

**THE IMPACTS OF ENVIRONMENTAL
REGULATIONS ON ENERGY AND
MINERAL DEVELOPMENT: THE
WILDLANDS PROJECT**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY AND
MINERAL RESOURCES

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

Thursday, June 16, 2005

Serial No. 109-20

Printed for the use of the Committee on Resources



Available via the World Wide Web: <http://www.gpoaccess.gov/congress/index.html>

or

Committee address: <http://resourcescommittee.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

21-883 PS

WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
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**OVERSIGHT HEARING ON THE “IMPACTS
OF ENVIRONMENTAL REGULATIONS ON
ENERGY AND MINERAL DEVELOPMENT:
THE WILDLANDS PROJECT.”**

**Thursday, June 16, 2005
U.S. House of Representatives
Subcommittee on Energy and Mineral Resources
Committee on Resources
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 10:05 a.m., in Room 1334, Longworth House Office Building, Hon. Jim Gibbons [Chairman of the Subcommittee] presiding.

Present: Representatives Gibbons, Pearce, Drake, Gohmert, Grijalva, and Melancon.

**STATEMENT OF THE HON. JIM GIBBONS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEVADA**

Mr. GIBBONS. The Subcommittee on Energy and Mineral Resources will come to order.

The Subcommittee today is here to hear testimony on how environmental laws and regulations are currently being used to limit domestic energy and mineral production.

Obstructionists present Americans with a false choice of supporting either energy and mineral development or environmental protection. Responsible energy and mineral development and environmental protection can and do work hand in hand to deliver to American consumers the most basic resources necessary to feed their families, keep their homes cool in the summer and warm in the winter, and have access to the best health care in the world.

Unfortunately, we have allowed our domestic energy and minerals policy to languish over the years, driving investment overseas and increasing our reliance on foreign sources of energy and mineral resources. The United States Geological Survey tracked 62 non-fuel minerals that are used on a daily basis by Americans. Last year, we imported 100 percent of 17 minerals on that list and more than 80 percent of another dozen or so. We are now importing about 63 percent of the oil that we need to run our economy. Crude oil has been trading between \$55 and \$57 a barrel over the past week, and the American consumer continues to pay well over \$2 a gallon for gasoline.

The increased prices Americans are paying for gasoline and other goods and services are directly related to the increased competition for those same resources from China, India, and other developing nations. These are resources that are necessary to satisfy the basic requirements of an individual's well-being: food, clothing, shelter, and a clean and healthy environment.

It is apparent to me that domestic energy and mineral production are crucial activities for creating jobs and maintaining and enhancing our Nation's economic and national security. It would also seem to me that with higher prices for energy and mineral commodities, we would see a higher level of investment in exploration and development for energy and minerals and more activity on the ground. However, while there has been some increase in expenditures and activity, it is not commensurate with the growth and growing demand for these resources. In fact, only 8 percent of mining's exploration dollars are spent here in the United States, and that means that 92 percent are being spent elsewhere. That also means that high-paying jobs that could be in Nevada and other States and elsewhere in our country are going overseas.

In the early 1990s, about 20 percent of mining's exploration dollars were spent domestically. As a policymaker, I have to ask why is it that companies find Canada, South America, and even Africa more desirable places to spend exploration dollars than the United States. Is it because there are no minerals or energy resources in the United States? I don't think so.

In my prior life as an exploration geologist, I spent many days roaming remote places in Nevada, and I can say for certain that Nevada is abundant in minerals, just like much of the United States. The hard truth is, ladies and gentlemen, that the United States is viewed as a poor choice to invest money or to put money at risk by those investors that supply capital to our domestic resources industry, primarily because of the long lead time required to bring projects into production compared to these other countries.

Today we will hear testimony that details how environmental laws and regulations that are intended to address real environmental problems are being used to limit domestic energy and mineral production. These laws were designed to regulate human activity in order to mitigate adverse impacts of people, communities, and the outdoor environment, including plant and animal species.

These were laws designed to ensure that important industrial activities such as mineral and energy projects were well thought out, engineered properly, and would be conducted in an environmentally responsible manner. These laws are also often used to delay permitting, to challenge records of decision on projects, and to waste capital on litigious processes, all of which succeed in changing and increasing the cost of a project and thus scaring off potential investors for domestic resource projects.

We will also hear today about the Wildlands Project, an environmental plan designed to "re-wild" the North American continent into a network of wilderness preserves linked together with corridors. While we all want to protect our sensitive lands and species, I am deeply concerned by the corruption of our environmental laws

in order to implement grand schemes such as this. It is my opinion that a great deal of our land is already locked up by the Federal Government, often to the detriment of our own Nation and the people who live here.

We can protect wildlife and habitats while still allowing for environmentally responsible energy and mineral projects that will ensure our economy can continue to prosper.

I look forward to hearing from our witnesses today and the testimony they will give. Now I would like to turn it over to my good friend, the Ranking Minority Member on the Subcommittee, Mr. Grijalva, for any opening remarks he might make. Mr. Grijalva?

[The prepared statement of Mr. Gibbons follows:]

**Statement of The Honorable Jim Gibbons, Chairman,
Subcommittee on Energy and Mineral Resources**

The Subcommittee meets today to hear testimony on how environmental laws and regulations are currently being used to limit domestic energy and minerals production.

Obstructionists present Americans with a false choice of supporting either energy and mineral development or environmental protection.

Responsible energy and mineral development and environmental protection can—and do—work hand in hand to deliver to the American consumer the most basic of resources necessary to feed their families, keep their homes cool in the summer and warm in the winter, and have access to the best healthcare in the world.

Unfortunately we have allowed our domestic energy and minerals policies to languish over the years, driving investment overseas and increasing our reliance on foreign sources of energy and mineral resources.

The United States Geological Survey tracks 62 non-fuel minerals that are used on a daily basis by Americans.

Last Year we imported 100% of seventeen minerals on that list and are more than 80% dependent on another dozen.

And we now import about 63 percent of the oil that we need to run the economy.

Crude oil has been trading between \$55 and \$57 a barrel over the past week and the American Consumer continues to pay well over \$2 a gallon for gasoline.

The increased prices Americans are paying for gasoline and other goods and services are directly related to the increased competition for those same resources from China, India and other developing nations.

These are resources that are necessary to satisfy the basic requirements of an individual's well-being: food, clothing, shelter, and a clean, healthy environment.

It's apparent to me that domestic energy and mineral production are crucial activities for creating jobs, and maintaining and enhancing our Nation's economic and national security.

It would also seem to me, that with higher prices for energy and mineral commodities, we would see a higher level of investment in exploration and development for energy and minerals and more activity on the ground.

However, while there has been some increase in expenditures and activity, it is not commensurate with the growing demand for these resources.

In fact, only 8 percent of mining's exploration dollars are spent here in the United States—that means 92 percent is being spent elsewhere.

That means high-paying jobs that could be in Nevada and elsewhere in the United States are going overseas.

In the early 1990s, about 20 percent of mining's exploration dollars was spent domestically.

As a policymaker, I have to ask—why is it that companies find Canada, South America, and even Africa more desirable places to spend exploration dollars than here in the United States?

Is it because there are no minerals or energy resources in the United States? I don't think so.

In my prior life as an exploration geologist, I spent many days roaming remote places of Nevada, and I can say for certain that Nevada is abundant in minerals... just like much of the United States.

The hard truth is that the United States is viewed as a poor choice to put money at risk by the investors that supply capital to our domestic resource industries,

primarily because of the long lead times required to bring projects into production compared to other countries.

Today we will hear testimony that details how environmental laws and regulations that were intended to address real environmental problems are being used to limit domestic energy and mineral production.

These laws were designed to regulate human activity in order to mitigate for adverse impacts to people, communities and the outdoor environment, including plant and animal species.

These were laws designed to ensure that important industrial activity such as minerals and energy projects were well thought out, engineered properly and would be conducted in an environmentally responsible manner.

These laws are also often used to delay permitting, to challenge "Records of Decisions" on projects, and to waste capital on a litigious process—all of which succeed in changing and increasing the cost of a project and thus, scaring off potential investors for domestic resource projects.

We will also hear today about the "Wildlands Project".

This audacious environmental plan is designed to "re-wild" the North American Continent into a network of wilderness preserves linked together with corridors.

While we all want to protect our sensitive lands, I am deeply concerned by the corruption of our environmental laws in order to implement this grand scheme.

It is my opinion that a great deal of our land is already locked-up by the federal government—often to the detriment of our nation.

We can protect wildlife and habitats while still allowing for environmentally responsible energy and mineral projects that will ensure our economy can continue to prosper.

I thank the witnesses for joining us today and look forward to your testimony.

STATEMENT OF THE HON. RAUL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you very much, Mr. Chairman. I appreciate the opportunity to make some opening remarks and also to welcome the witnesses that we have before us today.

The stated purpose of today's hearing is to review the impacts of environmental regulations on energy and mineral development, and specifically how the Wildlands Project factors into this concern. For those of you that may not have heard of it before, the Wildlands Project is a group of scientists, conservationists, and others supporting the prevention of species extinction and ecosystem degradation.

Started in 1991, the organization uses science to map a network of connected wildlands to provide habitat for species on private and public lands in North America. The Wildlands Project supports biodiversity and healthy ecosystems and believes it should be protected and restored.

Although the Wildlands Project encourages policies and private actions that support this goal, the organization does not lobby Congress and has been involved in only one Endangered Species Act-related lawsuit. It is, therefore, difficult to understand why this organization is considered to be such a bogeyman by some.

Some of the testimony submitted by the witnesses today appears to incorrectly assume the Wildlands Project is orchestrating what other groups of citizens are doing around the country on conservation issues. While the Wildlands Project's main theory supports some of the work of other groups, I believe it is inaccurate to view this group as the grand architect of all the conservation efforts outlined in the testimony.

With regard to environmental laws, it is important to remember that Congress enacted environmental laws such as the Endangered

Species Act in order to mitigate the adverse effects of activities such as energy and mineral development.

Regulations by Federal agencies are developed and implemented based on the goals of the legislation enacted by Congress. I am very skeptical about the ostensible reason for holding this hearing. Quite frankly, that is that the Wildlands Project is somehow hampering energy development on public lands.

The truth is, judging by statistics and recent press reports, environmental regulations and environmental organizations are having no discernible effect on domestic energy and mineral production. For instance, nearly 90 percent of Federal oil and gas resources are open to oil and gas activity. Oil and gas activity have been surging upwards on Western Federal lands to such a degree that there are growing tensions and concerns being voiced by ranchers and other land owners afraid of the long-term impacts such activity will have on their water supplies.

In addition, the vast majority of Federal lands are open to hard rock mining and coal production. Last year, we saw an increase of nearly 4 percent over 2003. In other words, domestic production of energy and mineral resources is and remains robust. Energy and mineral extraction activities, if not managed properly, can have a devastating effect on the environment. This is not a value statement. This is a fact.

The cost of reclaiming Federal lands from historic hard rock mining has been estimated to cost between \$32 and \$72 billion. There is an estimated 16,000 miles of Western streams contaminated by mining waste. So it is reasonable for citizens, communities, and organizations such as the Wildlands Project to look at proposed energy and mining projects with skepticism. Despite that, I know of no place in the country where the Wildlands Project is hampering mineral production.

In closing, I would note for the record that it is a sad day when this committee provides a forum for one group of citizens to accuse and malign another group but does not invite the accused to testify and answer such charges. Even though the Wildlands Project is specifically named in the subject of this hearing, they were not invited to testify until last week when the minority learned that there was no intention to include them in today's panel. At that point we were able to secure an invitation for them, but given the tardiness of the request, the Wildlands Project was unable to be here today.

Nonetheless, I have a written statement from them to be submitted at the appropriate time for the record and also a written statement from the Ranking Member of the Committee, Mr. Rahall, and I would hope that in the future we will see a more balanced use of the Committee's resources and time. My dad always used to say, if you are going to have a fight, you have to have everybody there. And I don't know—this is not necessarily a fight, but the fact is if we are going to single in on one group as the consequence and source of the problem we are talking about today, I think it is not only fair but appropriate that that organization be represented and that questions from this Committee be directed to them as well.

With that, Mr. Chairman, and with two items to submit to the record, thank you very much.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Ranking Democrat,
Subcommittee on Energy and Mineral Resources**

The stated purpose of today's hearing is to review the impacts of environmental regulations on energy and mineral development, and specifically how the Wildlands Project factors into this concern.

For those who may not have heard of it before, the Wildlands Project is a group of scientists, conservationists and others supporting the prevention of species extinctions and ecosystem degradation. Started in 1991, the organization uses science to map a network of connected wildlands to provide habitat for species on private and public lands in North America.

The organization also recommends science-based management prescriptions for specific areas. According to the Wildlands Project's website, "Private land owners within proposed conservation planning areas are not bound in any way by our recommendations, but are encouraged to participate in voluntary actions to protect landscape linkages and native species."

The Wildlands Project supports biodiversity and healthy ecosystems, and believes they should be protected and restored. Although the Wildlands Project encourages policies and private actions that support this goal, the organization does not lobby Congress and has been involved in only one Endangered Species Act-related lawsuit. It is, therefore, difficult to understand why this organization is considered to be such a "boogeyman" by some.

Some of the testimony submitted by the witnesses today appears to incorrectly assume that the Wildlands Project is somehow orchestrating what other groups or citizens are doing around the country on conservation issues. While the Wildlands Project may in theory support some of these efforts, it is inaccurate to view this group as a grand architect of all the conservation efforts outlined in the testimony.

With regard to environmental laws, it is important to remember that Congress enacted environmental laws, such as the Endangered Species Act, in order to mitigate the adverse effects of activities such as energy and mineral development. Regulations by federal agencies are developed and implemented pursuant to the goals of the legislation enacted by Congress.

I am very skeptical about the ostensible reason for holding this hearing, that is, that the Wildlands Project is somehow hampering energy development on public lands. The truth is, judging by statistics and recent press reports, environmental regulation and environmental organizations are having no discernible effect on domestic energy and mineral production. For instance, nearly 90 percent of federal oil and gas resources are open to oil and gas activity. Oil and gas activity has been surging upwards on western federal lands, to such a degree that there are growing tensions and concerns being voiced by ranchers and other landowners afraid of the long-term impacts such activity will have on their water supplies.

In addition, the vast majority of federal lands are open to hard rock mining and coal production in the United States increased in 2004 by 39.7 million short tons, which is a nearly 4 percent increase over 2003, according to the Energy Information Administration.

In other words, domestic production of energy and mineral resources remains robust.

Energy and mineral extraction activities can, if not managed properly, have devastating effects on the environment. This is not a values statement—it is a fact. The cost of reclaiming federal lands from historic hardrock mining has been estimated to cost between \$32 and 72 billion dollars. There are an estimated 16,000 miles of western streams contaminated by mining wastes. So, it is reasonable for citizens, communities and organizations such as the Wildlands Project, to look at proposed energy and mining projects with skepticism. Despite that, I know of no place in the country where the Wildlands Project is hampering mineral production.

In closing, I would note for the record that it is a sad day when this Committee provides a forum for one group of citizens to accuse and malign another group, but does not invite the accused to testify and answer said charges. Even though the Wildlands Project is specifically named in the subject of this hearing, they were not invited to testify until last week when the Minority learned that there was no intention to include them in today's panel. At that point, we were able to secure an invitation for them, but, given the tardiness of the request, the Wildlands Project was unable to be here today. Nonetheless, I have a written statement from them to be

submitted at the appropriate time. I would hope that in the future, we will see a more fair and balanced use of the Committee's resources.

Mr. GIBBONS. Thank you very much.

We will turn now to our first panel. If all of you will rise, we have a procedure here that we swear in our witnesses before any testimony, and we have to give you an oath as a requirement here. Would you please raise your right hand?

[Witnesses sworn.]

Mr. GIBBONS. Let the record reflect that each of the witnesses stated an affirmative response to that request.

The first panel today is going to consist of Mr. Thomas G. McDonnell, President, McDonnell Angus Ranch, McDonnell & Associates, representing the New Mexico Cattle Growers Association; Teresa A. Conner, Manager, Environmental Resources Department, Queenstake Resources USA, Incorporated, representing Women's Mining Coalition; Mark Mathis, Executive Director, Citizens' Alliance for Responsible Energy; Dorothy Boorse, Ph.D., Associate Professor, Biology Department, Gordon College, representing Noah Alliance.

We will begin with Mr. McDonnell. Welcome. The floor is yours. If we could have each of you limit your comments to 5 minutes, your full and written remarks will be entered into the record without objection.

Mr. McDonnell?

**STATEMENT OF THOMAS G. McDONNELL, PRESIDENT,
McDONNELL ANGUS RANCH, McDONNELL & ASSOCIATES,
REPRESENTING THE NEW MEXICO CATTLE GROWERS
ASSOCIATION**

Mr. McDONNELL. Thank you, Mr. Chairman. A lot of the examples I am going to be talking about deal with the livestock industry; however, they have a lot of relevance to the mineral and energy industry. I did spend 10 years in mineral and mining, so I am quite familiar with the industry.

I first became involved in the Wildlands Project in 1994, and I began reviewing the documents put out by Dave Foreman and Michael Soule and Reed Noss. And I came to the simple conclusion that an avalanche of petitions to list new species, a number of appeals, a large number of the cases litigating the stoppage of mineral development, mining, grazing, and recreation, that these activities were not isolated events, but they were a well-coordinated effort to establish a reserve system.

In the Wildlands Project, Dave Foreman, he sits there and he makes the statement that the national parks and the wilderness areas that we have are currently nothing more than outdoor zoos. And he had a vision in there of interconnecting all the wildernesses we see over here and removing in use the intervention of industrial humans, off limits to human exploitation free of artifacts of civilization. And he envisioned putting this in place to eventually cover half the North American continent.

How he proposed to do this was establish a series of core reserve, core protected, core wilderness areas, connecting them with migratory corridors, and then surrounding them with buffer zones.

In 1994, there were 35 groups listed as being involved in the project. At that time they were mapping and beginning their efforts to litigate and legislate all these areas toward wilderness. In the West, they looked at areas when they were mapping that were 100,000 acres or larger; in the East, 50,000 acres or larger. And they identified those, and then they began efforts to begin expanding them and interconnecting them. Private property in these areas was then also mapped and targeted for acquisition either by Government or by land trust groups.

Today, like I said—in 1994, there were 35 groups. The California Wilderness Coalition on their website today list 180 groups involved in their effort to re-wild the Sierra Nevada Mountains of Nevada and California.

We have seen them use a variety of different methods. By 1995, 11 of the 34 known groups were involved in litigation. A couple examples of those are the Hells Canyon Preservation Council, while I was working as Director of Natural Resources for the American Sheep Industry, litigated the removal of sheep grazing from the Hells Canyon National Recreation Area in Washington and Idaho. The Oregon Natural Resource Council began litigating the removal of cattle grazing from areas of Washington and Oregon, saying all these uses were incompatible with the designations. We have also seen them use a variety of acts, NEPA, asking them, say, to remove all grazing until NEPA analysis could be completed.

This file here is over 100 different suits filed on grazing by these groups to remove us from Federal, State, and sometimes from private properties.

We have also seen these groups abuse probably one Act in particular, and that is the Endangered Species Act. And in my personal experience, I have seen them use it in four different ways: number one, the citizen suit provisions; number two, the listing provisions; number three, the critical habitat provisions; and, finally, the delisting provisions themselves. And I would like briefly just to go into a few of those.

We have seen them try to list everything from the simple rattlesnake to the Alaskan wolf. I see today they are trying to list the polar bear probably to stop the ANWR. They have thrown frivolous listings out there, anything that they can do to stop development.

The critical habitat designations, every petition to list, every suit to get the species listed, they sat there and asked for the maximum amount of critical habitat. And what they have done is they have basically pulled the Secretary's authority to designate habitat away from them and placed it into the courts.

Third, what they have done is they have sat there and affected the delisting process. We sat there and had a decision come out of the liberal Oregon courts that we cannot delist the wolf until it has fully recovered throughout its habitat in historic numbers. Basically what this means is we will never get the wolf delisted, and it has implications not just on the wolf but all species. And what has happened with these groups is they have distorted the intent of the Endangered Species Act far beyond what Congress intended it to do. They have sat there and they have removed administration of the Act from the U.S. Fish and Wildlife, and the Act is totally dependent on the courts.

And with that, I would like to go ahead and conclude that.
[The prepared statement of Mr. McDonnell follows:]

**Statement of Tom McDonnell, President, McDonnell Angus Ranch,
McDonnell & Associates**

Thank you for this opportunity to testify before this subcommittee on the Wildlands Project. My name is Tom McDonnell, owner of McDonnell Angus Ranch and President of McDonnell and Associates, a private consulting firm specializing in natural resource issues. Today I am speaking on behalf of the New Mexico Stockgrowers Association, however, some of the experiences I pass on to you are from the sixteen years I served as Director and Associate Director of Natural Resources and Policy for the American Sheep Industry Association.

When Dave Foreman moved from environmental terrorism, or monkey wrenching as he referred to it, to paper wrenching: the tying up of economic activity with litigation and appeals, I naturally followed his progression. Dave Foreman's Earth First! organization had taken credit for the arson destruction on one of the sheep industry's larger auction barns in 1989, the destruction of the California Woolgrower Office, and numerous acts of sabotage on ranches across the West. I learned to take his statements seriously.

In 1994, I was one of the first in industry to review a document drafted by Dave Foreman with the assistance of Reed Noss and Michael Soule. In a technical review of the Wildlands Project, I concluded that the avalanche of petitions to list new species, the appeals and litigation to stop mineral development, mining, grazing, and recreational activities were not isolated instances but rather well coordinated activities aimed according to the Project's text at establishing a "regional reserve system which will ultimately tie the North American continent into a single Biodiversity Reserve."

Dave Foreman referred to National Parks and current wilderness areas as nothing more than "outdoor zoos." He envisioned vast areas of interconnected wilderness free from industrial human intervention, off-limits to human exploitation, and free of the artifacts of civilizations including roads, dams, power lines and overflights. In the Wildlands Project, Dave Foreman called on no less than half of the North American continent being returned to Wilderness.

Over the next 100 years, Foreman called on the establishment of systems of core wilderness areas where human activity is prohibited. These core protected areas were to be linked with biological corridors and surrounding these core protected areas and corridors, buffer zones were to be established and managed to restore ecological health. Civilization was to be limited to islands of human activity outside these buffer zones.

In 1994, thirty-five activist groups were known to be mapping, litigating and legislating their way towards Dave Foreman's vision of a single Biodiversity Reserve. Areas with state and national parks, BLM and U.S. Forest Service lands, and National Wildlife Refuge over 100,000 acres in the West or 50,000 acres in the East were identified and work begun to move these areas into wilderness or similar designations. In the West alone, 38 areas were identified where road closures would create roadless areas of one-million or more acres. Any private property providing gaps between roadless areas was to be targeted for acquisition by government or land trust organization, and any attempt to utilize resources within areas identified for roadless designation were to be litigated.

Since 1994, the number of activist groups supporting the Wildlands Project have grown. The California Wilderness Coalition website, for example, lists 180 different groups as supporting their effort to "rewild" the Sierra Nevada Mountains. These groups have used a variety of methods to remove the "artifacts" of civilization. Hundreds if not thousands of lawsuits have been filed to remove and prohibit use of these "identified roadless areas," and to enlarge their expanses. By 1995, 11 of the 34 known Wildland Project groups had litigation filed against the Departments of Agriculture and Interior and the EPA. The Hells Canyon Preservation Council successfully litigated sheep grazing as being an incompatible use within the Hells Canyon National Recreation Area and is now seeking to remove motorized boating. The Oregon Natural Resource Council is currently litigating cattle grazing as being incompatible with scenic rivers and monument designations. These activists have attempted repeatedly to have grazing removed under federal agencies' failure to conduct NEPA. But the one piece of environmental legislation most abused by these groups is the Endangered Species Act.

A study of the Wildlands Project is one of abuse of the Endangered Species Act itself. Wildlands Project groups have abused the Act in four major ways. First is the citizen suit provision of the Act itself, not only filing suits with the intent of

halting all economic activity, but also filing suits to halt protection and recovery of the species itself. Second, Wildlands Project groups have abused the Section 4 listing process by repeated petitioning for the listing of any species that may halt economic development. Third is the designation of critical habitat. With nearly every petition to list, comes a request for the designation of the maximum amount of critical habitat possible. If the Secretary deems the benefits of not designating critical habitat outweigh the benefits of designation unnecessary, this is litigated. If critical habitat is designated, then the litigation of all economic uses with that habitat is initiated. Finally, once a species is recovered, removing the species from the list is made almost impossible by litigation. The fact is, the citizen suit provision of the Act has effectively removed control over the Endangered Species Act from Congress and the administering agencies, and handed that control to the courts. Citizen suits by U.S. Fish & Wildlife Service's own admission have bankrupted not only the administration of the program, but they have bankrupted Congress' intent of the Act and have served to bankrupt entire segments of the U.S. economy.

By 1995, Wildlands Project groups had petitioned for the listing of literally hundreds of species. To give Congress some examples of abuse, the Biodiversity Legal Foundation has petitioned to list the common timber rattlesnake with critical habitat in 31 states, millions of acres of white pine, and the Alaskan wolf. In each of these cases, U.S. Fish & Wildlife Service found the petitions either unwarranted or unsubstantiated with scientific fact. But not until limited personal and financial resources were expended addressing the petitions, often times in court. Two species which wildlands project groups were successful in listing, were the Prebles jumping mouse and the Sierra Nevada bighorn. DNA analysis has recently determined that the Prebles mouse is not a unique species, or subspecies, but not before critical habitat designations and recovery plans cost the Colorado economy alone an estimated \$4 billion.

It took industry two years to obtain a DNA sample from the U.S. Fish & Wildlife Service for the Sierra Bighorn after the Wildland Project group Friends of the Inyo successfully petitioned the listing of this bighorn. Nuclear DNA analysis now suggests that the Sierra Bighorn is neither distinct nor a subspecies. Yet the bighorn are being transplanted into regions of historic livestock grazing, and used to remove grazing use. At this time, 60,000 domestic sheep have been removed from domestic grazing allotments and another 60,000 head are targeted for removal. Economic impacts on the sheep industry could run as high as \$100 million for a subspecies or distinct population of a species that isn't.

Delisting has also been problematic. The grizzly bear in the Northern Continental population met all recovery criteria in 1982. Once delisting looked probable in 1991, the Biodiversity Legal Foundation petitioned to list other populations from threatened to endangered and U.S. Fish & Wildlife Service was lobbied to rewrite its recovery plan. In the 1993 Grizzly Bear Recovery Plan, USF&WS implemented the principles of the Wildlands Project outlining the establishment of at least six populations in protected recovery zones in Montana, Wyoming, Idaho, Washington and possibly Colorado, and the connection of these island populations of grizzly with migratory corridors, one of which is 240 miles long. Despite the fact that hunting, recreation and poaching are responsible for over half of all grizzly bear mortalities, and sheep grazing, which accounts for less than 9 percent of mortality, is cited as the biggest source of grizzly conflict and is targeted for removal from core grizzly habitat. Wildlands Project groups have also successfully litigated the halt of most mineral and energy development on the front-range of Montana and Northern Wyoming within grizzly habitat.

Not only has it been impossible to delist the grizzly bear, but a recent Oregon court decision has made it impossible to delist the wolf and possibly any other species. Efforts to delist the gray wolf were met with legal challenge by Wildland Project groups in the liberal Oregon courts. After a January ruling that the wolf could not be delisted until it was recovered throughout its habitat in historic numbers, its may be impossible to delist the wolf until populations in New England, the Appalachians and the Southwest are recovered. Furthermore this case makes it questionable whether any species can now be recovered or delisted.

The Endangered Species Act states that the Secretary shall consider the designation of critical habitat using best scientific data and evaluates the economic impact of such designation, and other relevant impacts. The Secretary may then exclude any area from critical habitat if the benefits of such exclusion outweigh the benefits of the habitat. The Oregon wolf case demonstrates effectively how Wildlands Project groups have pull this authority well away from the Secretary. With each petition, Wildlands Project groups are requesting and litigating the designation of the maximum amount of habitat possible, not for conservation of the species, but to enable their control of resource use. Congress must take measures to strengthen the

Endangered Species Act so it can achieve its intended purpose. The listing and delisting mechanisms of the Act must be addressed so only species in need of protection are listed, and once recovery is achieved, these species delisted. The citizen suit provisions of the Act must be reviewed to address the avalanche of frivolous litigation that only serves to halt economic use, and does nothing to conserve the species. Critical habitat and recovery plans must be addressed. All conservation efforts are better served through incentives and landowner cooperation, rather than threat of litigation and the iron hand of the courts, rules and regulations.

Thank you once again for this opportunity to testify on behalf of the New Mexico Stockgrowers Association.

Mr. GIBBONS. Thank you very much, Mr. McDonnell.

We will turn now to Ms. Conner. Welcome. It is nice to see you again. The floor is yours. We look forward to your testimony.

STATEMENT OF TERESA A. CONNER, MANAGER, ENVIRONMENTAL RESOURCES DEPARTMENT, QUEENSTAKE RESOURCES USA, INC., REPRESENTING WOMEN'S MINING COALITION

Ms. CONNER. Chairman Gibbons and distinguished Members of Congress, thank you for inviting me to testify before you today. My name is Teresa Conner, and I am here in my capacity as manager of environmental resources for Queenstake Resources USA, Incorporated. I am also representing the Women's Mining Coalition as their immediate past president and current—

Mr. GIBBONS. Do you want to pull your mike just a little closer, please, so everyone can hear? Thank you.

Ms. CONNER. Is that better? I am not used to this. I am sorry.

I have a bachelor's degree in mining and geological engineering from the New Mexico Institute of Mining and Technology, and I have over 24 years of experience in the mining and petroleum industries primarily in Alaska, Nevada, and New Mexico. I have worked for the Federal Government, small, mid-tier, and large mining companies, and a consulting firm, and briefly had my own consulting business. My work has predominantly centered around permitting, both for exploration and development, and mine engineering. I am a member of several professional societies and organizations.

I became aware of the Wildlands Project roughly 13 years ago. Because of the incredible scope of the project and its potential impact on future access to natural resources and their ultimate development, I have followed their progress since that time.

Mined materials and the products created therefrom are necessary for everyday life. From the toothpaste we use each day to the homes we live in and the transportation we use, as well as the tools we use for both work and play, we could not function as a society without the basic materials that the mining industry supplies. This being said, this most basic of industries is being continually threatened on various fronts, not the least of which is the current and possible future limits to access to areas of potentially economic mineral deposits. The Wildlands Project epitomizes this threat to the mining industry.

In my written testimony, I have noted some more specific information on acreages impacted by mining, but suffice to say that this number is substantially smaller than that proposed to be locked up by the Wildlands Project.

The Wildlands Project proposes, as Mr. McDonnell said, to lock up huge segments of the land mass of the United States. Roughly 50 percent by their calculations should be preserved as wild areas. These areas would not only be off limits to any type of natural resources exploration and development, but basically to people as well.

In the literature that the Wildlands Project has produced over the years, they describe how to create their "core reserves and primary corridors." This, of course, requires looking at the distribution of "rare species and community types," with the intent to manage these core reserve areas in such a way that puts "biodiversity first." There are literally hundreds of cases of appeals, listings of threatened and endangered species, litigation, legislation, regulations, and management plans that are a direct result of numerous environmental organizations working in unison and toward the ultimate goal of the Wildlands Project.

The basic tenet of the Wildlands Project is that wildlife cannot co-exist near mining operations or any other human-created activity, and that they require immense land masses in order to survive. I am here today to let this Subcommittee know that this could not be further from the truth. There are countless examples of wildlife not only co-existing but flourishing at and near active mining operations. Let me provide you with one example from the perspective of a mining company.

Queenstake Resources, who I work for, is a mid-tier gold producer. We operate four underground gold mines in the Jerritt Canyon area of the Independence Mountain Range in northeast Nevada. The majority of our operations is on U.S. Forest Service-managed lands.

In the Independence Mountain Range, the northern goshawk is one species that has received considerable attention over the years. In 1997, the species was proposed for listing under the ESA. Studies of the northern goshawk in the Independence and Bull Run Mountains in the Humboldt National Forest started in 1991 through the joint efforts of then-operator, Independence Mining Company, and the U.S. Forest Service. Since that time, there have been numerous studies conducted and data collected that do not support listing the northern goshawk as an endangered species. Had the northern goshawk been listed, there would have been huge impacts not only to our Jerritt Canyon mining operations, but across the West. Large tracts of land would have been locked up needlessly.

Queenstake Resources and our predecessor companies at the Jerritt Canyon Mine have developed, with the Forest Service, management guidelines that we continue to adhere to today. The Master Base Plan of Operations for exploration activities, approved in 1994, includes several mitigation measures, but the one I would like to talk about today is guidelines on how we address the northern goshawk. These measures include temporal and spatial restrictions to avoid any effects to the Post Fledgling Area of the northern goshawk. These restrictions require that Queenstake not conduct disturbing activities from March 15th through June 1st annually. At that point, a determination of nest activity or inactivity is made. This requires that we do an annual survey to check these nesting

areas. If there is no activity, then we can proceed with our exploration work. If a nest is active, however, we cannot work until at least 6 weeks after fledging, or into mid-August, which is, of course, as you know, prime exploration time during the summer. These restrictions, however, have become second nature to our exploration geologists, and it is understood that drilling or any related activities cannot occur until they are satisfied.

In my experience, there are several examples of how mining operations can co-exist with wildlife. As I have just described, that is just one example.

In light of the impacts of environmental regulations on energy and mineral development and how the Wildlands Project plays into that picture, I have a few recommendations for the Subcommittee's consideration.

First, in revisions to the Endangered Species Act, we need to ensure that sound science be utilized, and we need to have actual, verifiable field data that backs that up.

Second, prior to designating critical habitat for species, the completion or amendment of recovery plans should be required.

Third, an economic impact analysis should be required when any restrictions are developed in conjunction with listed under the Endangered Species Act.

And, finally, because of the potential impact of the Wildlands Project, I would strongly urge this Subcommittee to review all available information on this project and determine its true merits.

Thank you.

[The prepared statement of Ms. Conner follows:]

Statement of Teresa A. Conner, Manager, Environmental Resources Department, Queenstake Resources USA, Inc., Women's Mining Coalition, Past President and Current Advisor

Chairman Gibbons and distinguished Members of Congress:

Thank you for the invitation to testify before this Subcommittee today. My name is Teresa Conner. I am here today in my capacity as the Manager of Environmental Resources for Queenstake Resources USA, Inc.. I am also representing the Women's Mining Coalition, as their immediate past president and current advisor.

I have a bachelor's degree in Mining and Geological Engineering from the New Mexico Institute of Mining and Technology. I have over 24 years of experience in the mining and petroleum industries primarily in Alaska, Nevada and New Mexico. I have worked for the federal government, small, mid-tier and large mining companies, a consulting firm and briefly had my own consulting business. My work has predominately centered around permitting, both for exploration and development, and mine engineering. I am a member of several professional societies and organizations, including Society for Mining, Metallurgy, and Exploration, Inc., the Nevada Mining Association, the New Mexico Mining Association, the International Society of Explosives Engineers, the Women's Mining Coalition, and the American Association of Professional Landmen.

I became aware of The Wildlands Project roughly 13 years ago. Because of the incredible scope of the project and its potential impact on future access to natural resources and their ultimate development, I have followed their progress since that time.

Overview:

Mined materials and the products created therefrom are necessary for every day life. From the toothpaste we use each day to the homes we live in and the transportation we use, as well as the tools we utilize for both work and play— we could not function as a society without the basic materials that the mining industry supplies. This being said, this most basic of industries is being continually threatened on various fronts, not the least of which is the current and possible future limits to access to areas of potentially economic mineral deposits. The Wildlands Project (TWP) epitomizes this threat to the mining industry.

Land Statistics:

Currently, there are approximately 320,000 acres of land either under an approved mining plan of operations, or under a pending plan of operations, as estimated by the Bureau of Land Management and the Forest Service. Just the BLM alone manages approximately 262 million acres of public land in the west. Even if you assume the entire 320,000 acres to be on BLM land, it amounts to only one tenth of one percent! In reality, mining impacts a negligible amount of public land.

By comparison, there are over 43 million acres of land set aside by the BLM in their National Landscape Conservation System. This system includes National Conservation Areas, National Monuments, Wilderness Areas, Wilderness Study Areas, National Wild and Scenic Rivers and National Historic and Scenic Trails. This amounts to over 16 percent of the total BLM-managed lands.

My point in mentioning these statistics, is that The Wildlands Project proposes that huge segments of the land mass of the United States, roughly 50 per cent by their calculations, be preserved as "wild" areas. These areas would be not only off limits to any type of natural resources exploration and development, but to people as well. As I have indicated, there are already a substantial number of acres of publicly-managed land that is currently set aside in the form of National Conservation Areas, National Monuments, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers and National Historic and Scenic Trails, as well as several other types of protected areas.

Use of the Endangered Species Act and Other Laws as Tools:

In the literature that The Wildlands Project has produced over the years, they describe how to create their "core reserves and primary corridors". This of course requires looking at the distribution of "rare species and community types", with the intent to manage these core reserves areas in such a way that puts "biodiversity first". There are literally hundreds of cases of appeals, listings of threatened and endangered species, litigation, legislation, regulations, and management plans that are a direct result of numerous environmental organizations working in unison and toward the ultimate goal of The Wildlands Project.

The basic tenant of The Wildlands Project is that wildlife cannot co-exist near mining operations, or any other type of human-created activity, and that they require immense land masses in order to survive. I am here today to let this Subcommittee know that this could not be further from the truth. There are countless examples of wildlife not only co-existing, but flourishing at and near active mining operations. Let me provide you with one example from the perspective of a mining company.

Queenstake Resources is a mid-tier gold producer. We operate four underground gold mines in the Jerritt Canyon area of the Independence Mountain Range in northeast Nevada. The majority of our operations occur on U.S. Forest Service-managed lands.

In the Independence Mountain Range, the northern goshawk is one species that has received considerable attention. In 1997 the species was proposed for listing under the ESA (62 F.R. at 50896). Studies of the northern goshawk in the Independence and Bull Run Mountains in the Humboldt National Forest started in 1991 through the joint efforts of then-operator, Independence Mining Company, Inc. and the United States Forest Service (USFS). Since that time there have been numerous studies conducted and data collected that do not support listing the northern goshawk as an endangered species. Had the northern goshawk been listed as a threatened and endangered species there would have been huge impacts not only to our Jerritt Canyon mining operations, but across the west. Large tracts of land would have been locked up needlessly.

Queenstake Resources and our predecessor companies at the Jerritt Canyon Mine have developed, with the USFS, management guidelines that we continue to adhere to today. The Master Base Plan of Operations for exploration activities, approved in 1994, includes several mitigation measures, but the one I will describe today outlines how we will address concerns regarding the northern goshawk. These measures include temporal and spatial restrictions to avoid any effects to the Post Fledgling Area (PFA) of the northern goshawk. These restrictions require that Queenstake not conduct disturbing activities from March 15 to June 1 annually. At that point, a determination of nest activity or inactivity is made. This requires an annual survey of nesting areas in order to determine activity or lack thereof. If there is no activity in a nest, then work can proceed. However, if a nest is active, no work can occur for at least 6 weeks after fledging, or approximately mid-August. These restrictions have become second nature to our exploration geologists and it is understood that any drilling or other related activities cannot occur until they are satisfied.

Conclusion:

In my experience, there are several examples of how mining operations co-exist with wildlife. The northern goshawk is only one of those examples and indicates that it is not only possible, but a commonplace occurrence. These types of success stories do not just happen in Nevada. At mining operations all across the United States successful management for wildlife values are happening everyday. For those of us involved in these operations, we see absolutely no need for the wide-sweeping and totally unwarranted proposal of The Wildlands Project to set aside roughly 50% of this country's landmass for the sole purpose of "rewilding" our nation.

Recommendations:

In light of the impacts of environmental regulations on energy and mineral development and how The Wildlands Project plays into that picture I have a few recommendations for the Subcommittee's consideration. First, in the current effort to reform the Endangered Species Act, it is imperative that sound science be utilized when assessing the need to list a species as threatened or endangered. For all proposed listings actual, verifiable field data that demonstrates the presence of a species should be required. In conjunction with this, there should also be a requirement for independent scientific review. Second, prior to designating critical habitat for a species, the completion or amendment of recovery plans should be required. Third, an economic impact analysis should be required when any restrictions are developed in conjunction with a listing under the ESA. Finally, because of the potential impact of The Wildlands Project, I would strongly urge this Subcommittee to review all available information on this project and to determine its true merits.

Mr. GIBBONS. Thank you, Ms. Conner.

We turn to Mr. Mathis, and I apologize for mispronouncing your name when I introduced you earlier as well.

**STATEMENT OF MARK E. MATHIS, EXECUTIVE DIRECTOR,
CITIZENS' ALLIANCE FOR RESPONSIBLE ENERGY**

Mr. MATHIS. Mr. Chairman, that is quite all right.

Mr. Chairman and members of the Committee, my name is Mark Mathis, and I am Executive Director for the Citizens' Alliance of Responsible Energy, and this is a nonprofit organization based in Albuquerque, New Mexico.

Eric Sevareid once said, "The chief cause of problems is solutions." Sevareid understood what many people don't know or never learned, and that is, bad solutions can crush an economy and even a Nation.

Today we are facing a crisis, or at least that is what we are told. Our environment is in distress. The air is polluted. Our waterways are cesspools and wilderness is vanishing. According to the Wildlands Project we are in the sixth great extinction of plant and animal species, and the chief cause of this catastrophe is energy production and the burning of fossil fuels. But not to worry, anti-development activists have the solution. Huge tracts of land must be set aside for the re-wilding of America. We can replace oil, coal, natural gas and nuclear power with renewable energy sources. All we have to do is invest our money, technology and willpower in order to make this happen.

Only problem is the crisis is largely made up, and the so-called solution is steering us toward a very real crisis. Our air and water are significantly cleaner than they were 30 years ago, according to the Environmental Protection Agency. The U.S. has a massive amount of wilderness, and according to a U.N. report, earth has more species diversity today than at any time in history.

Renewable energy sources hold promise but also present big obstacles. As much as we would all like to stop burning fossil fuels, we will actually be using more of them in at least the next two decades. Over that time period, 39 percent more oil, 40 percent more natural gas, 34 percent more coal, and we'll be using 50 percent more electricity over the next two decades.

These are the facts, and yet most of the public and many in Government are deceived. Yes, we are facing a very serious problem, but it is not environmental degradation, it is domestic energy production.

Mr. Chairman, as you noted, we currently import nearly 63 percent of our oil, which makes up the greatest portion of our trade imbalance. That weakens our economy and threatens our national security. This need not happen. The improved technologies have made fossil fuel production much safer, cleaner and environmentally friendly. More than ever we need to be opening up public lands to energy production, but instead overly restrictive regulations are shutting down our ability to produce the energy we need for absolutely everything that we use. We must stop this dangerous charade, and we can begin by reforming the Endangered Species Act.

In the last 30 years, 1,262 species have been listed as endangered with less than 1 percent actually being recovered. That's because the Act is not being used to recover species, it is merely a tool used by anti-development activists to remove people and industry from the land. All over the West energy production is being increasingly restricted. According to the American Petroleum Institute, half of all natural gas in the Rockies is currently effectively off limits. In my own State of New Mexico, extremists pressured the BLM to impose severe limits on energy development on Otero Mesa.

The BLM issued the most restrictive resource management plan in its history. Only 84 producing wells are allowed on 2 million acres, 2 million acres. Surface disturbances will be one-one thousandth of the total area. Some 36,000 acres were set aside for the endangered Aplomado Falcon, which hasn't even lived in New Mexico for the last half century. By the way, this endangered falcon can be found in large numbers throughout all of South America, all of Central America, all of Mexico, and parts of Texas.

And so what was the environmental response to this highly restrictive resource management plan by the BLM? They were outraged, and so they filed suit against the BLM. This is just one case among hundreds across the West. Anti-development groups are fighting energy exploration in any new area where it is proposed. Their lawsuits have drained resources, intimidated Government agencies, and deceived the public. Even worse, activists have given Americans false hope in renewable power that is decades away from making a meaningful contribution to our overall energy supply.

Every day companies responsibly develop energy supplies while protecting our air, water and soil. Yes, there are impacts, but these impacts are manageable, and the benefits from this energy production cannot even be measured.

We can't do anything without fossil fuels. Take away even half of our foreign energy supply and we would very soon find out what a real catastrophe looks like. We've got a serious energy challenge in front of us. In order to meet that challenge we'll first need to dispose of the non-solution of overly burdensome restrictions on energy development.

Mr. Chairman, thank you for holding this meeting today.
[The prepared statement of Mr. Mathis follows:]

**Statement of Mark Mathis, Executive Director,
Citizens' Alliance for Responsible Energy**

My name is Mark Mathis. My address is 8419 Vina Del Sol Dr. NE, Albuquerque, NM 87122. I am a former television news reporter and anchor. I've been a media consultant for the past eleven years. Two and a half years ago I began consulting with the Independent Petroleum Association of New Mexico. It took only a short period of time for me to understand the great frustration endured by energy producers. They are under constant attack by anti-development groups posing as environmentalists. Much of the time the accusations and rhetoric dispensed by these groups is greatly distorted if not entirely false. Within a year's time I could see that something needed to be done. It was at that time that I began contemplating starting a non-profit organization for the purpose of educating the public about energy issues. I believe a better-informed public will result in government leaders making better decisions concerning our national energy policy. I have some experience in standing up for the public. In 2001, I formed an organization called "The 505 Coalition" to fight a new and unnecessary area code from being implemented in New Mexico. As a result of the efforts of the 505 Coalition rulings by the federal and state governments were rescinded, saving an estimated \$50 million in public and private funds. I wish to apply that same type of activism to the critical task of safeguarding our nation's energy supply.

The Wildlands Project

To date, the most comprehensive environmental coalition to appear on the scene is the Wildlands Project. This coalition is the most radical in purpose: to "re-wild" America, that is, to gradually remove people and raw material production from the rural United States with no definite stopping point. In their own words:

"The Wildlands Project calls for reserves established to protect wild habitat, biodiversity, ecological integrity, ecological services, and evolutionary processes. In other words, vast interconnected areas of true wilderness and wild lands. We reject the notion that wilderness is merely remote, scenic terrain suitable for backpacking. Rather, we see wilderness as the home for unfettered life, free from human technological and industrial intervention."

"Extensive roadless areas of native vegetation in various successional stages must be off-limits to human exploitation."

"To function properly, nature needs vast landscapes without roads, dams, motorized vehicles, power lines, over-flights, or other artifacts of civilization, where evolutionary and ecological processes can continue. Such wildlands are absolutely essential to protect biodiversity."

The Wildlands Project has proposed to set aside at least half of North America for "the preservation of biological diversity." The resulting "wildland reserves" would contain:

- Cores, created from public lands such as national forests and parks, allowing for little, if any, human use
- Buffers, created from private land adjoining the cores to provide additional protection;
- Corridors, a mix of public and private lands usually following along rivers and wildlife migration routes; but would allow no cities, roads, homes, businesses, no aircraft over-flights, or natural resource extraction, i.e., an ever expanding area of America would be depopulated and de-developed.

A decade ago, such proposals would not have been taken seriously. Even today this kind of proposal would seem highly unrealistic to a lot of people. However, such grand visions are not accomplished over night. They happen incrementally. Even though the term "Wildlands Project" is not widely known, it still presents a formidable threat to private property ownership, mineral and resource extraction, and national security. Countless anti-development organizations are pursuing the goals of Wildlands without specifically using the term.

In the late 1990s, the Clinton administration adopted aspects of The Wildlands Project philosophy pushed largely by Vice President Al Gore. In Mr. Clinton's term we witnessed a moratorium on road construction in undeveloped areas. There were proposals to breach dams on the Columbia River. The expansion of the Endangered Species Act continued unabated.

The Wildlands Project is technically a coalition strategy project with a single lead organization: North American Wilderness Recovery, Inc. (2000 revenue: \$1,451,459), originally based in Tucson, Arizona, but relocated in 2000 to Richmond, Vermont. The organization is an outgrowth of a 1981 Earth First! idea called the North American Wilderness Recovery Project.

North American Wilderness Recovery has been supported by foundation grants since before its exemption 1992, particularly by Doug Tompkins' Foundation for Deep Ecology, in annual amounts ranging from \$50,000 in 1992 to \$150,000 in 1996 and 1997. The Richard and Rhoda Goldman Fund gave \$75,000 in 1996 and the Educational Foundation of America gave \$50,000 in 1997. (Financial data provided by the Center for Defense of Free Enterprise)

A Public Deceived

We have entered the great information age. Media is all around us in television, radio, newspapers and magazines. We've got CDs, DVDs, MP3s, and satellite TV. With our computers and the Internet massive amounts of information is just a few mouse clicks away. We can learn about the most obscure subject in great depth without ever leaving our homes. And yet, in the midst of this sea of information, many Americans are either ignorant or misinformed about some the most fundamentally important issues to their lives. This is the great irony of the 21st Century. We don't live in the information age. We live in the age of disinformation.

I believe the most critical and misunderstood issue of our time is the balance between energy development and the environment. We all know we need energy for our daily lives' electricity for lights, appliances, computers and hundreds of other devices. We know we need gasoline for our cars, jet fuel for airplanes, diesel for big trucks and ships and all kinds of other fuels such as propane and butane. We depend on this energy for absolutely everything, and yet hardly ever think about where this life-sustaining power comes from.

While Americans sit in their comfortable homes with every conceivable necessity and luxury, they watch the morning news. There's another protest about "environmental destruction" caused by fossil fuels. Then they read a newspaper story about the rapid and catastrophic loss of endangered species. Then it's off to work where a radio ad informs them that some "pristine" wilderness is about to be destroyed by oil and natural gas development. While cruising along the highway they see a billboard warning them of the dangers of nuclear power. They press on the gas, take a swig of bottled water and shake their heads at those awful energy companies that are ruining their lives.

From every direction, Americans are being fed a litany of lies and distortions. As preposterous as it is, people have been trained to despise the energy sources that are the foundation of unprecedented health, longevity and prosperity. Americans have been fed so much disinformation for so long that they no longer trust their own experience. They just assume the disinformation is true and those assumptions are rarely if ever challenged.

Because the public is so misinformed, a relatively small number of people who participate in vocal, well organized and very well funded activist groups are given undue influence over public policy. They demand unreasonable regulations and restrictions on energy development and they get a lot of attention from the press.

For example, The Wildlands Project and other activist groups claim we are in the "6th great extinction of species." However, a 1995 United Nations report states that there have never been so many species as there are in the modern era.

On The Wildlands Website Stanford University professor Paul Ehrlich is quoted as saying:

Although the Wildlands Project's call for restoring keystone species and connectivity was met, at first, with amusement, these goals have now been embraced broadly as the only realistic strategy for ending the extinction crisis.

It's surprising that The Wildlands Project would give Ehrlich such a prominent place on its website. Ehrlich is not so much famous as he is notorious for making doomsday predictions that do not come true. In 1981 Ehrlich predicted that we would lose 250,000 species every year. The widely discredited futurist claimed that half of all species would be gone by the year 2000 and that all species would be dead between 2010 and 2025.

True environmentalists, such as GreenPeace founder Patrick Moore, cite biological evidence that less than one percent of species may be lost in the next century.

Moore left GreenPeace many years ago because he said the environmental movement was “basically hijacked by political and social activists”. Moore was interviewed for the segment “Environmental Hysteria” by Showtime’s Penn & Teller program. Moore told Penn & Teller that these phony environmentalists, “came in and very cleverly learned how to use green rhetoric or green language to cloak agendas that actually had more to do with anti-corporatism, anti-globalization, anti-business and very little to do with science or ecology.”

The Wildlands Project and other groups that support the same anti-development agenda are effective in spreading disinformation through their skill in using the news media. They know that they can make outrageous claims and the chance that those claims will actually be challenged is very small. They know that journalists typically don’t know enough about these complex issues to even ask the right questions, let alone to challenge the sensational assumptions. Reporters are not given enough time or resources to do more than simply repeat the activists’ claims. Of course, some reporters are believers in the obstructionist movement and their bias heavily influences their stories. But more than anything, the press cannot resist emotional, sensational, fear-based claims. It’s their bread and butter in the 21st century.

Journalistic arrogance, of course, is another problem, and not just with renewables. Syndicated columnist Stanley Crouch recently informed readers of *The New York Daily News*, “The recent congressional vote for Arctic drilling would not have been necessary if we had maintained commitment to developing nuclear power as an energy source.” It apparently didn’t occur to Mr. Crouch that there’s no such thing as a nuclear-powered car, tractor-trailer or airplane.

I have considerable knowledge in this area of media manipulation. I was a news reporter for nine years in four states and I’ve been a media consultant for more than 11 years. In my book, *Feeding the Media Beast*, I devote a chapter to “The Rule of Emotion” and another to “The Rule of Repetition”. Anti-development groups are very good at using these powerful rules to their advantage.

The Renewable Deception

Supporters of the Wildlands Project philosophy are big supporters of renewable energy sources such as wind, solar, and biomass. They continually urge the public and government leaders to reject fossil fuels and to embrace the energy sources of the 21st century. These kinds of politically correct statements receive broad approval because they sound so good. However, the fact is renewable energy sources running our world is nothing more than pure fantasy for at least several more decades and probably longer.

Professional obstructionists and even some politicians have led people believe that a greater investment in wind and solar power will somehow make us less dependent on foreign oil. That’s ridiculous. Wind turbines and solar panels generate electricity, which does nothing to replace the oil that fuels virtually all forms of transportation. Even the electricity generation of wind and solar power is minuscule at this point, contributing less than one half of one percent to our electricity needs.

To the uninformed, this distinction may seem trivial. In reality its importance couldn’t be greater. We don’t have an electricity problem in this country (though we could use more power plants and an upgraded grid); we have a deadly serious liquid fuels crisis that threatens our economy, our national security and indeed all that we hold dear.

There are other groups such as the Energy Future Coalition and The Governors’ Ethanol Coalition made up of governors from 33 states. These organizations want Congress to increase a federally mandated use of ethanol above the 5 billion gallons required by 2012. These governors score points—and votes—by appearing to actually be doing something about our thirst for foreign oil and desire to have a cleaner environment. Farm belt governors score double points because 95% of ethanol is made from corn.

However, this is just another energy deception. It takes more fuel to produce and deliver ethanol than it provides, meaning we import more foreign oil, not less. While ethanol is advertised as burning cleaner than gasoline, on balance it actually produces more and worse pollution. Ethanol emits higher levels of NOx emissions contributing to smog, and it makes gasoline evaporate faster, reducing its value while increasing pollution. It also must be shipped separately and mixed at distribution terminals, which simultaneously drives up costs, fuel usage and emissions.

The Big Hammer: The Endangered Species Act

No single tool has been more effective in advancing the goals of The Wildlands Project than the Endangered Species Act. Say "Endangered Species Act" and most Americans believe this is a federal law that protects species in danger of becoming extinct. While that was the original intent, today the Act has very little to do with protecting species in trouble. It is simply a tool for anti-development groups posing as environmentalists to shut down any and all uses of public land, energy development being number one on the list.

One of the fundamental flaws of the ESA is that species do not recognize state boundaries. If a species is determined to be "endangered" in one state it may become listed as such even though an abundance of the species exist in other parts of the country or in other nations. For example, the Aplomado Falcon is listed as endangered in New Mexico when the species hasn't even existed in the state for the past half century. The Bureau of Land Management has restricted energy development on 36,000 acres on Otero Mesa just in case the falcon decides to come back. Even worse, the falcon can be found in great abundance on the entire continent of South America, throughout Central America, all of Mexico, and into Texas. An additional 88,000 acres on Otero Mesa are off-limits for other conservation concerns. Dozens upon dozens of cases such as this can be found all across the country.

Another big problem is that once a species is listed it is extraordinarily difficult to get it de-listed. In the 32-year history of the ESA only 10 species have been removed from the endangered list because of "recovery". Even then, critics charge that some of those species were saved by private efforts and other activities such the banning of DDT.

In New Mexico, the Gila Trout was first listed as endangered in 1967. The U.S. Fish & Wildlife Service proposed downgrading it to threatened in 1987 but under pressure withdrew the proposal. Another request came in 1996. It didn't happen. Today the USFW is attempting a third time but is running into stiff objections from anti-development groups.

Enforcing the ESA is very expensive to taxpayers as well as private property owners. In the west, the U.S. Fish and Wildlife Service estimates it will cost about \$30 million to \$40 million every year to protect the endangered southwestern willow flycatcher. Unfortunately, this kind of outrageous expense for species protection is the rule rather than the exception. Remember, there are 1,262 Endangered Species and obstructionists are filing lawsuits and lobbying hard to have more added all the time.

There are many other flaws in the Endangered Species Act such as the fact that in many cases access to land is restricted based on the "Best Available Data", which often stands for "BAD" data because data are incomplete and sometimes non-existent. Another flaw is the fact that private landowners lose use of their land because of an endangered species and they receive no compensation from the government. There are more problems, however the intent of this testimony is not to make suggestions on how to fix the ESA, but simply to point out that the Act is highly flawed and yet very powerful in restricting access to land for all purposes, most importantly to energy development.

Energy is Everything

It is almost impossible to overstate the importance of oil and its powerful brother, natural gas. Without them our world would be completely different, more different than any of us can possibly imagine.

Look around you and try to spot a single item that would still be there if oil were not. When people think of oil and natural gas, they typically consider its obvious uses—gasoline for the car, a lubricant for the engine, and a power source for electricity generation and the heating of homes. What about rubber for tires, shoes, and seals on refrigerators, ovens, and car doors? Consider the importance of asphalt, fertilizers, pesticides, and glue. What would life be like without magic markers, lipstick, pantyhose, credit cards, dental floss, toothpaste, baby bottles, telephones, TVs, computers, soccer balls, paint, and synthetic fibers for today's clothing?

The vast quantity of everyday items that contain some byproduct of petroleum is astonishing. Take these products away and our world would come to a sudden and catastrophic end. If somehow we could instantly remove the contribution of petroleum to our world you would find yourself standing naked and unsheltered in an open landscape among millions of other naked and unsheltered souls.

It's a little unnerving just to think about it. There's only one thing more important to our survival than oil and natural gas, and that's oxygen. Yes, water, food, clothing, and shelter are essential, but in today's world the vast majority of the population cannot get these life-sustaining necessities without petroleum.

Yet, in spite of these sobering realities, the a misinformed public stands by while access to oil and natural gas are denied under the pretense of “environmental protection.”

Oil & National Defense: A Sobering Reality

Oil—as well as all other energy sources—is directly tied to the success and survival of the United States of America. The same can be said of any other country. Fundamentally, no society can endure—let alone prosper—without two things: an adequate and affordable food supply and the availability of affordable energy. Because our food supply is almost completely dependent on oil, petroleum is the most important commodity we have.

While it’s quite clear that our economy and standard of living are completely dependent upon oil, it may be less clear that petroleum is a key ingredient in our freedom, too. Without adequate fuel supplies for fighter jets, battleships, tanks and other armored vehicles America would be vulnerable to any nation that wished to take what we have as their own, and that includes our liberty as well.

Allied forces defeated the Axis powers in World War II for a variety of reasons—brave men and women, intelligent military leaders, and a home-front that made great sacrifices to give the military all that it needed while still running a nation. However, no level of bravery or sacrifice would have mattered if the United States hadn’t had sufficient oil supplies to fuel victory.

Freedom isn’t free. It takes enormous sums of bravery, skill, passion, human ingenuity and the fuel to make it all work.

A Promising Alternative: Oil Shale

One of the most promising alternatives to oil is what’s called “oil shale”. The potential resource is enormous. It’s estimated that there is over 200 times more oil shale than there are conventional reserves. Better yet, the United States is estimated to have 62% of the world’s potentially recoverable oil shale resources at 2 trillion barrels. According to The World Energy Council the largest of the deposits is found in the 42,700 km² Eocene Green River formation in north-western Colorado, north-eastern Utah and south-western Wyoming.

The name is actually a misnomer because it does not contain oil and it is not often found in shale. The organic material in oil shale is kerogen and it’s contained in a hard rock called marl. When processed, kerogen can be converted into a substance similar to petroleum. During this process the organic material is liquefied and processed into an oil-type substance. The quality of the product is typically better than the lowest grade of oil produced from conventional reserves.

Unfortunately, oil shale poses several significant problems. Processing of oil shale requires significant amounts of energy and water. It also produces massive amounts of waste product. In the 1970’s major oil companies in the U.S. spent billions of dollars in various unsuccessful attempts to commercially extract shale oil. However, as the price of conventional oil rises the economics of shale oil will improve. When that happens we can expect groups supporting The Wildlands Project philosophy to mount a well-funded and well-organized protest. As always, disinformation will lead their plan of attack.

A Difficult Task

Getting the American public and government leaders to focus on the critical importance of responsible domestic energy production is no easy task. Re-educating the public about the nation’s true environmental condition will be even more difficult. However, CARE was formed to address these issues because the stakes are extraordinarily high. The stability of our economy and the foundation of our national security are directly tied to our ability to produce domestic energy. It is bad public policy to continue to become more dependent on foreign and often unstable governments to fulfill our energy requirements, especially when environmentally responsible production is a reality today.

Mr. GIBBONS. Thank you, Mr. Mathis.

And now we’ll turn to Professor Boorse. The floor is yours. I look forward to your testimony.

**STATEMENT OF DOROTHY BOORSE, PH.D., ASSOCIATE
PROFESSOR, BIOLOGY DEPARTMENT, GORDON COLLEGE,
REPRESENTING NOAH ALLIANCE**

Ms. BOORSE. Thank you for the opportunity to appear before you today, Mr. Chairman and Members of Congress. You have my written testimony and I'll speak more briefly this morning.

I'm an Associate Professor of Biology at Gordon College. My remarks today stem from two perspectives: one as a scientist and the other as a person of faith.

Before turning to scientific questions, I would like to stress that people across the spectrum of religious life take the issue of protecting endangered species profoundly seriously. I am one example of this. I have come today not only to talk about the science, but also because I feel called by my faith to be here. As a scientist I am not an expert on the Wildlands Project, but I am an ecologist who can explain the importance of corridors. Corridors between core areas provide a number of ecological services to conserve species. These include increasing genetic diversity, providing space for wide-ranging species, and allowing recolonization into areas where species have become extinct.

Another way to understand the importance of corridors is to consider the serious, negative ramifications of the converse, habitat fragmentation, which has a gigantic impact on wildlife and ecosystems. For example, regionally floods occur at higher numbers and in—and have a greater impact, and erosion, including large mud slides, increase as a result of the removal of vegetation. Right now in the Amazon, the large fires that are in the new are larger than they would have been because of the habitat fragmentation. And the people who live there and use the resources of the Amazon are also being harmed, as is the wildlife.

Habitat loss is widely recognized as the leading cause of species endangerment. Without habitat conservation, our society's priority in protecting species from extinction, which is reflected in our Endangered Species Act, will be impeded. The Endangered Species Act has acted as a safety net to prevent extinction and help a number of species stabilize, but habitat must be protected.

These are not the only reasons to care about the environment. I personally believe that God has created the world for His own glory and given humans the task to care for it. Throughout the Judeo-Christian tradition, the role of nature in glorifying the Creator is a repeated theme. Species have value not only because we as people think so, but because it is clear that God thinks so. In addition, Christ calls us to a radical departure from the culture around us. We are exhorted not to seek fame and fortune, but to live lives focused on self-sacrifice and the task we have been given, including in my opinion, managing the rest of species.

I'm not alone in viewing caring for creation, including endangered species, as an important part of my faith. While I speak for myself, the Committee should recognize the breadth of engagement, and members of the religious community to the protection of all of God's creatures. For example, a new collaboration of faith groups has recently been established called the Noah Alliance, who I am representing today. Work is also occurring in the Jewish and mainline Protestant communities to be a witness for the protection

of fragile species and the U.S. Conference of Catholic Bishops has recognized this as an area of concern. You may expect to hear from people of faith, as we all together, witness with passion and resolve about the importance of endangered species.

I, myself, in the mid '90s, wept when I had heard that the Ivory-billed Woodpecker had been declared finally extinct, and very recently was thrilled beyond belief to find that that was not true. I wake up in the morning, like many people, and I care about whether species are being preserved. And when I go to bed at night, I still care about that.

From personal experience, I know other people in the religious community share this commitment.

I would like to conclude by saying that we cannot fulfill our responsibility to care for the world, with which we have been entrusted, without understanding it. As scientists and Christians, I believe passionately that we need to be caring for habitats and for the species that use them.

Thank you for this opportunity.

[The prepared statement of Ms. Boorse follows:]

Statement of Dr. Dorothy Boorse, Noah Alliance

Thank you for the opportunity to appear before you today.

I am an associate professor of Biology at Gordon College, in Wenham Massachusetts, with a Masters degree in Entomology from Cornell University and a Ph.D. in Oceanography and Limnology from the University of Wisconsin-Madison. Gordon is a Christian four-year liberal arts college in the Protestant tradition, but my comments are my own and do not represent the college. My remarks today stem from two perspectives: one as a scientist and the other as a person of faith who is concerned about being a steward of all creation.

Before turning to scientific questions, I would like to stress for the committee that people across the spectrum of religious life take the issue of protecting endangered species profoundly seriously. I am an example of this; I have taken time to join you today to share some of my scientific knowledge, but also because I feel called by my faith to be here. I will talk about this more later in this testimony.

As a scientist, I am not here as an expert on the Wildlands Project, but as a broadly trained ecologist with interests in both aquatic and terrestrial ecology. Specifically, I can address the questions: What is the ecological importance of corridors and problems of habitat fragmentation? And why should we care about protecting at-risk species and their habitat?

Corridors provide a number of ecological services to conserve at-risk and endemic species. For example, the movement of individual members of species increases genetic variation; corridors provide more adequate space for wide-ranging species, such as the Florida panther; corridors allow recolonization of habitat patches where small populations may have been lost; and habitat linkages enhance the pollination and propagation of plants. Amphibians such as salamanders, for instance, often need to travel between upland over-wintering sites and breeding pools. Corridors can increase their survival during travel, particularly during dry periods, when open areas are more dangerous.

Another way to understand the importance of corridors is to consider serious negative ramifications from the converse: habitat fragmentation. Considerably disturbing or destroying intact habitat has significant effects on wildlife. Habitat fragmentation makes it more difficult for species that require interior habitat to travel, increases the likelihood of individuals being injured when they attempt travel (primarily through injury by cars), and enhances the ability of non-native species to move into an area. The presence of introduced, invasive species correlates very clearly to habitat fragmentation through roads and other human use, often with severe impact not only on imperiled species but also on regional economies. For example, purple loosestrife is clearly connected to roadways, and the likelihood of infestation of zebra mussels in lakes is associated with their level of visitation by boaters. In addition, certain species, such as white-tailed deer and ragweed, thrive on edges of habitat fragments and can become over-populated, part of a phenomenon called the "edge effect."

Habitat fragmentation has a big impact on how ecosystems work. A good example in the news right now is the Amazon where there are gigantic forest fires, burning out of control. These fires are exacerbated by the edge effect. In one 1993 study, 90 percent of burning fires in Amazon basins were in forest edges. Forest trees are also more likely to be harmed by air pollution when forests are fragmented. In addition, habitat fragmentation has a significant impact on regional water issues and erosion. Because habitat fragmentation often involves removal of vegetation, soils are disrupted. Some desert soils, for example, have a top layer called the cryptobiotic crust composed of microbes and heavy particles; if you break this crust, you get erosion.

Habitat loss is widely recognized as the leading cause of endangerment. Some benefits from enhanced habitat through corridors occur quickly; others take longer. However, they all demonstrate that adequate habitat must be protected in order to conserve threatened and endangered species. Much like homes for people, habitats provide basic necessities for fish, plants, and wildlife: food and water, areas for breeding and propagation, and shelter. For us to fulfill our responsibility to protect fragile species, we must ensure that critical habitat is safeguarded. Without such attention to habitat conservation, extinctions will increase, and our society's priority in protecting species from extinction, reflected for example in the Endangered Species Act, will be impeded. The Endangered Species Act has acted as a safety net to prevent extinctions and help a number of species stabilize, but for the Act to fulfill its potential, habitat must be protected.

Conserving habitat also is vitally important for people. Pragmatically, we use resources from the environment that we will later wish we had treated better. Reports have shown this to be true in fisheries, where, for example, Nature has reported that 90 percent of large predator fish have been cleared from the seas in the last 50 years. Ecosystems services such as purifying water and air, or dampening floods and holding soil in place, are performed by natural systems and are impossible or extremely costly to replace with technology. In addition, healthy ecosystems help protect species that are vital to agriculture, industries such as outdoor recreation, medicinal breakthroughs, and even our own oxygen supply. Moreover, if you care about the poor and oppressed, you have to care about the environment. Often the poor are most harmed by environmental degradation and least able to solve it. In short, we are all part of a complex and marvelous web of life, and the well-being of current and future generations depends upon us taking good care of it.

But utilitarian rationales are not the only reasons to care for the environment. Nature brings us joy and pleasure, as well as at times declaring the glory of God. I am also here representing a Christian stewardship ethic. While I am an evangelical Christian, I realize we live in a society with a wide range of beliefs. Today's testimony reflects my own deeply held beliefs; others may care about creation for alternative reasons.

I believe God has created the world for His own glory and given humans the task of caring for it. While we have the right to use its resources, this right is always in the context of our responsibility as stewards; the ownership of all remains in God's hands.

Throughout the Judeo-Christian tradition, the role of nature in glorifying the creator is a repeated theme. Species have value not only because we as people think so, but also because it is clear that God thinks so. In addition, as a Christian I see that Christ calls us to a radical departure from the culture around us. Christians are exhorted not to worry about personal financial gain, not to seek fame and fortune, but to live lives focused on the tasks we have been given. One of these tasks is to care for the world left in our management.

I am not alone in viewing caring for creation, including endangered species, as an important part of my faith. While I speak for myself here, the committee should recognize the breadth of engagement and commitment by members of the religious community to the protection of all God's creatures.

For example, a new collaboration of faith groups has recently been established called the "Noah Alliance," and one member of this Alliance is the Academy of Evangelical Scientists and Ethicists. A draft statement being prepared by the Academy reminds us that "[t]he beauty, joy, and health of human life on earth depend deeply upon the wide variety and great richness of plant and animal life God has provided. This abundant life brings immense and continuous praise to God (Psalm 148), leaving all people without excuse about knowing God's divinity and everlasting power (Romans 120)." Work is also occurring in the Jewish and mainline Protestant communities to be a witness for the protection of fragile species, and the U.S. Conference of Catholic Bishops has identified this as an important area of concern. This broad, multi-faceted faith community chorus is being raised at both national and local levels. They are making materials available to congregations across the coun-

try, working to meet with policy leaders, talking with the media, and talking with each other.

You can expect to hear from many people of faith as they witness with passion and resolve about the importance of protecting endangered species. I wept at the thought of the ivory-billed woodpecker being extinct and praised God when we learned it was not. I wake up in the morning and care about species; I go to bed at night and still care about them. From personal experience, I know that many in the religious community share this commitment.

I would like to conclude by emphasizing that we cannot fulfill our responsibility to care for the world with which we have been entrusted unless we understand it. For me, this is the connection between my faith and science. As an ecologist, I and my scientific colleagues are passionately convinced that to protect species, we need to provide them with ways to remain connected. As a person of faith, I am equally passionate and feel called to speak out for such connections as well as other protections for habitat and the overall environment. Thank you again for this opportunity to provide such witness.

Mr. GIBBONS. Thank you very much, Professor. I appreciate each of the witness's testimony here today.

We will turn now to a 5-minute time of questioning and answering by the members of the panel. First let me begin by asking Mr. McDonnell whether or not he feels in his experience that there is an association with Government agencies with this whole philosophy of re-wilding the United States, and whether or not you feel from your experience, you or I or anybody in America could get an unbiased opinion, unbiased answer, unbiased solution from one of these agencies, wherein the people are associated with this wildland philosophy or re-wilding America philosophy? Do you think the Government and agencies that are responsible for management of land could give us an unbiased opinion?

Mr. MCDONNELL. Well, let me give you two examples where Federal agencies are involved in the Wildlands Project. Probably the best one is the grizzly bear plan. The grizzly bear right now is halting all energy development along the front range of Wyoming and Nevada, some of the biggest natural gas reserves known in the United States. The grizzly bear up there recovered in 1982 in the northern continental population. We've been trying since 1982 to get a delist, but always run into a lawsuit.

In 1991, all recovery criteria was met. We began proceeding with efforts to delist it through the Interagency Grizzly Bear Task Force. The Wildlands Project's groups immediately began appealing and litigating.

They came out with a 1993 Grizzly Bear Recovery Plan, and what it called for is basically the establishment of 6 core areas of grizzly populations in 5 States. It also called for the establishment of corridors, the one going from the bitter roots of Idaho, Montana to the Washington population, was 230 some miles long, a corridor that was impossible for a grizzly bear to use. Yes, we have seen the establishment there.

The other areas in your district or your area of Nevada, Mr. Chairman, and that's the Sierra Nevada bighorn. Right now I am faced with the removal of 120,000 sheep in that area. And what they have done is they have sat there, and number one, listed a species that we even question is even a species. We finally got a DNA sample from it and we find it's no different than any other bighorn. Number two, what we're seeing is we're having them transplant this bighorn—this is the Forest Service of the U.S. Fish

and Wildlife—into areas of historic grazing, and then saying we have conflict, that the livestock must be removed. They tell us that they're putting them there so they can get their little core areas of bighorn critical habitat, and then that they can go ahead and establish their migratory routes.

Yes, the Wildlands Project is being implemented by some Agency people.

In terms of will they come out and admit it, for the most case, maybe over a beer, but in front of the public, never.

Mr. GIBBONS. Let me ask before I begin, from everybody, because we have a diverse group here and I want to get just an answer to a question. It may be just a quick answer from everybody because I only have about a minute and a half left in my 5 minutes here.

Are you personally, or any of the organizations that you represent or companies you work for, anti-environmental or anti the preservation of species in this country? Mr. McDonnell, I start with you. You can answer.

Mr. MCDONNELL. No, the answer is no. In fact I think our industry has done more in the last 20 years to work workable solutions to natural resource management, solutions that work for the benefit of both man and the environment, and I think that's probably true of most organizations.

Mr. GIBBONS. Ms. Conner?

Mr. MCDONNELL. My answer would be no as well. The mining industry is extremely willing to work with the Federal agencies and the State agencies that we deal with to enhance wildlife habitat in our areas, and that's what we do on a daily basis.

Mr. GIBBONS. Mr. Mathis?

Mr. MATHIS. Absolutely not. You know, the interesting thing about oil and natural gas exploration in particular, which is pretty prevalent in my State of New Mexico, is that the people who live in the areas where the production takes place are very happy with that production and are very happy with the protection of the environment. Now, there are impacts, there are mistakes. These things happen. This happens to be the real world. And so those things are dealt with, but where the big protests come, where all the lawsuits come is they come from organizations that are in many cases outside the State, and certainly they get their funding from outside the State, or when they are within the State, they would come from say the City of Santa Fe and not from Artesia or from Farmington. The people who live in the areas where this production takes place are very mindful of environmental protection and the industry is very good at taking care of the environment and certainly is concerned about preservation of species.

Mr. GIBBONS. I am going to have to change the question just a little bit for Professor Boorse because I know where she is on environmentalism. She has already testified. Let me ask you the question, are you against development of oil, gas or any other fossil fuel energy in this country?

Ms. BOORSE. Thank you for asking that. No, I would say no. In fact I appreciate the comments of my colleagues at this table and I applaud the efforts that I have seen in all three of their industries as many have been very responsible, as they have been trying very hard. My concerns are with the ones that are not responsible.

Mr. GIBBONS. Sound very reasonable group that could work together.

Turn now to my colleague, Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Just a couple of questions. Let me begin with Mr. McDonnell. Part of the issue with the Wildlands Project is the relocation of people kind of theory that goes out there, part of the conspiracy of thinking that goes on with this issue. But realistically, considering the spread of population across this entire country, do you think it is reasonable to assume that all these people would be removed from their properties, and how in the world would that be done?

Mr. MCDONNELL. Number one, sir—and I thank you for that question—is a third of the United States is already into Federal properties, and if you look at all the protected properties across State and private conservation groups such as Nature Conservancy, probably half. There is no big need to remove the people. What I have seen is you remove the economic base and the people move on by themselves, and this is more what I am seeing with the Wildlands Project, entire timber communities being shut down and people having to relocate elsewhere.

And the economic impacts of some of these actions have been tremendous. You take the Pebbles Jumping Mouse in Colorado and Wyoming where I live. They listed it. We found out through DNA evidence it's no different than the Common Jumping Mouse. We're moving toward delisting, but it's already cost in Colorado alone \$4 billion, and it may be another two years before we get the thing delisted.

The economic impacts of some of these actions are tremendous. The spotted owl with the——

Mr. GRIJALVA. That is a good point if I may follow up on where your thought is going. In page 2 of your testimony you say the Wildlands Project has abused the listing process.

Mr. MCDONNELL. Yes.

Mr. GRIJALVA. On page 3 you recommend the listing and delisting mechanisms of the Act must be addressed, so only species in need of protection are listed. Yet the General Accountability Office looked at the issue and found in 2003 that the listing decisions are based on best available science. The GAO said: Further evidence that listing decisions are scientifically sound is provided by the fact that only 10 of more than 1,200 domestic listed species have been delisted based on new scientific information that surfaced.

Given that, given your train of thought and given the GAO report, is the GAO wrong?

Mr. MCDONNELL. Are they wrong? Number one, they said in regards to best available science. And to me that's kind of deceiving because best available science means whatever's available. It doesn't mean it's necessarily good science.

Yes, I do think they're wrong in the sense that we to address the issue of scientific evaluation. There's a joke out there in the community that best available science is B-A-D, bad science in many cases.

Mr. GRIJALVA. Thank you.

Mr. Mathis, just one request. Mr. Chairman, Mr. Mathis, in his written testimony provides numerous quotations for various sources throughout the statement, and there are no footnotes or citations for my office to be able to follow up on, and if it would be OK that those footnotes and citations to some of the information could be provided for the record, I would appreciate that very much.

Mr. MATHIS. Absolutely.

Mr. GRIJALVA. Thank you. Mr. Mathis, just a general question. Do you support the tenets of the Wilderness Act, and do you see any value in the preservation of land and natural resources for generations to come? That is my question.

Mr. MATHIS. Absolutely. We have large percentages of land in the United States currently that are set aside for wilderness, and when you look at the development of the United States, many people would be surprised that we've only got about 5 percent of the country that's urbanized. We do have large open spaces.

But when you're talking about something like species extinction or any other environmental issue, you've got to balance that, and that's what we need in this whole debate is some balance, and we have to understand that just because there's activity in an area, that doesn't mean that, OK, the wildlife is just going to run, it's going to become extinct, and it's just—to use the word that activist groups constantly use—destroyed. I can e-mail you a photograph of a bird sitting inside of a pump-jack on an oil well.

Mr. GRIJALVA. And, in return, I would like to provide those citations and information given the Aplomado Falcon in Otero Mesa, that there have been sightings in—confirmed sightings in 1990, 1999 near Deming, 2000, 2004, east of San Antonio, New Mexico. Those are citations in the literature which BLM used as a criteria to set aside those 35,000 acres. Yet, in your testimony you say there has been no sightings in 50 years.

Mr. MATHIS. There is no nesting pair that has been—that you can point to and say, hey, there's a nesting Aplomado Falcon pair. That's not been found. And I have—one of the problems that we have with the Endangered Species Act is the fact that wildlife does not recognize State boundaries. So what sense does it make to say, OK, we need to restrict 36,000 acres from energy development just in case the Aplomado Falcon comes here, when it's in huge abundance from the tip of South America all the way to Texas?

Mr. GRIJALVA. Thank you.

My time is up, and thank you for your courtesy, Mr. Chairman.

Mr. GIBBONS. Thank you.

Ms. Drake.

Mrs. DRAKE. Thank you, Mr. Chairman.

First of all, I would like to thank each of you for being here, and reading the testimonies last night I thought this would be a very interesting and informative group.

I would like to start with Mr. McDonnell. And I think I am just following upon the previous question, but when you were talking about lands being targeted for acquisition, is there any thought in there that would be done through an eminent domain process or it would be done in seller/willing buyer because of the loss of this base of jobs and people would have no other recourse?

Mr. MCDONNELL. Well, from what I have seen in the acquisition of private property, that they're proceeding in several ways. Number one, critical habitat, and of course using Federal monies to get it designated critical habitat. There are Federal monies to purchase that.

Mrs. DRAKE. Is that through an eminent domain process?

Mr. MCDONNELL. Not necessarily. The other thing, probably the bigger way is through the land trust themselves, and that's going out and purchasing, and we all know how Nature Conservancy and the large number of land trust groups there are. That's probably even bigger than the Government acquisition.

But the willing seller, that's kind of a question. I really haven't seen the eminent domain. I've seen the willing seller, but why that seller is now willing, that's the big question. A lot of times it's economic.

Mrs. DRAKE. I would also like to ask you, because we know a goal of the Wildlands Project is 50 percent of these lands to be kept open, and you've already stated that almost one-third are Federal lands. Have we ever made the effort to see what is that percentage if we go with State-owned properties, local-owned properties or properties that may be undevelopable because of zoning requirements, wetlands rules, things of that nature? Have we ever made that effort to—I think you did make the statement we are probably at 50.

Mr. MCDONNELL. Some groups have, and the simple fact, there are almost no lands in the United States that are free of Government regulation in some way. They're either owned by them or there's some type of regulation governing those, whether it is wetlands. If you take all the critical habitat for the United States on all 2,000 species now listed, you basically blot out the entire land mass of the United States. That's how deep this regulation gets.

Mrs. DRAKE. Thank you.

Ms. Conner, would you agree with us, because we have seen pictures when we were discussing the energy bill, of the changes that have taken place in our Nation in the last 100 years, that we truly did do things wrong and we are doing things completely different today. And we have seen the pictures of the caribou at the Alaskan pipeline. So would you not say that, yes, we have done things wrong, but we have learned they were wrong. We are doing things completely different?

I have personally visited where we have done some of the coal mines in Pennsylvania that have been reclaimed and are beautiful parcels of land now.

Ms. CONNER. Yes, I would totally agree with that. 100 years ago, yes, we did do things wrong and we did them badly. We've learned a lot from that experience, and regardless of whether it's oil and gas or mining, which I have been involved in both.

I have seen on the North Slope what you're talking about, caribou under the Trans-Alaska Pipeline, for example. Out at our mining operation we have elk that wander through the area, and it's because of the way we do our reclamation. It's because of the way we organize our operations. We've learned a lot and we do things drastically differently than we used to.

Mrs. DRAKE. And I think what you hear today is that we all have the same goal, we want to protect our environment, but we also want to make sure that our needs are met.

And, Dr. Boorse, just real quickly. I am wondering if this were 1950 and we were discussing building the interstate highway system whether your group would be sitting here saying we should not do that because it will fragment and the species will not be able to cross, and I just always think that we could not build those highways today with the rules that are currently in place. Can you comment on that? I know that is an odd question.

Ms. BOORSE. You know, I wasn't born then so I'm not really sure what I would have thought in the 1950s. I think at that time there wasn't a sense of urgency that there is today, and I think—

Mrs. DRAKE. Well, if we were building them today, if we did not have them, and the impact that certainly crisscrossing the country with major highways would have in what you have just described about animals.

Ms. BOORSE. Could I think about that and answer that in writing?

Mrs. DRAKE. Sure, you can get back with us.

Ms. BOORSE. Thank you.

Mrs. DRAKE. OK. Thank you, Mr. Chairman.

Mr. GIBBONS. We will try to have a second round of questioning for every member as well, so you will have an opportunity to think about it and give us an answer.

Mr. Melancon.

Mr. MELANCON. No questions.

Mr. GIBBONS. OK. Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman. We have two great people from New Mexico, neither of whom live in my district, but we are recruiting them every day.

[Laughter.]

Mr. PEARCE. Thank you for your testimony and for your hard work.

I think that my first question might be for Ms. Boorse. Do you believe in the Bible where it says that man should have dominion over the plants and animals, yes or no?

Ms. BOORSE. Yes, I do.

Mr. PEARCE. So if it comes down to having dominion over the plants, are we to cut timber or are we not to cut timber?

Ms. BOORSE. You know, you can cut some timber, but you can't cut everything, and that's I think the difference between having dominion in the sense of tending a garden, and having dominion in the sense of misusing something.

Mr. PEARCE. Have we exercised judgment in our stewardship of our forests in the West?

Ms. BOORSE. I didn't hear that. Say that again?

Mr. PEARCE. Have we exercised stewardship and exercised good judgment in our stewardship of the forests of the West?

Ms. BOORSE. I don't think we exercised as good judgment as we might have.

Mr. PEARCE. And how would we have improved that?

Ms. BOORSE. One would have been during the period of time when people did a great deal of logging all the way from New England across the Midwest and then into the Pacific—

Mr. PEARCE. But the last 50 years has been OK?

Ms. BOORSE. I am not a forester and would prefer not to speak as an expert on that, but I would say—

Mr. PEARCE. Well, you are here speaking as an expert on ecology, and I am asking is it better for fires to burn the West down or is better for us to cut trees?

Ms. BOORSE. Actually, there's a lot to know about forests and fire.

Mr. PEARCE. Is it better for us to burn the forests down like we are doing in the West now, or is it better to cut trees?

Ms. BOORSE. I would not like to see it as that dichotomy. I—

Mr. PEARCE. It is that dichotomy. We burn down about a million, 2 million acres every year, even more in my State. I fly over hundreds of thousands of acres. In our State we start putting out fires about 100 years ago, and our arid climate would support about 50 trees per acre. Now we are up to 2,500 trees per acre, and they are small diameter, so they are kind of kindling to get the fires up to the top of the trees, and so now we have cap fires that kill the forests, instead of burning among the trees. Our tree rings show us that historically fires would burn about every 8 years, clear out all the small brush. We had pretty good habitat. I have walked among some of those forests with 2,500 trees per acre, and I guarantee you, a pig cannot crawl through there, much less a spotted owl fly through there. And so I am wondering where the stewardship is.

Ms. BOORSE. I think you may have answered your own question. It sounds like we have not done a good job in forestry in the Pacific Northwest.

Mr. PEARCE. No, this is the Southwest I am talking about. This is New Mexico, Arizona.

Ms. BOORSE. The Southwest.

Mr. PEARCE. That is where we don't get much rain.

Ms. BOORSE. But to answer your question about fires, in the great Yellowstone fires, one of the things that we saw was that the fire suppression that happened in the first half of the century in the 1900s had a tremendous negative effect, causing even greater fires that we could not control in the second half of the century. So our fire plans have not been good.

What you are describing, with many saplings squashed together, is not good. But some of that comes from the incursion of roads and habitat fragmentation. Not all of that is the fact that we are not, as I think you are describing—

Mr. PEARCE. Is the grazing of animals that are domesticated worse than the grazing by elk; say, livestock versus wild animals?

Ms. BOORSE. That somewhat depends on the animal. As a broad statement, I would not say so.

Mr. PEARCE. But you would understand that people who agree with you philosophically are using the argument to drive the ranchers out of business in the West, take them off of public lands, stop the grazing, because they declare grazing by domesticated animals to be more harmful than grazing by wild animals? Would you

agree or disagree with that position by people who are on the same side of the issue as you?

Ms. BOORSE. I think the issue is more than two sides.

Mr. PEARCE. No, I am just asking if you would agree or disagree with the people who are taking the livelihood away from the ranchers in my state, saying that the grazing by domesticated animals is worse than grazing by elk.

Ms. BOORSE. I would not agree with that you have just said, as a broad statement.

Mr. PEARCE. Then would you work with us to make changes to the Endangered Species Act when people are using it as a tool against people? Would you work with us to try to find the common sense balance that would allow us to have dominion over the plants and animals, but would also allow us to keep the obstructionists and the extremists from trying to move agriculture completely out of the state, and oil and gas out of my state?

Ms. BOORSE. I would want to see what changes were proposed to the ESA. But if I was to propose changes, I would want to propose that the voice of scientists in particular be listened to. And I know that the Ecological Society of America and the National Research Council produced some reports on the ESA and how it worked. And I know that there was a recent letter from a large group of scientists, including 62—

Mr. PEARCE. Mr. McDonnell, have scientists been involved in the discussions that declare that grazing by cattle is worse than grazing by elk?

And I see my time has elapsed. It will be my last question, Mr. Chairman.

Have scientists been involved on the other side of the issue, declaring that? I mean, Ms. Boorse is saying that we have somehow omitted scientists out of it. Are the scientists that come up with the opinion that to me doesn't make much sense, but maybe they—

Mr. MCDONNELL. Typically, what we have seen is these groups throw out the allegations, and then, of course, with industry then you have to go in. You have to bring in the scientists who do the monitoring, who look at the natural resources. And then they become involved, but mostly because it is the industry that is bringing them in to defend their position in the allegation alleged against them.

Mr. PEARCE. Thank you, Mr. Chairman.

Mr. GIBBONS. Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman. Let me ask Mr. McDonnell—and I apologize for being late, so I may have missed some things—but with regard to the Wildlands Project, have you discussed how the state and Federal governments could work better together?

Mr. MCDONNELL. Have I discussed that? In what way do you propose they work better together?

Mr. GOHMERT. That is what I am asking.

Mr. MCDONNELL. Well, in the Wildlands Project—I am not quite sure how to address this. I think right now we are seeing states and the Federal Government work better than we have ever had. With revisions in NEPA, with revisions in forest planning, I do think we are getting much better cooperation between the two enti-

ties; new memorandums coming out with CEQ on local involvement. I would say that level of interrelation between the agencies is probably as good or better than I have seen it in years. Especially in the last three years, we have really moved better toward cooperation. Does that answer your question?

Mr. GOHMERT. Well, you noted that you feel like they are working better together. But if I could ask Ms. Conner, do you see areas where the Federal Government could do a better job in working with state governments?

Ms. CONNER. I can't think of any examples offhand. In Nevada I work with the Forest Service and the state government, and I think over the years, the last number of years, they have actually started to work better together. There was a time in the '90s or so, it was more butting heads kind of thing. But I think today there is more of an understanding, if you will, of the different ways they fit together. And today I think we are actually doing a better job overall.

Mr. GOHMERT. Well, let me ask Mr. Mathis. Do you see anything we could be doing better as the Federal Government to work with state governments?

Mr. MATHIS. Before I answer that question, sir, we do have a situation in our state that is a classic example of non-cooperation. We have the Bureau of Land Management that has come in after many years of study on Otay Mesa. And they came in and they issued this resource management plan they have worked on for many years that is—their claim—the most restrictive plan ever issued. And we are talking about numbers where you can have 86 producing oil or natural gas wells on this 2 million acres. You know, in oil and gas country, that is nothing. I mean, you go up to San Juan County—

Mr. GOHMERT. Sure.

Mr. MATHIS.—to an area that is smaller than that 2 million acres, and they have 26,000 wells there. This is not going to help us to sustain ourselves when it comes to oil and natural gas; which we are using a lot of, and we are using more all the time.

So we have the BLM that has issued this resource management plan; but yet we have the state government, the Governor in particular, who is suing the BLM. Governor Bill Richardson is suing the BLM because this plan is not restrictive enough in his opinion.

So I would say, as far as how to get these two entities to get along better, I wish I had an answer for you. I don't. So much of what we see here, you know, it's intractable politics.

Mr. GOHMERT. Do you think it would help if we said Governors could not run for President until after they—

[Laughter.]

Mr. MATHIS. I think I would go for that.

Mr. GOHMERT. I'm sorry. I will withdraw that question. I am sorry.

Mr. MATHIS. That would be helpful.

Mr. GOHMERT. And Dr. Boorse, do you have any observations in that regard?

Ms. BOORSE. Governors?

Mr. GOHMERT. State and Federal Government working better together?

Ms. BOORSE. Not other than the broad conversation that I would love to see state and Federal Government also work with citizens. Because I think what I am hearing, and has already been reflected, is that there is such a level of frustration that people are not sure that we are working toward the same goals, and that getting citizenry on board with the things that the Federal and state governments are doing and explaining why it matters and making sure that stakeholders feel honored, and at the same time that habitat goals are met, has to be a part of that process.

Mr. GOHMERT. I thank you, Mr. Chairman.

Mr. GIBBONS. Thank you. Mr. Melancon has indicated that he wants to wait a little bit and listen to more of the testimony, so we will go back through a second round with questioning here.

And I guess I would have perhaps a question of science for Professor Boorse. If we were to use DNA, as Mr. McDonnell has said, about distinguishing between species that are truly unique and non-unique, would that be a criterion that you would accept for identifying species that should be protected that are within a subset, a category of truly unique species that are separate and apart from other species? Should that be one of the scientific changes to the ESA that allows for a distinction to be recognized between a group of species?

Ms. BOORSE. I would want to see the exact proposal before I agreed to that, necessarily. DNA analysis is one of many tools. But one of the places where it would probably be a problem would be, for example, with salmon, where salmon not only differ in terms of their DNA but, with those with very similar DNA, differ in terms of their abilities, different habitats. And we could easily over-estimate their similarity and lose large chunks of salmon. And you know how important that is in the economics of the Pacific Northwest.

Mr. GIBBONS. Well, in some cases, species are listed only because there are a small number available at that location; and yet, in another location, as we heard in the testimony, there is a number of these animals or species in some other location that would not allow for qualification as an endangered species. So is it regional, or is it indeed the species itself that is unique that makes it worth saving?

In other words, is it an area, or is it the species? Because if it is DNA similar in this area, and DNA similar in this area, it is not a unique species. It is just one has few to no species in it; the other has a lot. So why can't, in the instance of the bird that Mr. Mathis talked about earlier that is in South America versus New Mexico, it be distinguished by DNA?

Ms. BOORSE. I don't know the specifics of that bird example. I do know the species are listed because they are known to be in decline. And I would presume that the species has been found to be in decline even in the areas where it occurs.

Mr. GIBBONS. Let me go back and talk to Ms. Conner. You spend a lot of money each year with your company doing scientific studies with regard to species that affect the ability of your company, the ability of your industry, to produce the needed minerals, etcetera, that this world—actually, more than just the United States; it is

the world—needs. What happens to those studies? What happens to that science?

Does it become part of the determination of whether or not the species is indeed in a critical condition? Or does it just get shelved? You spend a lot of money on it.

Ms. CONNER. Yes, we do. We spend hundreds of thousands of dollars. Prior to my starting to work for Queenstake, as I said, in the '90s there was a great deal of effort and a great deal of studies that were undertaken to look at the northern goshawk in the Independence Range. And that work actually was utilized, as I understand it—again, I was not there; but that work was utilized to help show that the northern goshawk was not potentially threatened or endangered. So in this case, it did not just go and sit on a shelf somewhere, but it was used in our case to show that there was not a need for listing the species.

Mr. GIBBONS. Was the species ultimately listed?

Ms. CONNER. No. But we are still having to spend tens of thousands of dollars each year in order to continue our nesting surveys that I spoke of, just to ensure that.

Mr. GIBBONS. And if I may, the continuing study that you spend hundreds of thousands of dollars on, does it show a decline of the species because of your operation?

Ms. CONNER. No. It does not.

Mr. GIBBONS. And are people still attempting to list that bird as endangered?

Ms. CONNER. Not at this time.

Mr. GIBBONS. OK. Thank you.

Mr. Melancon.

Mr. MELANCON. I am just trying to grasp hold of whether we are talking about endangered species or the Wildlands Project.

Mr. GIBBONS. Well, let me explain. We are not here to address the “bogeyman” concept. What we are trying to find out is the impact of environmental regulations, the impact of proposals by some groups on the economic standards of America.

Mr. MELANCON. Well, if that is the case, then I guess, Ms. Boorse—and I am not familiar with the Noah Alliance, per se—but in my concern in Louisiana, and as far as the concern for the whole country, I want to protect the environment and the fisheries and the estuaries and such as that. But we seem to have gotten ourselves into this labyrinth of regulations that stymies. And every time I listen to people that talk about jobs that are going to other countries that have the resources and leaving, taking the good jobs, I am concerned that we are regressing.

Is there some way to put together the environmental groups to sit down and try and find some rational way to better the Endangered Species Act, to better the way we analyze it, to make it a faster process? Or is it just that you have some of them that just want to stay out there and not sit down and talk about those things? That may not be a fair question, but you are the person here, so I am asking you.

Ms. BOORSE. I can't speak for every environmental group, but I can say that I, as an individual, and the groups that I do know that are especially in the faith community, have peacemaking and

getting along as a very high priority; and care of people, and care of the environment, as not being opposed.

And so, I care deeply that the people of Louisiana have jobs, and hope that we never are in a position where we have to choose between jobs for people in Louisiana and protection of the species God gave us. But we do have to do both. And I would love to be a part of that conversation.

Mr. MELANCON. And I would hope that we could. Maybe that is something that we need to do that maybe hasn't been done, is sit down, or get the agencies to sit down, and try and start formulating how we can work together better; rather than every time somebody says, "Well, we think we want to do something," there becomes this human outcry and protest, rather than sit down and see if we can work through them. Yes, ma'am.

Ms. BOORSE. And I absolutely agree with that, and think that we have somewhat lost the ability to have a civil discourse that leads to a positive end point in this country.

Mr. MELANCON. You have been watching the Congress on C-SPAN.

[Laughter.]

Mr. GIBBONS. Ms. Drake.

Mrs. DRAKE. Thank you, Mr. Chairman. Dr. Boorse, I doubt you have had time to think about my question, and certainly we appreciate you getting back with us in the future, but the reason I have asked the question is I think we are at just as critical a situation right now with energy production as we were with developing highways over these last 50 years. We all know that 63 percent of our oil today is imported.

You heard in this Committee today the Chairman talk about China. There is not a committee that I attend here that China isn't brought up in almost every single meeting of every one of those three committees. And I think that energy production for us is a huge national security issue.

I think, from what we talked about today, we all agree we have to protect our environment for our children. But I believe that if decisions we make today are going to impact our national security in the next 10 to 20 years, and that if we fail them and lose our freedom and democracy, that is the greatest gift that we give to them.

And so that is where I am coming from. Because every time I ask the question of experts, "What is going on with China? Why are they positioning themselves? Why are they building ten times the ships that we are building, even though they are doing that with less money?", the answer is always, "Resources."

So I guess my question to you, because I have read that over 80 percent of the American people support the Endangered Species Act, I wonder how many of them would support it if they thought they were endangering our national security, or if they thought they could be getting into an environment where the energy is not available to them and they are either going to be paying much higher gas prices or are in an environment where you don't have the electric power. Like, let's say, on Mondays, Virginia doesn't have electricity, and on Tuesday, Ohio doesn't have electricity—as soon as people don't have access to that.

And I guess the biggest question is, do you feel as strongly as I do that we really are at a crisis point and we have to make decisions for the future now that will allow the North American continent to be energy independent?

I guess we could start with you, Ms. Conner, because I am very fascinated by your work and the permitting that you have done over the years, because I think that is a huge issue that is a stumbling block for us. But at the industry level, are people worrying about that? I don't think the American people are. I think we have been very lulled into a sense of security that I don't believe is there.

Ms. CONNER. Well, I would agree with you. I think, you know, the average person goes, fills up their car with gas, and, you know, they don't worry about where it is coming from. But I think those of us in the various industries, especially energy-related industries, we are all very concerned about that.

On the mineral side, as an example, it is important for us not to rely on foreign sources. We need to be looking on our own ground. And we have enormous amounts of energy and minerals here, and we should be concentrating on that. But the foreign dependence thing is an issue, and I think it should be seriously—

Mrs. DRAKE. Well, and to follow up on that, I would like to ask Mr. Mathis, is there one environmental regulation or law that you see as having the greatest negative impact on energy production in our country?

Mr. MATHIS. Well, without question, that is the Endangered Species Act. What you are seeing is, I mean, environmental groups will say, you know, "We have got 'X'-percentage"—and that number varies—"90 percent that's open to oil and natural gas drilling." And that is not true because you can have places that are effectively off limits because for one species you can't drill an oil well during, you know, the first three months of the year; for another species, you can't drill for oil beginning in March, and you can't drill until June. And you have all these overlapping times in which you are allowed to drill.

And what you wind up with, in many cases, is such a small window that they can't get in and drill the well within that window; especially considering the economics of the industry where you may not be able to get a rig—I mean, you can't time it exactly, because this country is run by independents that don't own the rigs. That is a subcontracted issue.

Mrs. DRAKE. So the biggest issue is the law itself, or misuse of the law? Or both?

Mr. MATHIS. I would say both. But I think it is just that the general public doesn't understand. When you poll 84 percent of the people and they say, "Yes, we are in favor of that"—because it sounds good.

Mrs. DRAKE. Right.

Mr. MATHIS. "Endangered Species," it sounds like we are being responsible. What they don't understand are things like I spoke of, where you have a species that is crossing a state line.

You know, the Aplomado falcon, I use that as an example because any species is going to have an expansion and a contraction of its habitat. That is just nature; I mean, things are constantly in

flux. And so if during an expansion period it just barely comes over the line in the State of New Mexico, well, suddenly we have to restrict all of this energy development, because this falcon might want to come back here. Well, that is nonsense, especially when the habitat exists for thousands of miles to the south.

Mrs. DRAKE. I would like to thank all of you, and Mr. Chairman.

Mr. GIBBONS. Thank you, Mrs. Drake. Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman. Mr. Mathis, how much has the grazing herd on public lands decreased, the cattle grazing herd, in the last five years, in your guess? I wouldn't expect you to know exactly. Is it increasing, or decreasing? I'm sorry, Mr. McDonnell.

Mr. McDONNELL. It's been decreasing. Especially in your state, Mr. Pearce, we have seen the BLM, Forest Service, cutting allotments 50 percent or more. And that is something that we have been working with the agencies, because at this time there is a lot of under-utilized resources. But it is decreasing on Federal lands.

Mr. PEARCE. Decreasing, sometimes up to 50 percent. And these are economic units. That is, a permit is an economic unit that is either inherited or purchased; is that right?

Mr. McDONNELL. Yes.

Mr. PEARCE. And it is purchased at a certain level of grazing. And without adjustment to that price, the agencies are reducing the number of animals that are allowed to graze on it?

Mr. McDONNELL. That is exactly right.

Mr. PEARCE. OK. Now, Mr. Mathis, I'm sorry, what has caused, in your guess, the price of gas to go from about \$2 ten years ago, five years ago, to about \$7 to \$8 now? What is the leading factor?

Mr. MATHIS. It is restriction on access. We have historically done very well with natural gas in this country. It was stabilized at about \$2 for many years. And now it has shot up, as you mentioned, Mr. Pearce, up to \$7. And what it is, is access, getting to it.

As I mentioned in my testimony, the National Petroleum Council has said that effectively more than half of all natural gas in the Rockies is off limits. More than half.

Mr. PEARCE. OK. Ms. Conner, if you were to take a guess at the number of gold mining jobs today versus ten years ago, what would your guess be? And it is OK to guess.

Ms. CONNER. That is a—

Mr. PEARCE. Is it decreasing, or increasing?

Ms. CONNER. Well, in all honesty, right now, because of the price of gold, I would have to say that the number of jobs have increased. But at this point in the game, we are having a hard time finding qualified individuals.

Mr. PEARCE. Right. It is the price of gold. What is driving the price of gold up?

Ms. CONNER. Your guess is as good as mine.

Mr. PEARCE. It is what?

Ms. CONNER. Your guess is as good as mine.

Mr. PEARCE. OK. What is driving the price of copper up?

Ms. CONNER. Of copper?

Mr. PEARCE. Uh-huh. That would be China. That is my guess. And I suspect that China is demanding all resources.

Ms. CONNER. They are.

Mr. PEARCE. It is helping to drive the price up, too.

Ms. CONNER. Yes, they are.

Mr. PEARCE. So the fact that we have a little higher price right now and a few more jobs in some of the mining industries is actually an indicator of a threat to our economy. China is driving up all resources because they are gobbling them up. And they are gobbling them up because they are producing things that we are buying. And as we buy, we increase the size of their economy and decrease the strength of ours.

Dr. Boorse, you heard about access and you heard about the restrictions during the different parts of the year. If scientists said that we should not allow drilling in the first three months and the last three months and before nine o'clock, in order for the lesser prairie chicken to procreate—which is exactly what they have said—would you think that this Nation should suffer the price of natural gas increase? Or should we try to find ways to help those poor lesser prairie chickens to find some other way to mate? Would you support artificial means of helping those chickens procreate, or would you say that the scientists who have restricted the drilling are more correct?

Ms. BOORSE. I am not sure what my options are. Artificial insemination for the prairie chicken?

Mr. PEARCE. Yes, you have heard the testimony. They say you have to not allow drilling to occur during a period of year because that is when the chickens breed. And so I am saying, should we accept a higher price of gas, or should we find a way for the lesser prairie chicken to breed, and go ahead and drill?

Ms. BOORSE. Well, I would want to know more specifics about for example—

Mr. PEARCE. OK. Is extinction a part of God's plan?

Ms. BOORSE. That is a fabulous question.

Mr. PEARCE. Is it due to man, or is it part of God's plan?

Ms. BOORSE. Can you just give me a second?

[Pause.]

Ms. BOORSE. Throughout the history of the natural world, extinction has occurred, and that has surprised a lot of people. In fact, Thomas Jefferson said that fossils couldn't actually be real things, because God would not have created something and then let it go extinct. But in fact, we know that is not true. We know lots and lots and lots of things have gone extinct.

But we also know the rates of those extinctions. And the rate of today's extinction is between 100 and 1,000 times higher than any extinction rate in all of history. So it is sort of like asking if a meteor comes and hits you on the head and you get very badly injured, is it different than if I hit you on the head and you are badly injured? God has a right to do things that we don't have a right to do. And we don't have a right to do it at the pace it is occurring.

And so I would say, yes, extinction is part of God's plan, but He gets to do it.

Mr. PEARCE. Mr. Chairman, I see my time has elapsed. Let's make an observation. If extinction is occurring at such a more rapid rate now, why are fossil fuels declining in numbers rather

than increasing in numbers? I will leave that for a future discussion.

Mr. GIBBONS. Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman. I am just curious, Dr. Boorse. You know, we have been talking about the U.S. and what we can do, since we all have an interest in protecting the environment. But I am curious, are you familiar with how environmentally friendly nuclear powers in the world are, such as China, the former Soviet Union, India, how environmentally friendly they are?

Ms. BOORSE. I know that eight of the ten most air-polluted cities in the world occur in China. And I know that the single most polluted lake in the world occurs in a former Soviet republic where you cannot—

Mr. GOHMERT. I am sorry, what was the last thing you said? The most what?

Ms. BOORSE. Most polluted lake in the world.

Mr. GOHMERT. Lake?

Ms. BOORSE. Occurs in a former soviet republic. And so I am aware that those two in particular have a pretty negative environmental record.

Mr. GOHMERT. OK. Thank you. Well, I have been in the former Soviet Union 30 years ago, and that was my impression. They didn't do much to take care of the gifts God gave them.

But I guess my observation is—and I will close, Mr. Chairman—but it seems like one of the best things we can do for our environment is make sure we are strong enough to stay a super power and not let some of these mean-spirited countries that hurt the environment take over from us. So that may need to be our number-one priority. Thank you, Mr. Chairman.

Mr. GIBBONS. Thank you, Mr. Gohmert.

You know, I would say—and if any of you disagree with me, I would certainly be interested to hear it—that throughout the course of history, the industrialization of this country, there have been abuses by industries of the environment and of species. But also, since the course of ESA has been enacted, there have been abuses from a well-intended law called the ESA, for purposes other than what it was intended to be used for.

To me, I think it is only common sense that we try to work and try to strengthen areas. For example, we have worked over the last half a century to get businesses and industries that utilize resources, natural resources, to be better environmental stewards. I think everybody would agree with that. We have worked very hard.

But we also need to work to make sure that the ESA, the Endangered Species Act, works to do what it was intended to do, which is recover species; not be used, not be abused, to prevent every occurrence, every utilization, every usage of a resource in this country. Because I don't think that is the intent of the law, and I think one is as bad as the other. Abuse of the environment is as bad as abusing environmental laws.

Does anybody disagree with that?

[No response.]

Mr. GIBBONS. I wouldn't think so. You know, I guess I have a question as a scientist. And maybe I should go over to Professor

Boorse. The Permian die-off—you are familiar with that, as a biologist—what percentage of species in this world were extinguished in the Permian die-off?

Ms. BOORSE. I don't know the exact number, but it was very high.

Mr. GIBBONS. Ninety-five percent, somewhere in that neighborhood. So extinction is part of mother nature—God's plan for the world, and species as well. And we would have a very difficult time in this country to preserve habitat if the dinosaurs were still here competing with human beings; wouldn't we?

Ms. BOORSE. Could I just reiterate that while extinction is part of God's plan, it is His prerogative, in my opinion. And much as our own mortality is in God's hands, but we do not lightly take lives of other people.

Mr. GIBBONS. Well, and I would also say in the same realm, the same philosophy, that extinction of human beings, this should be looked at. I mean, the development and the quality of life of humans on this Earth is as important as the development and quality of life of species, as you have said. So if we do nothing, if we sit back and let mother nature take care of everything, then the human species will fail.

Ms. BOORSE. In reality, humans will fail if we abuse the environmental systems that we depend on.

Mr. GIBBONS. Goes back to what I said in the beginning; doesn't it? That we have to have a working relationship between both the environment and laws that are used to protect those environments.

You know, and I guess maybe Mr. Mathis, let's talk to you, because you are an individual that has some concept and ideas of how this ESA—what would be the goals that you would envision that the Endangered Species Act should have for both protecting species and allowing for the development of economic resources that help with our economy, help with the quality of life for human beings on this Earth?

What are the broad goals? I know you have said in your testimony you didn't want to get into the micro details. Just give me some broad goals.

Mr. MATHIS. Well, the broad goals, the number-one goal would be to return the ESA to the law that it was intended to be; which is "Let's recover species." What we have learned over the last 30 years is that setting aside these large tracts of land for critical habitat has not been effective. You know, when you look at 1,260-some species and you can say, "Well, we have only recovered fewer than a dozen," clearly, that is not working.

So we need to remove things such as the thing that I have harped on in this testimony, which is the species crossing state lines. That doesn't make any sense. Let's look at the species itself; not look at it regionally. And let's use hard science. Let's make sure that the species is indeed unique in the environment.

And then we have to start setting some priorities. I mean, if it turns out that you have this particular species of fly, and that is just genetically different than another 50 species of flies in just some little way, are we going to restrict the production of energy that runs absolutely everything in our lives, to protect this one fly

that is just genetically partially dissimilar to another one? I think that we are way out of whack here. We have to set good priorities.

And the last thing I would mention is really good science. What we have had is a situation where a whole bunch of species have been taken off of the list, they have been de-listed, because the original counts were so bad. Originally, "Oh, we have only got 250 of this creature." Well, then we find out we have a million. And so we have to go in and have really good scientific, verifiable data.

And you should not restrict development, you should not restrict grazing and energy production, you should not restrict these things, until you have good, quantifiable, peer-reviewed data that says, "This is a real problem and we really have to do something to protect this species."

And one last thing is a lot of species can benefit from doing things proactively; not just setting aside a piece of land and saying, "OK, we just hope that they somehow survive. We are not going to touch it." You know, let's get involved, like we used to do 50 years ago, to bring back species like the wood duck; where people erected nests, artificial nests, for the wood duck, to bring it back. It was almost extinct, and now they are everywhere. It is the most prolific duck species that we have.

We can help these species. Just setting aside land, saying, "This is critical habitat, let's not touch it," that is not going to work. And we have to have good science. And when you have a seven-year drought in the State of New Mexico and that has caused the number of prairie chickens to decrease, we are not going to let oil and natural gas production on this land; when we can't prove that it is going to harm them at all; when in fact it has been a seven-year drought and lower grasses and more predation and even just these animals dying of thirst?

I mean, you have to get to the cause. Is this mining, is this ranching, is this energy development actually harming the species? Let's get peer-reviewed scientific data to do that. Then we can go from there.

Mr. GIBBONS. Thank you. And I think the last point you made was exactly the question I had asked Ms. Conner, about her efforts to monitor the falcon in her area versus the mining activities. Was it the cause; is it a cause? And it seems not to be a cause.

I am curious about the fly analogy, because I am looking today as we consider mosquito abatement programs, where we spray vast areas for mosquitos. At some point, we may make the mosquito an endangered species, and then we will all be in trouble when it gets down to that point.

Does anybody have any additional questions they want to ask? Mrs. Drake? Mr. Pearce?

Mr. PEARCE. I will pass, thank you, Mr. Chairman.

Mr. GIBBONS. Well, let me thank our witnesses, then, because you have spent time here today to endure the questions and the ideas of this Committee. And I want to submit that it is the responsibility of this body to conduct oversight on the issues, the laws, and the regulations that affect the energy and mineral production in this country, which are the cornerstone of the economy, the cornerstone—if not the keystone—to the quality of life we have in America.

And we have heard today from our witnesses there are real-world impacts. We have talked about the grazing industry, the mining industry, the oil and gas industry. And we have talked about the environment as well on this. And these environmental laws and regulations, of course, play a unique part in our world, as they should. But they also can be abused and play a detrimental role in the development of these areas for continuation of the American economy.

And I appreciate the comments of my friend from Arizona, when he came here today and referred to the Wildlands Project as a single group, a "bogeyman." He may be unaware that this group is actually a coalition. It is made up of numerous organizations which, if those of us on the Committee want to look at the background information, we will list those organizations and many more that belong to this.

But I want to clarify that, contrary to the statements that he made earlier, this hearing is an examination not about the men and the women who are part of that organization; but for the record, the Wildlands Project organization was invited to testify today. They were not excluded. They were not intentionally denied participation in this Committee. They were invited, at the minority's request. And their scheduling prevented them, particularly that organization or that coalition, from attending. And I believe that, of course, Noah Alliance was here to testify as an alternative to their participation. And we welcome the alliance from being here to testify, as well.

I do want to submit for the record two recent news articles highlighting two separate examples of organizations which support the concepts of the Wildlands Project, outlined, as we said, throughout their goals and their ideas. And these two articles for the record are the Billings Gazette out of Billings, Montana—let me find the date. OK, it was a June 15th, 2005 article, "BLM Fidelity Appeal Federal Court Ruling," by Claire Johnson, the staff writer for the Gazette. And I would submit that for the record.

I also want to submit an AP article dated February 17th, 2005, "Group Seeks To Shield Polar Bear," by Dan Joling. Like I said, it was an AP article with regard to the Center for Biological Diversity, and the effect on the polar bear and the goals of that organization.

So without objection, those two articles will be entered into the record, as well.

[The articles follow:]

billingsgazette.com

BLM, Fidelity appeal federal court ruling

By CLAIR JOHNSON of The Gazette Staff

The U.S. Bureau of Land Management and an energy development company have filed notices to appeal a federal court decision that ruled invalid a statewide environmental analysis on coalbed methane development.

BLM said it will ask the 9th U.S. Circuit Court of Appeals whether the district court erred in ruling that the agency violated the National Environmental Policy Act by not considering phased development as part of its statewide analysis, court records said. The 2003 study was conducted jointly with the State of Montana.

Planning appeal

BLM also said it will appeal the district court's action granting partial summary judgment to the Northern Cheyenne Indian Tribe and to the Northern Plains Resource Council, which sued the BLM, and ordering BLM to prepare a supplemental environmental study.

BLM spokesman Don Smurthwaite said Tuesday that the Department of Justice filed the notice to protect the government's options for a formal appeal later.

An appeals notice by Fidelity Exploration and Production Co., a subsidiary of MDU Resources Inc., deals with a portion of a district court injunction issued in the case. Fidelity, which has between 450 and 500 producing coalbed methane wells near Decker in the southeastern Montana, intervened in the lawsuit.

NPRC, a conservation and agricultural group, and the tribe sued BLM, alleging that it violated federal law by not adequately studying the potential effects of coalbed methane.

U.S. Magistrate Richard Anderson ruled in February that the BLM violated the law because the study did not consider an alternative in which development would be done in phases, such as limiting the number of rigs operating in an area or developing one area at a time.

The judge invalidated the study and ordered BLM to conduct a supplemental review on phased development.

Ruling for BLM

The judge also ruled for BLM on other issues. Anderson said he could not find that BLM's treatment of water re-injection or injection alternatives for water produced by drilling for the gas was unreasonable. BLM also did not violate the law by conducting two studies—one in Wyoming and one in Montana—instead of one for the entire Powder River Basin.

And as a whole, the statewide study "adequately considered the impacts" of coalbed methane development in the basin, Anderson said in an advisory opinion.

As part of the case, Anderson issued an injunction in April in which he adopted a BLM proposal to allow some development to proceed while it conducts additional study of phased development. The proposal allowed 500 new wells a year in about 289,000 acres of the 4.1 million-acre development area, court records said.

NPRC and the tribe filed an emergency appeal of the injunction with the 9th Circuit. The appellate court granted the request, effectively preventing BLM from approving coalbed methane projects in Montana and preventing Fidelity from drilling additional wells. The case is set to be heard by the appellate court in September.

Fidelity raised two issues in its appeals notice. One is whether the district court erred in requiring BLM to restrict water management plans for federal wells to prohibit surface discharge of untreated ground water produced by drilling. The second challenges the court's requirement that BLM not approve drilling permits unless the operator has certified that water well mitigation agreements are in place for all wells and springs.

Bruce Williams, Fidelity's vice president of operations, said Tuesday that state law requires the company to have offered water well agreements to any party within a mile of any well. The company is contesting whether it actually has to have the agreement, he said.

Williams also said Fidelity filed an emergency request this week with the appellate court seeking reconsideration of its ruling to halt coalbed methane development pending review.

The company is seeking clarification of whether the injunction applies to all coalbed methane wells or only to wells drilled on federal leases and for reconsideration of its injunction, Williams said. Fidelity is asking that the entire panel of judges hear its request.

Group seeks to shield polar bear

The Associated Press
February 17, 2005 10:58 a.m.
By Dan Joling

*[Picture not shown] A female polar bear and her cubs rest on the ice in the Arctic National Wildlife Refuge in Alaska. The Center for Biological Diversity, a * conservation group, filed a formal petition yesterday, seeking to list the polar bear as a threatened species under the federal Endangered Species Act.*

ANCHORAGE—A conservation group filed a formal petition yesterday seeking to list the polar bear as a threatened species under the federal Endangered Species Act.

Polar bears could become extinct by the end of the century because global warming is melting away their sea-ice habitat, contends Kassie Siegel, lead author of the 154-page petition submitted by the Center for Biological Diversity.

She contends the United States must quickly reduce greenhouse-gas emissions to a fraction of current levels or polar bears will become extinct.

"Greenhouse-gas emissions can be drastically cut with sound policy changes that will not decrease quality of life, such as by increasing fuel-efficiency standards for automobiles," she said. "But we must act now."

In Alaska, there are two populations of polar bears, said Rosa Meehan, chief of the marine-mammal management program for the U.S. Fish and Wildlife Service, the agency that must respond to the petition.

The Beaufort Sea stock off Alaska's northern coast is estimated at 2,000 animals. "That stock is stable or perhaps increasing," she said, based on long-term mark and recapture studies.

Less is known about the Bering-Chukchi stock off Alaska's northwest coast. The population is shared with Russia. A 1998 estimate put their numbers at 2,000 to 5,000.

"We don't know the status of that stock," Meehan said. "It's in a very remote place, so it's difficult to count."

The two stocks are adjacent, and biologists surmise that—with sea-ice conditions that are similar—the Bering-Chukchi stock is in the same condition as the Beaufort stock.

"We don't know that," Meehan said. "It's just a guess."

The Marine Mammal Protection Act provides for unlimited harvest by subsistence hunters. Killing them in Russia is illegal, Meehan said, but some are killed, and the amount is unknown.

A treaty to manage the bears jointly with Russia was signed in October 2000 and has passed the U.S. Senate.

"We're waiting for implementation legislation to get that up and running," Meehan said.

Polar bears are the largest of all bear species. They live only in the Arctic and are found only in areas where sea ice occurs for a significant portion of the year.

According to the Fish and Wildlife Service, there are 19 recognized populations of polar bears within the jurisdiction of five countries. Besides Alaska, they are in Canada, Norway, Greenland and Russia.

Polar bears use sea ice for feeding, mating and maternity denning, Siegel said. They feed primarily on ringed seals.

The Fish and Wildlife Service estimates there are 22,000 to 25,000 bears worldwide.

Siegel said seasonal sea ice is breaking up earlier each spring and forming later in the autumn. This means polar bears have less time to hunt ringed seals and must endure longer periods of fasting on land, she said.

The petition cites global warming as the primary threat to polar bears but also lists Arctic oil and gas development, high levels of contaminants such as PCBs in polar-bear tissues and overrepping of some populations in Canada, Greenland and Russia.

Listing under the Endangered Species Act would provide broad protection to polar bears, including a requirement that federal agencies ensure that government actions not "jeopardize the continued existence" of polar bears or adversely modify their critical habitat.

The petition sets off a 90-day review by the Fish and Wildlife Service and an evaluation of whether further study is warranted, Meehan said.

If the agency decides the petition has merit, biologists nine months later would present a 12-month finding and decide whether a listing was warranted.

Public review, evaluation of public comment and a final decision would take at least one more year, Meehan said.

Mr. GIBBONS. With that, if there are no other questions from the panel, and no objection, I will adjourn the hearing right now.

[Whereupon, at 11:49 a.m., the Subcommittee was adjourned.]

[A statement submitted for the record by The Honorable Nick J. Rahall, II, follows:]

**Statement of The Honorable Nick J. Rahall, Ranking Democrat,
Committee on Resources**

This hearing is another in a series of hearings the Committee is having on the impact of the Endangered Species Act on development. Today we will look at the law's effect on the energy and mineral industries.

One of the witnesses testifying today is Dr. Dorothy Boorse of the Noah Alliance. She is a professor of biology. She also is an evangelical Christian.

She will explain why corridors and habitat are important for species conservation from both of those perspectives.

Of particular interest to me is her perspective on our responsibility to care for God's creatures.

Dr. Boorse and I share the principle that humans should tread extremely cautiously when the fate of threatened or endangered species lies in our hands.

Congress will likely debate provisions to amend the Endangered Species Act in the near future, and we must not take lightly our responsibility to care for God's handiwork. Any efforts to amend the law should be undertaken with great care and reverence.

Her message today, is therefore extremely important. I encourage everyone to listen to Dr. Boorse. And I thank her and commend her for coming to Washington, D.C., to testify on such short notice.

[A statement submitted for the record by Kim Vacariu, Southwest Director, Wildlands Project, follows:]

Statement of Kim Vacariu, Southwest Director, Wildlands Project

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide written comments. The Wildlands Project has a small staff, and due to previous commitments, we are not able to be present at the hearing. We trust this statement will answer your questions about the Wildlands Project, our views on the Endangered Species Act, and related matters.

The Wildlands Project: Mission and Goals

The Wildlands Project is an organization of scientists and citizens deeply concerned about the loss of species and the degradation of ecosystems. These losses not only imperil our natural heritage, but also threaten the long term health of our society and economy. The Wildlands Project is dedicated to bringing the best science to bear on these problems and using that science as a foundation for collaborative solutions that restore and protect our nation's biological health. Through the science of conservation biology and dedication to the Wildlands Project's mission—to protect and restore the natural heritage of North America through the establishment of a connected system of wildlands—we are demonstrating practical and achievable opportunities to bring a natural, healthy balance back to our faltering ecosystems. We believe that healthy environments mean healthy futures for people, wildlife, and the places they call home.

The Wildlands Project's Collaborative Approach to Conservation

The Wildlands Project's accomplishments are globally recognized for their scientific credibility, inclusiveness, and results-based orientation. The vehicle for achieving our conservation goals of protecting and restoring native species and ecosystem health is a series of "Wildlands Networks" that connect existing and proposed protected lands with one another via wildlife corridors. The elements that comprise Wildlands Network conservation plans—mapping of protected areas and landscape connections, native species analysis, and proposals for management of lands and waters—is based on rigorous, peer-reviewed science.

Our credibility as conservation plan "implementers" is based upon the Wildlands Project's ability to build bridges between various stakeholders. Because large-landscape-scale Wildlands Network planning encompasses both public and private lands, managed by a wide range of local, state, Native American, and federal governments, and private owners, the Wildlands Project views the collaborative approach to conservation as essential.

Examples of our collaborative efforts include:

- Workshops bringing private property owners in conservation planning areas together with state and federal agencies, and private organizations that offer advice and financial incentives for landowners to conserve the ecological values of

- their properties. These opportunities assist landowners in maintaining traditional operations and ownership while providing enhanced habitat for wildlife.
- The Wildlands Project-sponsored Border Ecological Symposium held this year in Tucson focused on the impact of border security infrastructure and activities on cross-border wildlife movement. The symposium was attended by representatives of the U.S. Border Patrol, U.S. Fish and Wildlife Service, Arizona Game and Fish Department, U.S. Forest Service, Bureau of Land Management, University of Arizona scientists, conservation organizations, and elected officials, including staff from the offices of U.S. Representative Raúl Grijalva, U.S. Senator John McCain, and U.S. Senator Jon Kyle. The symposium has generated ongoing dialogue among these parties, conservation organizations (including the Wildlands Project), and the Department of Homeland Security.
 - Support for and participation in the Arizona Wildlife Linkage Working Group, a collaboration among Arizona Department of Transportation, Arizona Game and Fish Department, Federal Highway Administration, U.S. Forest Service, U.S. Fish and Wildlife Service, and Bureau of Land Management to design a state-wide wildlife linkage map to be used in planning future wildlife highway crossing structures.

Collaboration among this wide range of stakeholders generates effective and achievable solutions to conservation challenges—solutions in which public and private decision makers can have a high degree of confidence.

Achieving the goals set out in Wildlands Network conservation plans will require many decades and the efforts of ensuing generations of Americans. We see our task as beginning the process now, before more natural diversity is lost. No American wants to tell the next generation that it will never see wild salmon or grizzlies in their natural homes because we failed to care about our natural heritage.

There are short-term benefits to Wildlands conservation planning as well, including the enormous contribution made to local economies by wildlife- and nature-related amenities, and the prevention of a further decline in species resulting in listings under the Endangered Species Act. The Wildlands Project-inspired collaborations now underway are key to averting the habitat destruction and fragmentation that underlie such listings.

The Wildlands Project and the Endangered Species Act

The Endangered Species Act represents the best of America. It is a strong statement of our nation's values. We are a people who treasure nature. Many Americans come to this value based on religious belief. Protecting God's creation is an important part of their faith. Other Americans see our wildlands as the theater of evolution, home to the processes that ultimately sustain all human societies both materially and spiritually. For most Americans, it is both.

The Endangered Species Act plays an integral role in protecting natural diversity, and it has been extremely effective at doing so. The world's most respected scientists tell us that we are in the midst of a great, human caused extinction episode rivaling several pre-historic extinctions caused by natural events. We are losing species at more than 1000 times the historic background rate. As the eminent biologist, Michael Soulé, said, it is "not just about the death of species, but about the death of birth." The Endangered Species Act is the miner's canary. It sounds the alarm when harm threatens. It allows us to prevent extinction. Because of the Endangered Species Act, we still have bald eagles—the symbol of our nation—plus wolves, grizzlies, California condors, salmon, and hundreds of other magnificent native species.

The Endangered Species Act is a safety net for wildlife, plants, and fish that are on the brink of extinction. We owe it to our children and grandchildren to be good stewards of our environment and leave behind undiminished the great natural legacy that we inherited from previous generations. We all know that one of the most effective ways to protect that natural legacy is to protect the places where vulnerable species live.

According to recent polling, 86% of Americans believe in a strong Endangered Species Act. It is one of the most popular laws in our nation's history. The Wildlands Project shares this view. We are working with communities to design habitat conservation approaches that will help protect species where they live before they become endangered. Defensive tactics to save species are often required, but we must do more to get ahead of the curve. Therefore, the Wildlands Project advocates for a stronger Endangered Species Act that has as its centerpiece scientifically credible requirements for critical habitat protection because, in order to protect species, we must protect their homes.

The Endangered Species Act is a powerful tool to protect our natural heritage—a heritage Americans clearly want protected. Although the Wildlands Project rarely

litigates and does not lobby, we see the Act as essential to conservation and maintaining the quality of life in America.

The Wildlands Project and Energy Development

Wildlands Project conservation planning is aimed at achieving conservation goals. Our plans provide for both strictly protected areas and for “compatible use areas” where some types of resource extraction can occur based on their impacts to species and ecosystem processes. The debate over potential conflicts between protecting ecologically important lands and developing them for energy and mineral resources has a long history.

We find highly instructive the thoughts of a previous, conservation-minded Republican President, Teddy Roosevelt:

“Optimism is a good characteristic, but if carried to excess, it becomes foolishness. We are prone to speak of the resources of this country as inexhaustible; this is not so.”

(Annual message to Congress of 1907)

“Defenders of the short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things sometimes seek to champion them by saying the ‘the game belongs to the people.’ So it does; and not merely to the people now alive, but to the unborn people. The ‘greatest good for the greatest number’ applies to the number within the womb of time, compared to which those now alive form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wild life and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method.”

(A Book-Lover’s Holidays in the Open, 1916)

The Wildlands Project and Our Detractors

The success of the Wildlands Project in promoting continental conservation through the design and implementation of Wildlands Network conservation plans has, as have all innovative new approaches to major societal challenges, garnered detractors. In the case of the Wildlands Project, criticism aimed at us has often been unusually overstated. Maps published and copyrighted by the Wildlands Project have been re-drawn and distributed with erroneous, misleading content. Websites have been created that not only misrepresent our goals and products, but have actually claimed to be our own official website. Claims have even been made—completely without basis in fact—that we are representatives of the United Nations, working to impose the Convention on Biodiversity. The Wildlands Project’s materials, maps, and conservation work can be found at our website, www.wildlandsproject.org.

Thank you for allowing us to provide these comments to the subcommittee.

