yes, I will work with the Committee and interested members of Congress on the challenges presented by R.S. 2477 right-of-way claims.

Question 10. You have most recently represented the State of Utah as Executive Director of its Department of Natural Resources. If confirmed, you will now represent the interests of the United States. Do you perceive any conflict between your past position and your new responsibilities? What differences will you bring to the R.S. 2477 issue as BLM Director in contrast to your position with the State of Utah?

Answer. If confirmed, I will rely upon the advice and counsel of the Office of the Solicitor within the Department in representing the interests of the United States regarding R.S. 2477 claims.

Question 11. Non-native invasive plants are a serious problem on lands across the country. BLM lands are no exception. What plans do you have to address this significant ecological issue?

Answer. I agree that non-native invasive plants are a significant ecological issue on all lands including BLM administered lands. If confirmed, I will work with our many partners including local and county weed districts as well as other Federal and State agencies and private landowners to prevent, locate, and control weed infestations.

Question 12. Sound, objective science plays a key role in good natural resources decision making. A BLM Science Advisory Board was established in 1998 to advise the Director on communicating BLM's science needs to other agencies and the scientific community, and to help transfer new technology and science to BLM's field operation. The Board also assisted in the development of a BLM strategic science plan. Are you committed to supporting good science at the BLM through your management and budget initiatives?

Answer. BLM's resource decisions must be supported by good science. This is particularly important as the BLM begins the long term process of revising its Land Use Plans. If I am confirmed, the strategic science plan will be considered as part of BLM's management and budget initiatives.

Question 13. What are your plans for the BLM Science Advisory Board?

Answer. I am not yet familiar with the work of the BLM Science Advisory Board. My understanding is that the BLM has a strategic science plan that incorporates a science advisory board. The integrity of science in the Bureau's natural resource decisions is of critical importance, and if confirmed, I will review BLM's current science strategy and work with the Committee if improvements need to be made.

Question 14. The previous Administration made a significant commitment to fulfilling the federal government's tribal trust responsibility. President Clinton issued a Memorandum on Government-to-Government Relations With Native American

Tribal Governments, Executive Order No. 13084, and Executive Order 13175 on November 6, 2000, which expressly acknowledges the "unique legal relationship" of the United States with federally recognized tribes and the rights of tribes to exercise inherent sovereign powers over their members and lands. As BLM Director, what leadership initiatives do you plan to undertake to ensure that the tribal trust responsibility is fulfilled?

Answer. Secretary Norton has made it a top priority of the Department to strengthen the trust relationship we have with American Indians and Alaska Natives. If confirmed as the BLM Director, I will work closely with Secretary Norton on this commitment to achieve greater intergovernmental communication and cooperation with Tribes.

Question 15. One concern that has been voiced by producers is the length of time it sometimes takes to secure environmental compliance for the issuance of onshore oil and gas leases. As you know, I have a strong interest in a well-run onshore oil and gas leasing program. I want to ensure that we have both the benefit of the substantial oil and gas resources that are produced on BLM lands and that this production occurs in an environmentally sensitive manner. Would you support increasing the authorization and funding for carrying out environmental compliance requirements necessary for the issuance of leases under the federal onshore oil and gas leasing program?

Answer. If confirmed as BLM Director, I commit to ensuring that actions and decisions within the Bureau follow good environmental practices and represent a balanced approach to multiple use management that protects and supports healthy natural systems. It is important to me to ensure the BLM has the resources it needs to achieve that balance within a meaningful time frame.

Question 16. In past years there have been proposals to devolve BLM oil and gas management responsibilities to the States. Have you had any involvement with this issue in your position with the State of Utah? In general, what are your views on this issue?

Answer: Over the past several years, there have been various proposals to devolve BLM oil and gas management responsibilities to the States. I am aware of the recommendations outlined by the Interstate Oil and Gas Compact Commission (IOGCC), States, Tribes, and the BLM throughout the 1990s concerning this issue. I know that many factors and circumstances have changed since devolution was originally proposed. If confirmed as BLM Director, I will give full consideration to all aspects of this issue, including original recommendations, changes in BLM programs and policies and current state and industry concerns. Staff from the Utah Department of Natural Resources, Division of Oil, Gas, & Mining, have participated in discussions relative to this matter, but I have not been personally involved.

Question 17. Recently, Secretary Norton wrote to me stating that the Administration would support legislative efforts to reform the Mining Law of 1872. Can you provide more detail on what provisions the Secretary would support?

Answer. It is my understanding that the Secretary expressed a willingness to foster a dialogue on mining law reform. At this time, I do not have further details on specific provisions, but I look forward to contributing to such a dialogue with the Secretary, interested members of Congress, and other stakeholders.

Question 18. Does the Administration plan to transmit to the Congress legislation to reform the Mining Law of 1872?

Answer. I am unaware of any plans to transmit to the Congress legislation to reform the Mining Law of 1872.

Question 19. At a recent hearing before the House Resources Subcommittee on Energy and Minerals, a representative from the Department of the Interior testified that the preferred alternative for H.R. 1913 (relating to the acquisition of private subsurface rights within the Acoma Reservation) was a direct purchase of the subsurface rights from the NZ Corporation. In your opinion, can BLM resolve this issue administratively?

Answer. This is a complex issue with which I need to become more familiar before I am able to offer an opinion on the Bureau's administrative alternatives. If confirmed as Director, I would like to learn more about this and will work with you and other members of the New Mexico delegation.

RESPONSES TO QUESTIONS FROM SENATOR WYDEN

In late March of this year Secretary Norton sent letters to governors and elected officials asking for their recommendations for planning of national monuments. I sent a letter to the Secretary supporting the Cascade-Siskiyou National Monument of Southern Oregon.

Even though the letters from Secretary Norton went out to a very limited audience, the Department of the Interior received responses from not only the governors and elected officials to whom she addressed her letters but she also received an overwhelming 6,000+ unsolicited responses from citizens and public interest groups.

Question. Aside from the legal requirements for public involvement in the planning process, how will you open this process up to a diversity of citizens and public interest groups—particularly those who felt disenfranchised by the intended limited audience for the Secretary's March letter?

Answer. I believe strongly in coordination, cooperation, and consultation to further conservation, and I commit to work closely with Tribal, State and local governments, diverse stakeholders, and interest groups to go the extra mile to achieve this. Building broad-based partnerships with local communities is one of my top priorities.

Question. Will you speak with the local recreationists, conservation groups, ranchers and other interested stakeholders?

Answer. Yes I will.

Question. Can you assure me that the new plans will be based on adequate and comprehensive data? Will these plans be based on a foundation of science to thoroughly analyze the impacts of the planning options?

Answer. I support the use of good data and the best available science in the development of monument plans.

Question. Secretary Norton hinted at boundary reductions. If boundary reductions are presented for consideration, will you also present boundary expansion options?

Answer. The Secretary has stated that only Congress has the authority to change either proclamation mandated authorities or make boundary adjustments to BLM national monuments. I believe the BLM should give thoughtful consideration to all Congressional proposals for boundary adjustments, whether they are for a reduction or an expansion in size.

Question. It is my understanding that the BLM's plan to issue a draft management plan for the Cascade-Siskiyou National Monument was delayed at the direction of the Secretary's office. It was supposed to be completed and released at the beginning of January 2001, yet now it looks like it won't be released until January 2002. That is unacceptable.

The draft Cascade-Siskiyou National Monument management plan must be released before the end of this calendar year so the people of southwestern Oregon can begin assisting the BLM in the development of a management plan for this new Monument. Can you commit to that?

Answer. It is my understanding that the Secretary is still evaluating responses to her March 2001 letter to elected officials asking for comments on the new national monuments. I commit to familiarize myself with this issue and work with you and other interested members of the Oregon Congressional delegation to move this process forward.

Question. Before the Cascade-Siskiyou National Monument was designated much of its area was protected as the BLM's only ecological emphasis area (EEA): the Cascade-Siskiyou Ecological Emphasis Area. In a rare and refreshing cooperative venture, U.S. Timberland and local conservationists approached me about securing $500,000 in appropriated funds to acquire, for BLM, 560 acres of key U.S. Timberlands properties on the southeast slopes of Soda Mountain, next to BLM's recommended-for-wilderness Soda Mountain Wilderness Study Area. The Weyerhauser Corporation, which owns the mineral rights to that land, was also in favor of the deal. Though I was able to secure $250,000 towards this purchase in the FY 2000 Senate Interior Appropriations bill, the House Appropriations Committee cut funding for the project entirely on the grounds that "BLM didn't want that land." BLM told us they would pursue this project with us in the future. They haven't. Ms. Clarke, it's not every day that big timber companies and local conservationists in my state agree on a course of action. When they do, I want to encourage such cooperation. What's become of our request that BLM prioritize the purchase of these Soda Mountain lands from U.S. Timberlands?

Answer. I am not familiar with this proposal. If confirmed, I will review the issue, and work with you on it.

Question. There are other willing sellers in the Cascade-Siskiyou National Monument, as well. The local BLM has a file of property owners who have contacted BLM on their own initiative. What assurances will you give me that BLM will prioritize acquisitions from willing sellers in the Cascade-Siskiyou National Monument?

Answer. I understand BLM has a long standing policy that it will only acquire lands from willing sellers. If confirmed, I intend to continue this course on all BLM managed lands, as well as in the Cascade-Siskiyou National Monument.

Question. Some of the most biologically important unprotected lands in the American west are in southwest Oregon's Siskiyou Wild Rivers region, where public lands are mostly managed by the Forest Service and BLM. Not only do the Siskiyou Mountains host one of the most botanically diverse coniferous forests in the world, but the rivers and streams here have perhaps the best remaining wild salmon spawning habitat in the lower 48 states. I have consistently expressed my concern to the agencies about public lands mining in this region—especially suction dredge and placer mining in these rivers and streams. The economic benefits of mining here are nil, while the damage to the wild fishery here from mining appears to be considerable. Fortunately, a Federal Register notice last January 22 gave much of this area a two-year time-out from new mining claims on both BLM and Forest Service land in much of the Siskiyou Wild Rivers area and directed the agencies to consider special management for the area beyond a longer withdrawal from mineral entry. To my dismay, Forest Service Chief Bosworth wrote Secretary Norton on October 2, asking her to terminate this "proposed withdrawal" on Forest Service land. To the best of my knowledge, neither agency has displayed the slightest intention of evaluating the Siskiyou Wild Rivers area for greater protection. Ms. Clarke, I know you can't speak for the Forest Service, but can you assure me that BLM will comply with both the direction and intent, as written, of the January 22 Federal Register notice regarding BLM lands in the Siskiyou Wild Rivers area? What compliance steps has BLM taken in the nine months since the Federal Register notice appeared, and what compliance steps will they continue to take?

Answer. I have been informed that the BLM is fully complying with the intent of the January 22 Federal Register notice by ensuring that no new mining claims have been filed on the area. Additionally, I understand that the BLM is in the process of assessing what portions of the area should be permanently withdrawn from mineral entry. As this process continues, I will make sure that the BLM keeps Congress informed.

Question. Ms. Clarke, as Secretary Norton pointed out in her testimony before the committee, the new monuments are under-funded both for the planning process and for managing the increased visitation to these important and special places.

Can you assure the committee that the plans will be funded to meet all Monument purposes as set forth in each Monument proclamation or statutory requirement? I would like you to provide the committee with a proposal for funding for each monument, including funds and a proposed schedule for monument planning starts and completions, within sixty days of your confirmation.

Answer. It is my understanding that the BLM is moving forward with the planning process for the new national monuments. I am fully supportive of the planning process because it will provide important opportunities for local communities to be involved in decisions for future management of their public lands. Funding for each monument will be dependent on management decisions that are made as a part of the planning process. I am not in a position to commit to a funding schedule for them at this time, but if confirmed, I would be pleased to work with the Committee on a proposed schedule of funding for BLM's national monuments.

Question. Congress provided a nominal funding increase for land use planning in FY 2001. What progress has been made in eliminating the planning backlog and updating of plans, and what progress is anticipated for FY 2002 at the level of funding that has been provided?

Answer. Land use plans are the basis for all management actions on public lands. It is my understanding that the 2001 funding increase for land use planning was the initial funding to begin a ten year process of revising the BLM's land use plans, and that additional funding has been provided for FY 2002. If confirmed, I will keep the Committee apprised of BLM's progress.

Question. Coming from Utah you are undoubtedly familiar with the management of Grand Staircase-Escalante National Monument—the first national monument to be entrusted to the BLM. The BLM is also responsible for thirteen other new national monuments. Your management of the Grand Staircase-Escalante National Monument will set the tone for management of each of the other national monuments under your direction.

I have been informed that the Grand Staircase-Escalante Monument BLM manager in Utah has been told she must leave her job, and I am concerned when career civil servants in the field are forced out by Washington, D.C. interference. My understanding is that it is illegal to remove a civil servant from a job simply because anybody—a Senator, a county commissioner, a Congressmen, a Governor, local activists—doesn't like him or her or the job he or she is doing. I would like a detailed answer on why the Grand Staircase manager was forced out of her position.

Answer. I am unaware of the background and details of the recent announcement regarding the manager of the Grand Staircase-Escalante National Monument. Therefore, I am unable to provide the information you are requesting.

Question. What are your plans to instill confidence in the public as to your ability to manage each of the other national monuments? How will you gain the public's trust during the planning process?

Answer. I believe the key to building public trust and confidence in the monuments is through active public involvement and locally based solutions. I will provide leadership to ensure that the Secretary's "4 Cs"—consultation, communication and coordination, all in the service of conservation—occur throughout the planning process.

Question. Until recently, the National Park Service has been the primary caretaker of America's national monuments. In fact, it wasn't until 1996 that the BLM had any significant role in the management of national monuments. As you are aware, there is a lot of speculation regarding BLM's ability to manage these monuments with the foresight necessary to conserve today's diminishing resources for the long term.

What will you do to ensure that the national monuments remain under your jurisdiction?

Answer. I am excited to have the new opportunity for BLM to be an effective steward of these unique resources across the West. I look forward to engaging in this process to promote the success of the monuments.

Question. How will you tap into the expertise of other agencies and organizations to develop the long-term management strategies for an ecosystem-wide approach?

Answer. If confirmed, I intend to strengthen the consultation and cooperation among Federal, State and local agencies and stakeholders which have been developed by the BLM for the national monuments and national conservation areas it manages.

Question. How will you work jointly with the other three land management agencies to adapt the best land conservation practices for the new monuments?

Answer. If confirmed, I will work to collaborate and coordinate with the National Park Service, Fish and Wildlife Service, and Forest Service in the development of management plans for the monuments through the land use planning process. I intend to work in an open and cooperative fashion with the other bureau directors. I will encourage and welcome their input into the land use planning process for the new monuments.

Question. What do you recognize as the most significant resource issues that you'll face?

Answer. With regard to national monuments, there are numerous and diverse resource challenges. A balanced approach to conserving valuable resources and meeting the needs of communities is important. Developing partnerships with interested citizens, interest groups and communities will be a major goal in terms of protecting resources and getting public acceptance in complex land use plans and management decisions.

Question. Are dams, pipelines, conveyances, transmission lines, rights of way, etc., appropriate in national monuments? If so, under what constraints? Are they appropriate in wilderness?

Answer. It is difficult to generalize about the types of permissible activities in national monuments because uses for a particular monument depend on the language of the proclamation or legislation establishing the national monument. I will commit to work with the Solicitor's office to ensure that proposed activities within national monuments are consistent with the law.

In general, these activities are not appropriate in wilderness areas, but they are subject to valid existing rights. If confirmed, I will work with the Solicitor to manage wilderness in accordance with the law.

Question. How will you promote natural resource conservation in these new monuments?

Answer. I believe the best way to promote natural resource conservation in the new monuments is to foster a sense of respect and appreciation for the resource values within these monuments.

Question. Will you be recommending to Congress that additional national monuments and conservation areas be designated?

Answer. At this time, I have not considered making any recommendations regarding monuments or conservation areas.

Question. In January of this year, the BLM published new guidance manuals that address both its land use planning process ("Land Use Planning Handbook") and the evaluation of lands that may be determined suitable for wilderness designation ("Wilderness Inventory and Study Procedures").

Are you committed to assuring that the BLM follows the new guidance articulated in these new manuals, including evaluating lands for their Wilderness potential under the guidelines set forth in the Wilderness Inventory handbook as a component of every new BLM land use planning effort?

Answer. I am committed to the health and protection of natural resources on America's public lands, including designated wilderness areas. If confirmed as BLM Director, I will study the guidance issued in these new manuals and consider whether they constitute the best approach for resource protection.

Question. The BLM is responsible for managing a multitude of important natural resource values, many of them fragile or at-risk including:

- 306 federally listed species
- 35 species proposed for listing
- More than 1,000 species identified by the BLM as sensitive
- More than 6 million acres of Wilderness Areas
- National Scenic Trails, National Monuments and Wild and Scenic Rivers

Moreover, Section 102(a)(8) of FLPMA directs that,

". . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use . . ."

How do you plan to serve the public interest in safeguarding these resources and treasures, while simultaneously meeting the President's request for increased energy production on our public lands?

Answer. If confirmed as BLM Director, I am committed to managing public lands in a manner that recognizes the importance of protecting our natural resources and managing them in a way that promotes a healthy environment and a strong economy. I do not believe we have the option of choosing between the demands of growth and the imperative for conservation. We must do both.

Question. The President's Energy Plan suggests that stipulations imposed on some oil and gas leases to protect resource values such as wildlife habitat or riparian areas should be weakened. Do you believe that too much protection has been afforded environmental values in the BLM's oil and gas leasing and development program? If so, please explain how you intend to assure protection of the multitude of resources values on the public lands that could be put at risk of damage from oil and gas activities.

Answer. If confirmed as BLM Director, I commit to ensure that actions and decisions within the Bureau follow good environmental practices and represent a balanced approach to multiple use management that protects and supports healthy natural systems.

Question. Currently, BLM sells oil and gas leases in sensitive areas on public lands without first completing a site-specific environmental review of the area that includes an opportunity for public participation. Indeed, rather than conduct current environmental reviews and assessments, BLM relies on old and dated NEPA documents that typically did not include site-specific analyses. In addition, conditions have changed to such an extent (new T&E species listed, critical habitat designated, etc.) that many of these old NEPA documents are no longer accurate, therefore making reliance on these documents inappropriate.

Subsequently, when the leaseholder requests permission to drill, BLM completes a site-specific environmental review, but unfortunately cannot implement many of the restrictions and mitigation measure that the site-specific environmental review indicates should be implemented because BLM is limited to those restrictions/stipulations that were initially incorporated into the lease itself. This process results in many leases being sold in critical habitat, proposed wilderness areas, etc. with few, if any restriction (i.e. *No Surface Occupancy* stipulation).

As BLM Director, what would you do to remedy this situation? Would you institute a reasonable process of review so that the BLM looks before it leases? In other words, would you require that a site-specific environmental review be completed prior to a parcel being offered in a lease sale?

Answer. I am informed that the BLM is currently involved in a public process to update the Land Use Plans for areas containing high energy potential and important sensitive resources. This process includes consultation and collaboration with other Federal agencies with regulatory oversight for the Endangered Species Act to ensure that the leasing decisions contain the appropriate stipulations. I am not familiar with the specific details of the Bureau's environmental review process, but

if confirmed, I will learn more about it and will work with you to identify the environmental review needs of our public lands.

Question. The BLM has been designated for a lead role in complying with provisions of Section 604 of the "Energy Policy and Conservation Act Amendments of 2000".

Please provide the Committee with a status report on the progress that BLM has made to date in complying with the EPCA amendment study requirements.

Answer. I understand that the BLM, in coordination with the U.S. Forest Service, Department of Energy and the U.S. Geological Survey, is in the process of preparing reports on major oil and gas basins in the Rocky Mountain region as part of the EPCA inventory. If confirmed, I am willing to provide a status report to the Committee and other interested members of Congress.

Question. Has the BLM decided upon the methodology to be used in assessing the availability of public lands for oil and gas activities? If so, will you please provide the Committee with a description of the methodologies the BLM will be employing in making these assessments?

Answer. I have been informed that the BLM is still developing the methodology to assess availability of public lands for oil and gas activities. If confirmed, I will provide the Committee with the methodology.

Question. In your June 12, 1999 testimony before the Congressional hearing on CARA, you were representing Utah's Division of Natural Resources when you stated that "CARA funding will allow biologists to monitor wildlife species and cooperatively manage important wildlife habitat so that many species never reach the threatened or endangered list." You expressed a clear concern for threatened and endangered species. In fact, last year, you managed to work with the Utah State Legislature to secure funding in the amount of $3 million to protect and recover endangered species. In your testimony regarding CARA, you also commented that "CARA revenues could fund purchases of conservation easements, which leaves the land in private ownership, mostly ranches and farms, while preserving critical habitat for wildlife." This suggests a clear concern for habitat and a vivid understanding of the critical role that habitat plays in the health of a species.

How will you influence the planning and management of the 15 new national monuments under direction to ensure that habitat is not only protected, as the law requires, but also enlarged and enhanced for the long-term preservation of these threatened and endangered species?

Answer. I understand that land use plans will be completed for each of the national monuments and that these plans will be prepared in compliance with their individual Proclamations and BLM's planning process. In addition to public scoping, all completed land use plans undergo Endangered Species Act consultation with the appropriate regulatory agency (U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service) as necessary to ensure that ESA issues are properly addressed.

Question. What will you do to increase funding for the ESA and to ensure that the law is not compromised?

Answer. I have been informed that in response to a request from Congress, the Bureau prepared a Report to Congress in March of 2001 entitled "Effects of Endangered Species Act Listings on Bureau of Land Management Programs and Activities." This report was attached to the Bureau's FY 2002 Budget Justification and identified specific program needs and recommendations related to T&E species management. If confirmed, I will review these recommendations and stand ready to work with all parties on ESA-related activities.

Question. Will you work to strengthen the Act to include habitat protection?

Answer. The Fish and Wildlife Service has the primary responsibility within the Department of the Interior for the administration of the Endangered Species Act. As such, that agency would take the lead on any recommended changes to the Act. I have been informed that the BLM is working on the important issue of habitat protection by, among other things, taking proactive steps to identify key areas for conservation and restoration of habitats for "at risk" species to prevent the need for listing under the ESA.

Question. The Endangered Species Act has many far-reaching implications for the BLM grazing permittees. How do you plan to ensure common sense and sound science is being used across the board in the management of threatened and endangered species?

Answer. You are correct that Endangered Species management can have significant implications on BLM management of the many activities permitted on public lands. I have always sought common sense solutions, using sound science, to resolve resource conflicts. If confirmed, I will continue to do so as Director of BLM.

Question. When you were director of the Utah Department of Natural Resources, you oversaw a drastic change in how the Utah Division of Wildlife Resources identified "state sensitive species." In fact, it was widely reported that the changes you implemented, namely providing an opportunity for industry to wade into a previously science-based sensitive species designation process, was done under pressure from the oil and gas industry. In addition, under your watch, Utah Division of Wildlife Resource biologists and staff were discouraged from communicating directly with their federal counterparts about either sensitive species or critical wildlife habitat without first talking with politically appointed staff.

What assurance can you offer that if appointed Director of BLM you would ensure that BLM biologists are encouraged to talk with their state counterparts, as well as to speak openly about the pros and cons of a particular project?

Answer. If confirmed, I look forward to encouraging and working with BLM biologists to consult, coordinate, communicate and work collaboratively with their counterparts at the State and local levels in an open, public process. This is an important principle for all programs in the BLM.

Question. The future of the BLM is at the crossroads. It can choose to continue to build upon its progress in becoming the major land conservation and management agency, or it can choose to ignore its potential and the American public's desire to protect our remaining lands.

What role do you see for the National Landscape Conservation System and its Office with the BLM Directorate?

Answer. I have no immediate plans to address organizational issues in the Bureau. I want first to become familiar with the BLM's various offices and programs and to discuss with employees, managers, and stakeholders how we can help make the agency work better. Insofar as the BLM's National Landscape Conservation System is concerned, I intend to provide guidance for responsive planning processes and ongoing direction to protect the resources and to work directly with communities and partners.

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