

ALBRIGHT, EPIFANI, CASWELL, AND WAHLQUIST NOMINATIONS

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

ON

THE NOMINATIONS OF CLARENCE H. ALBRIGHT, OF SOUTH CAROLINA, TO BE UNDER SECRETARY OF ENERGY; LISA E. EPIFANI, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY FOR CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS; AND, JAMES L. CASWELL, OF IDAHO, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT. ADDING TO THIS AGENDA IS THE NOMINATION OF BRENT T. WAHLQUIST, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

JULY 12, 2007



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EPIFANI, CASWELL, AND WAHLQUIST NOMINATIONS

THURSDAY, JULY 12, 2007

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

The committee met, pursuant to notice, at 9:30 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

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

The CHAIRMAN. If everybody will find a chair, the committee meets this morning to consider four pending nominations: Clarence "Bud" Albright, Jr., to be the Under Secretary of Energy; Lisa Epifani to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; James Caswell to be the Director of the Bureau of Land Management in the Department of the Interior; and Brent Wahlquist to be the Director of the Office of Surface Mining Reclamation and Enforcement in the Department of Interior.

We're very glad to welcome all four nominees to the Committee. Lisa Epifani was a valued member of Senator Domenici's staff on this committee for several years. We're especially pleased to see her here. Many of us became acquainted with Bud Albright in his capacity as the Staff Director of the House Energy and Commerce Committee during the energy conference 2 years ago and we're glad to see him here. Indeed, all four of the nominees appear well qualified for the positions to which they've been nominated based on their previous work experience. We appreciate the willingness of all four of these nominees to serve in these important positions and welcome the opportunity to consider their nominations.

Let me defer to Senator Domenici for any statement or comment he has.

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

Senator DOMENICI. Mr. Chairman, I believe I'll wait for comments on each one if you don't mind, and let us proceed in the manner that you listed them. I'm pleased to be here. They seem to be very qualified people that the President sent up. Some relatives are here. We're glad to see them, particularly glad to see Lisa's father and stepmother here. Thank you very much for coming.

I have nothing further at this point. Thank you, Mr. Chairman.
The CHAIRMAN. Thank you.

I know that Senator Crapo is here to do an introduction of one of the nominees. I know there may be other Senators also arriving to participate in introductions. Why don't we first recognize Senator Crapo for his statement.

**STATEMENT OF HON. MIKE CRAPO, U.S. SENATOR
FROM IDAHO**

Senator CRAPO. Thank you very much, Mr. Chairman and ranking member Domenici. I appreciate the opportunity to be here today to introduce Jim Caswell as the nominee for the Director of the Bureau of Land Management. I've known Jim both personally and professionally for over a decade now, since the days when I served in the House of Representatives. Over that time I found him to be intelligent, dedicated, and of the highest moral character.

Jim has been a respected authority on natural resource management issues in Idaho for over 2 decades. Over the years he has served as Deputy Forest Supervisor on the Boise National Forest, Forest Supervisor of the Tardee National Forest, and Supervisor of the Clearwater National Forest. Most recently, I've had the opportunity to work very closely with Jim in his role as the Administrator for the Office of Species Conservation in Idaho.

I've been especially impressed by his strong and successful programs in the State for ecosystem management that take into account the diverse needs of those who live, work, and play on our public lands. His efforts for wolf, salmon, and grizzly recovery have been widely successful, and I fully expect his innovative style to work well on a national level as well.

He's initiated candidate conservation agreements between landowners, the State, and the Federal agencies to facilitate the recovery of declining species, such as slickspot peppergrass, and has gone above and beyond to encourage private property owners to work with Federal agencies in this regard. Doing so has restored and forged great relationships that have not previously been attainable. In fact, his approach to cooperative conservation was one of the models I used in developing the Endangered Species Reform Act—Recovery Act, that I introduced earlier in this Congress and that I think can benefit the entire Nation.

He's been an outstanding advocate for issues important to Idaho. I have no doubt that he will continue to successfully serve the Department of Interior and the BLM with the passion, commitment, and dedication he has shown in the past. I can't think of anybody who would be a more effective Administrator for the Bureau. As someone who's dedicated his life to public service as a soldier in Vietnam and as a diligent employee of three Federal agencies, I'm certain Jim will work tirelessly following confirmation to implement our Nation's public land policies to the benefit of all.

In summary, Mr. Chairman, I wholly support Jim Caswell's nomination to be the Director of the Bureau of Land Management. He's a committed individual who will do his very best to serve the United States and further our commitment to our public lands. I urge you and this committee to forward his nomination favorably to the full Senate for confirmation.

Thank you.

The CHAIRMAN. Thank you very much for your statement. We appreciate it very much.

I see Senator DeMint is here. I understand he would like to make a statement of introduction for Mr. Albright. You're welcome to do that.

**STATEMENT OF HON. JIM DeMINT, U.S. SENATOR FROM
SOUTH CAROLINA**

Senator DeMINT: Thank you, Mr. Chairman and fellow colleagues. I appreciate you holding the hearing today. I'm encouraged by the President's appointment of Mr. Charles "Bud" Albright to be Under Secretary of Energy. More importantly, I'm proud to see the President nominate one of South Carolina's native sons.

Bud Albright grew up running around the streets of Rock Hill, South Carolina, and received his bachelor's degree from Presbyterian College in Clinton, South Carolina. Soon after he came to Washington and started his career with our good friend the late Strom Thurmond. At the same time, Bud was working his way through George Mason Law School. Since then he has been no stranger to government. He has seen how government works well and how it doesn't. He has served as counsel on numerous committees in Congress, performing investigations, oversight, as well as working in the Justice Department and the Department of Housing and Urban Development.

More importantly, he will also bring private sector experience to this new position. He has been a private attorney, counsel to a trade association, and a vice president of an energy company. Our Nation faces tough challenges to stay competitive and supply our energy needs. Bud's distinguished career has provided a wealth of knowledge and diversity of experience that I believe will serve the Department of Energy and our Nation well.

I also want to welcome his family and give a special thank you to his lovely wife Ginger. "Ginger" is my daughter's name, by the way, too, so I appreciate her being here. Government service is not easy and it is the support of our spouses that really helps us to be successful.

I hope my colleagues will quickly nominate or confirm the nomination here of Bud Albright. He'll be a great addition to the Energy Department. Thank you.

The CHAIRMAN. Thank you very much.

I know Senator Craig also wished to make introduction of Mr. Caswell. So why don't you go right ahead with any statement you'd like to make.

**STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR
FROM IDAHO**

Senator CRAIG. I will be brief. Let's get our nominees before us, and let me join with my colleague Senator Crapo in speaking on behalf of Jim Caswell, Mr. Chairman. I didn't hear all of my colleague's statement, but I find it interesting that High Country News, not necessarily known to be a pro-extractive industry mouthpiece, has said that "Mr. Caswell has no obvious connections with the extractive industry and is scandal-free." So that's rather high

praise for somebody who's been involved in all of the activities that he has throughout his professional career, both at the State level, working for Governor Kempthorne at the time, and certainly in his role as a Forest Service employee, a Forest Service supervisor.

That's really where I got to know Jim, when we worked together on the Clearwater in Idaho in a variety of very difficult situations and times. A very calm, thoughtful, methodical person who worked his way through problems with certainly quality skills and great experience.

So I was one who was very excited when the Secretary, the White House, asked Jim Caswell to become the new Director of the BLM. He brings all that Mike Crapo has said with him to that office. He will serve us with credibility and honor.

Mr. Chairman, let's get him heard and confirmed. The skies of Idaho and the West are very smoky at this moment and the territory and property that he will have dominion over is burning. Therefore, let's get him out on the ground, get a wet sack in his hand, and get him to fighting fire. We're glad he's here.

The CHAIRMAN. All right. Well, thank you very much for your statement.

At this point, why don't we call the four nominees to the witness stand. We will then swear them in and I have some standard questions that I'm required to ask of each nominee. While you're standing, let me just ask you to raise your right hand.

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

Mr. ALBRIGHT. I do.

Ms. EPIFANI. I do.

Mr. CASWELL. I do.

Mr. WAHLQUIST. I do.

The CHAIRMAN. Please be seated.

Senator DOMENICI. Mr. Chairman, before you do that, could I have a brief opening remark?

The CHAIRMAN. Certainly, any opening statement you'd like. Go right ahead.

Senator DOMENICI. Thank you, Mr. Chairman.

Good morning. I want to welcome all the nominees and their families to the committee today. I also thank Senator Bingaman for scheduling this hearing this morning to consider the President's nominees for these important decisions.

Before we go any further, I want to especially welcome and introduce to those who are now on the committee Lisa Epifani, the nominee for Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Energy. Prior to her current position on the President's National Economic Council, Lisa was counsel here on our committee for 3 years. She was the lead staff on all the electricity and oil and gas issues during our work on the Energy Policy Act of 2005. Her prior experience at DOE as Senior Legislative Adviser made her an invaluable asset to the committee as we crafted the legislation.

She's extremely intelligent and tireless in her professional activities, which result in her successes in almost everything she undertakes. She will be an outstanding addition to Secretary Bodman's

management team and to Lee Rawls—I note his presence, Mr. Chairman. He comes to all these hearings, a rather exceptional situation for an Under Secretary. We welcome you.

The CHAIRMAN. Clay.

Senator DOMENICI. Clay. What did I say?

The CHAIRMAN. Lee Rawls.

Senator DOMENICI. I said “Lee Rawls.” He took the place of Lee Rawls. Clay Sells.

The other nominees we’re considering today will, if they’re confirmed, all hold positions requiring decisions on matters of great national importance, but also decisions that will be crucial to each of our home States, and certainly to yours and mine, Senator Bingaman. I hope we have a few questions regarding the latter in this hearing.

For now, I thank all of the nominees for their willingness to devote a part of their careers to public service. I look forward to their testimony and thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Before we call on each of the nominees to make their statement, the rules of the committee that apply to all nominees require they be sworn. We’ve gone through that. I would ask also, I’m required to ask, three questions of each nominee that appears before this committee. I’ll ask that question and then ask each of you in turn to respond.

The first question is: Will you be available to appear before this committee and other congressional committees to represent departmental positions and to respond to issues of concern to the Congress? Mr. Albright?

Mr. ALBRIGHT. I will.

The CHAIRMAN. Ms. Epifani?

Ms. EPIFANI. I will.

Mr. CASWELL. I will.

Mr. WAHLQUIST. I will.

The CHAIRMAN. The second question is: Are you aware of any personal holdings, investments, or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President? Mr. Albright?

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

The CHAIRMAN. Thank you.

Ms. Epifani.

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

The CHAIRMAN. Mr. Caswell.

Mr. CASWELL. Mr. Chairman, my investments, personal holdings, and other interests have been reviewed by both myself and the ap-

appropriate ethics counselors within the Federal Government and I have taken the appropriate action to avoid any conflicts of interest and there are no conflicts of interest or appearances thereof to my knowledge.

The CHAIRMAN. Mr. Wahlquist.

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

The CHAIRMAN. Thank you all.

Let me ask the third question that we're required to ask. Are you involved or do you have any assets that are held in a blind trust? Mr. Albright?

Mr. ALBRIGHT. No, I do not.

The CHAIRMAN. Ms. Epifani?

Ms. EPIFANI. No.

The CHAIRMAN. Mr. Caswell?

Mr. CASWELL. No, sir, I do not.

The CHAIRMAN. Mr. Wahlquist?

Mr. WAHLQUIST. No.

The CHAIRMAN. All right. Our practice here in the committee is to at this point invite nominees to introduce any family members that they have here with them. Mr. Albright, do you have anyone you would like to introduce at this point?

Mr. ALBRIGHT. I have, as we say back in South Carolina, a slew of family here.

The CHAIRMAN. All right.

Mr. ALBRIGHT. I would just like to introduce my wife Ginger, my son Trip, daughter Carolina, my brother Ned, my two sisters-in-law Cathy and Beth. If I may mention one other person, I have a good friend who has twice been confirmed by the Senate, Ronny Rosenfeld, who is currently the chairman of the Federal Housing Finance Board. He's here with his wife Patty, back there somewhere.

The CHAIRMAN. All right. Well, we welcome all of you to this hearing.

Ms. Epifani, did you have family members you'd like to introduce?

Ms. EPIFANI. I'd like to introduce my father, Achille Epifani, his wife Rhonda, my sister Antonietta Epifani, and my niece Alazondrea.

The CHAIRMAN. Well, we welcome them very much. Thank you for being here.

Mr. Caswell, did you have any family you wanted to introduce?

Mr. CASWELL. Yes, Mr. Chairman. I have my wife with me today, Susan. We've been married for 42 years, in fact 42 years a month ago today.

The CHAIRMAN. All right.

Mr. CASWELL. Then on line I have some of my other—some of my children are watching on line, so that's exciting for them.

The CHAIRMAN. All right. Well, we don't want to start introducing everyone who's on line.

[Laughter.]

The CHAIRMAN. We'll be here a long time.

Mr. Wahlquist, go ahead.

Mr. WAHLQUIST. I have with me my wife Diana. We've been married for 41 years. We also have six children and ten grandchildren and they're not here.

The CHAIRMAN. All right. Well, thank you all for being here, and all of your guests are of course welcome.

Let me at this point recognize the nominees to make whatever statements they would like to make before we go to questions. Mr. Albright, why don't you go first.

TESTIMONY OF CLARENCE H. ALBRIGHT, Jr., NOMINEE TO BE UNDER SECRETARY OF ENERGY

Mr. ALBRIGHT. Thank you, Senator, members of the committee. I'm very much pleased to be here today. I appreciate the opportunity to testify. I won't go through reading my statement. I'd ask that it be made part of the record.

The CHAIRMAN. We will include everyone's full statement in the record, and we will appreciate it if you could summarize.

Mr. ALBRIGHT. Yes, sir, thank you. I just want to make two or three points. I want to comment on what a privilege it was to work with you, Senator Bingaman and Senator Domenici, on EPACT 2005. We fought hard on matters and fought fair, and we won some things, we lost some things. But I think working together produced a good piece of legislation that's helped us. It was really a privilege to work with you and to work with Congressman Dingell and my current boss, Joe Barton, in that effort. I think it was a good bipartisan effort that speaks well of what the institution can do.

Turning to the Under Secretary position, I'm honored to be nominated and I hope you will confirm me. I think I can summarize my view of the job as having three important responsibilities. One is a responsibility to the past, to help remediate and clean up the environmental legacy of the Nation's nuclear weapons program. Two, a responsibility to the present, to pursue development of solutions to our current energy challenges, keeping in mind the realities of our current technology and of our economy. Three, a responsibility to the future, to ensure that we spur innovation in research and development of energy technology so that we and our children can enjoy an economically strong America with its energy sources secure, efficient, and clean.

I'm happy to answer any questions that you may have.

[The prepared statement of Mr. Albright follows:]

PREPARED STATEMENT OF CLARENCE H. ALBRIGHT, JR., NOMINEE TO BE UNDER SECRETARY OF ENERGY

Mr. Chairman, Senator Domenici, and Members of the Committee, I am honored to appear before you today as the President's nominee to be Under Secretary of Energy. I appreciate the confidence of President Bush, Secretary Bodman, and Deputy Secretary Sell in me and in my ability to assist in achieving our Nation's energy goals.

I was born and reared in Rock Hill, South Carolina, studied history and political science at Presbyterian College and later received a law degree from George Mason University School of Law.

I have devoted nearly twenty years of my career to public service; in fact, except for brief periods in the private sector, I have devoted my entire career to public serv-

ice. I have worked in both the legislative and the executive branches of the Federal Government, and through these experiences, I have gained a broad understanding and deep respect for the law, our government, and the important work of developing and implementing energy policy.

I have been privileged to serve in two previous Presidential Administrations. In the Reagan Administration at the Department of Justice, I worked both as an Assistant United States Attorney in the Eastern District of Virginia, known affectionately as the "Rocket Docket," and later at main Justice as Deputy Associate Attorney General. At that time the Associate Attorney General's office was responsible for criminal matters, with the U.S. Attorneys, FBI, DEA and other DOJ criminal enforcement organizations reporting through that office.

I continued my work in the executive branch under President George H.W. Bush at the Department of Housing and Urban Development. There, as Principal Deputy General Counsel for Secretary Jack Kemp, I had a broad range of legal and administrative responsibilities, and supervised several hundred capable attorneys in the General Counsel's operation.

This service in both the Reagan and Bush Administrations yielded insight into the operation and management of large executive branch organizations not unlike that of the Department of Energy.

In the legislative branch, I have served as General Counsel to the House of Representatives District of Columbia Committee and Chief Oversight Counsel to the House Committee on Energy and Commerce. I earned valuable experience in the private sector as Vice President and Legislative Counsel of the Mortgage Bankers Association of America and as Vice President of Federal Relations at Reliant Energy.

Currently, I serve as Republican Staff Director for the House Committee on Energy and Commerce, where I work for Ranking Member Joe Barton of Texas. I want to take this opportunity to say how much I admire Congressman Barton for his service to the American people in the U.S. Congress and how much I appreciate him inviting me to help craft energy legislation for the Committee and the U.S. House of Representatives.

I'm particularly proud of the bipartisan success that I was involved in as the Senate and the House worked together to craft the Energy Policy Act of 2005. The give-and-take during those long hours helped develop a solid piece of legislation. Those long hours, too, allowed me to see the best and brightest people hard and honestly at work, debating policy priorities and legislating in a manner that I think would make the Founding Fathers proud. Senators Bingaman and Domenici, and Congressmen Dingell and Barton worked hard and well to advance good energy policy. I count myself lucky to have had a small role in helping that process succeed.

I believe the Under Secretary of Energy has three important responsibilities to the Nation. First, the Under Secretary has a responsibility to the past, to help remediate and cleanup the environmental legacy of the Nation's nuclear weapons program. The Under Secretary's responsibility to the present requires the pursuit and development of solutions to our current energy challenges, recognizing the importance of fossil fuels as the primary current source of the Nation's energy supply. Finally, the Under Secretary's responsibility to the future requires innovative research and development of energy efficient technologies and renewable sources of energy that will lead the United States toward energy independence.

If confirmed, I look forward to working with the Committee and the Congress as a whole to fulfill these responsibilities.

In closing, I again want to thank the President, Secretary Bodman, and Deputy Secretary Sell for the confidence they have placed in me and thank the Committee for considering my nomination. I hope the Senate will confirm me so that I can roll up my sleeves soon and get about the job of addressing America's energy issues.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you very much.

Lisa, go right ahead with your statement.

TESTIMONY OF LISA E. EPIFANI, NOMINEE TO BE ASSISTANT SECRETARY CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS, DEPARTMENT OF ENERGY

Ms. EPIFANI. Mr. Chairman, Senator Domenici, members of the committee: I'm very honored to appear before you as the President's nominee to serve as Assistant Secretary of Congressional Af-

fairs and Intergovernmental at the Department of Energy. I'm grateful to the President for his confidence in me and I appreciate the committee holding this hearing and considering my nomination. I thank Secretary Bodman and Deputy Secretary Clay Sell for their support.

I've introduced my family and I thank each of them for their love and support. I owe the deepest appreciation and most respect to my father. He taught me always to work hard, do my best, and to be a good person. Growing up with him, I worked at his restaurant and saw how much people loved him. He's an excellent chef, but his greatest gift is his personality. He has a great attitude about life and he shows his family and friends every day how much he loves them. I'm very lucky to have a father like him. Any success that I may achieve in this life will be because he made it possible, and I thank him very much.

If confirmed, it would be my privilege to work with this committee and the Congress, as well as with my colleagues in the Administration, in pursuit of policies that will best serve our country. Serving on this committee from 2003 to 2005 was an excellent lesson in the value of bipartisan cooperation. I'm very proud to have been part of the team that worked on the Energy Policy Act of 2005. I believe enactment of that legislation is a true testament to the leadership of Senators Domenici and Bingaman and Congressmen Barton and Dingell.

Senator Domenici knows that he has a very special place in my heart and that I thank him very much for taking care of me while I was here on the committee. I really enjoyed working on the committee staff and I'm looking forward to working closely again with this committee and the staff which I so admire.

I also want to acknowledge Alex Flint, who was the Staff Director when I was here on committee. Alex sets the example in my mind for excellence and professionalism and I try to follow that example.

In closing, I want to again thank President Bush and Secretary Bodman for the trust they've placed in me. I also thank the committee for holding this hearing and considering my nomination. It would be an honor and privilege for me to serve the American people in this position.

Mr. Chairman, that concludes my personal statement. I'd be glad to answer any questions. Thank you.

[The prepared statement of Ms. Epifani follows:]

PREPARED STATEMENT OF LISA E. EPIFANI, NOMINEE TO BE ASSISTANT SECRETARY,
CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS, DEPARTMENT OF ENERGY

Mr. Chairman, Senator Domenici, and Members of the Committee, I am honored to appear before you today as the President's nominee to serve as the Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Energy.

I am grateful to President Bush for his confidence in me and I appreciate the Committee holding this hearing and considering my nomination. I thank Secretary Bodman and Deputy Secretary Sell for their support.

I would like to introduce my family. My father, Achille Epifani, my stepmother, Rhonda Epifani, my sister, Antonietta Epifani, and my niece, Alazondrea Epifani. I thank them each for their love and support, and I owe the deepest appreciation and the most respect to my father. He taught me to work hard, to always do my best and to be a good person. Growing up, I worked with him at his restaurant and

saw how much people love him. He is an excellent chef, but his real gift is his personality. He has a great attitude about life and shows his love to his family and friends everyday. I am very lucky to have a father like him. Any success that I may achieve in this life will be because he has made it possible.

If confirmed, it would be my privilege to work with this Committee and the Congress, as well as with my colleagues in the Administration, in pursuit of policies that will best serve our Nation.

Serving as Committee Counsel from 2003 through 2005 was an excellent lesson on the importance of working in a bipartisan manner. I am very proud to have been part of the team that worked on the Energy Policy Act of 2005. Enactment of that legislation was a testament to the leadership of Senators Domenici and Bingaman, and Congressmen Dingell and Barton. Senator Domenici knows that he has a very special place in my heart, and I thank him for taking good care of me when I was on staff. I really enjoyed working on the Committee staff, and I am looking forward to again working closely with this Committee and its staff, which I so admire. I also want to acknowledge Alex Flint, who was the Staff Director when I served on the Committee staff. In my mind, Alex has set an example of excellence and professionalism that I will do my best to follow.

In closing, I want to again thank President Bush and Secretary Bodman for the trust they have placed in me. I also want to thank the Committee for holding this hearing and considering my nomination. It would be an honor and privilege for me to serve the American people in this position.

Mr. Chairman, this concludes my prepared statement. I would be glad to answer any questions you may have.

The CHAIRMAN. Thank you very much for your statement.

Mr. Caswell, why don't you go right ahead.

TESTIMONY OF JAMES L. CASWELL, NOMINEE TO BE DIRECTOR BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. CASWELL. Thank you, Chairman Bingaman, Senator Domenici, and the other members of this committee. I'm both humbled and honored to appear before you today as President Bush's nominee for the Director of the Bureau of Land Management. I'm also grateful for the support and encouragement of Secretary Kempthorne and Secretary Allred. I appreciate this opportunity to present my views and qualifications for this office and ask your consent of the President's nomination.

First and foremost, Mr. Chairman, I'm a family man. You met my wife a few minutes ago. We have three grown children, Rebecca, Cari, and Kurt, and four grandchildren. Our eldest grandson, Tyler, was recently overheard by his mother telling several of his friends: "If confirmed, my grandpa will be the director of the BLT." I could not be more pleased or honored by my family.

Susan and I were raised in a small rural community in west central Michigan and our families were small business owners in the agriculture community. It was in this environment that I learned the importance of service to others, the value of hard work and taking responsibility for one's actions. My interest in the outdoors was nurtured by my father and extended family. By the time I reached my teens, it was clear to me that my life's work would be to care for our Nation's public lands.

Upon graduation from high school, I attended Michigan State University and earned a bachelor's degree in science in forestry. Upon graduation I was commissioned as a second lieutenant in the United States Army and I served 3 years on active duty, including a tour in Vietnam.

During my 40 years as a resource manager, which began with the BLM and ended with the Forest Service, I have had an enviable opportunity to live and work in both large and small communities across the West. With the Forest Service I had the opportunity to problem-solve, influence accountability, monitor and evaluate issues, programs, and people. I have aggressively implemented ecosystem management principles at the watershed scale in all projects and programs. All projects were planned at a landscape scale in collaboration with local interests, State agencies, tribal interests, and other Federal agencies. This is a major change from traditional project-level planning processes and resulted in integrated decisions that were better for the resource and the communities.

In 2000 I left the Forest Service to undertake a new challenge. For over 6 years I've served in the Idaho Governor's office as administrator for the Office of Species Conservation. The office was created by the Idaho State legislature in 1999 to bring a policy focus to endangered species issues and to foster collaboration and coordination among the relevant State and Federal agencies. Then-Governor Kempthorne told me that he specifically recruited me to serve as an administrator because of my reputation as a leader. It was with the support of the Governor, his office, and the hard-working folks in OSC that the office has gained a great deal of credibility as both a can-do and a go-to organization.

We worked on both the wolf management plan in the State and the Yellowstone grizzly bear management plans. Both of those issues were politically and emotionally charged and generated a great amount of public scrutiny and debate. I'm proud that we successfully worked with both committees of the House and Senate in the State legislature to get those plans approved and make changes to four separate statutes over three different legislative sessions.

These experiences have given me a set of bedrock principles that I hold very close and that I would like to highlight briefly. I passionately believe in multiple use management and conservation of our public resources, with a commitment to balance, cooperation, collaboration, and sharing. In my view, achievement of this commitment requires scientific information, listening to, learning about, and collaborating with the owners of our public lands, the American people.

I believe the achievement of the multiple use mission is critically dependent upon enhanced community relations and being a good neighbor and a citizen of the community. I believe resource plans must be adaptive, dynamic, and rely on place-based ecosystem principles and landscape assessments.

Mr. Chairman, I believe in the dedicated men and women of the BLM. I guide my interactions, decisions, and interpersonal relationships based on the philosophy that people are our most important asset and their experience and judgment must be valued.

Thank you, Mr. Chairman, members of the committee, for considering my qualifications and providing the opportunity to appear. If confirmed, I will do my absolute best to serve the public interest, manage the public's resources for the benefit of all the Nation's citizens. Thank you and I welcome your questions.

[The prepared statement of Mr. Caswell follows:]

PREPARED STATEMENT OF JAMES L. CASWELL, NOMINEE TO BE DIRECTOR, BUREAU
OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you Chairman Bingaman, Senator Domenici, and other distinguished members of this committee. I am both humbled and honored to appear before you today as President Bush's nominee for the Director of the Bureau of Land Management. I am also grateful for the support and encouragement of Secretary Dirk Kempthorne and Assistant Secretary Stephen Allred. I appreciate this opportunity to briefly present my views and qualifications for this office and ask your consent of the President's nomination.

First and foremost, Mr. Chairman, I am a family man and would like to introduce my wife, Susan, who is here with me today. We have three grown children, Rebecca, Cari, and Kurt, and four grandchildren. Our eldest grandson, Tyler, was recently overheard by his mother telling several of his friends: "If confirmed, my grandpa will be the Director of the BLT." I could not be more blessed or proud of my family.

Susan and I were raised in small rural communities in west-central Michigan. Our families were small business owners serving the agricultural community. It was in this environment that I learned the importance of service to others, the value of hard work, and taking responsibility for one's actions. My interest in the outdoors was nurtured by my father and extended family. By the time I reached my teen years, it was clear to me that my life's work would be to care for our Nation's public lands.

After graduation from Edmore High School in 1963, I attended Michigan State University and earned a Bachelor of Science degree in forestry. Upon graduation from college, I was commissioned as a Second Lieutenant in the United States Army. I served three years on active duty and three years in the ready reserves, including a tour in Vietnam.

During my 40-year career as a Federal resource manager, which began with the BLM and concluded with the US Forest Service, I have had the enviable opportunity to work and live in communities large and small across the West.

In the Forest Service, I had opportunity to problem solve, influence accountability, monitor and evaluate issues, programs and people. I aggressively implemented ecosystem management principles at the watershed scale in all projects and programs. All projects were planned on a landscape level incorporating ecosystem management principles in collaboration with local interests, state agencies, tribal interests, and other Federal agencies. This change from a traditional project-level planning process resulted in integrated decisions that were better for the resources and better for the communities. I am particularly proud of my work in development of best management practice audits and the assessment of the 1995/1996 flood and landslide damage on the Clearwater National Forest.

In 2000, I left Federal service to undertake a new challenge. For over 6 years, I have served in the Idaho Governor's office as Administrator for the Office of Species Conservation. The Office was created by the Idaho State Legislature in the 1999 to bring a policy focus to endangered species issues and to foster collaboration and coordination among the relevant state and Federal agencies. As Administrator, I have been engaged in all aspects of creating a new organization including recruiting experienced and effective personnel, and building a constituency at the local, state, and regional level.

Then-Governor Kempthorne told me that he specifically recruited me to serve as Administrator because of my reputation as a leader. It is with the support of the Governor's office and the hard work of a dedicated staff that the Office of Species Conservation has gained a great deal of credibility as a "can do" and "go to" organization. The Office of Species Conservation worked on a Wolf Management Plan and a Yellowstone Grizzly Bear Management Plan—both involving issues that were politically and emotionally charged and that generated a significant amount of public scrutiny and debate. I am proud that the Office of Species Conservation successfully worked with both Committees of the Idaho House and Senate and on the floor to achieve passage of both plans and four separate statutes revisions over three sessions of the state legislation.

These experiences as a Federal land manager and as a state government official have enriched my life and have made me a more enlightened citizen and thoughtful resource management professional. Through these experiences, I have developed a set of bedrock principles that guide how I lead and manage, how I make decisions, and how I communicate with those I work with under my leadership, and especially, those who I serve. Mr. Chairman, I would like to highlight some of these principles that guide my actions:

- I believe passionately in multiple-use management and conservation of our precious public resources with a commitment to balance, cooperation, collaboration,

and sharing. In my view, achievement of this commitment requires scientific information, and listening to, learning about, and collaborating with the owners of our public lands—the American people. Mr. Chairman, if confirmed, I pledge to do my utmost to achieve this multiple-use mandate and commitment.

- I believe achievement of the BLM multiple-use mission is critically dependent upon enhanced community relationships and being a good neighbor and citizen of those communities. It is essential we communicate with an ever expanding diverse community of interests if we are to make sound decisions and achieve shared goals. Striking a balance between the needs and desires of local communities and national goals and objectives hinges upon strong and effective community relationships. I commit to work diligently with local communities to enhance and improve long-term relationships and public confidence.
- I believe Resource Management Plans must be adaptive, dynamic, and rely upon “place based” ecosystem management principles and landscape-scale assessments. This approach is the most effective and efficient way to engage the public, develop durable agreements, collaborate with others, while meeting legal requirements.

Mr. Chairman, I believe in the dedicated men and women of the BLM. I guide my interactions, decisions, and interpersonal relationships based on the philosophy that: People are our most important asset and their experience and judgment is a valuable resource. I pledge to foster a work environment that supports decentralized decision making and relies heavily upon individuals close to the ground, the issues, and the resources to make the right choices.

Thank you Mr. Chairman and Members of the Committee for considering my qualifications and providing the opportunity to appear at this hearing. If confirmed, I will do my absolute best to serve the public interest and manage the public's resources for the benefit of all the Nation's citizens.

Thank you, I welcome your questions.

The CHAIRMAN. Thank you.

Mr. Wahlquist, before you give your statement let me just interrupt the proceedings for a moment to welcome our newest committee member, Senator Barrasso. We are very pleased to have him on this committee. I've already had the chance to welcome him personally, but I wanted to publicly acknowledge how glad we are to see him here. He carries on a fine tradition of representation of his State and takes over where Craig Thomas left off. We're glad to have you here and look forward to working with you.

I know Senator Domenici wanted to make a comment as well.

Senator DOMENICI. Thank you, Senator Bingaman.

Senator Barrasso, I look forward to knowing you better. Looking at what you have accomplished in your life, it's obvious that you have what it takes to be an eminently successful United States Senator. I want you to know that as ranking member I'm very pleased that you chose this committee, and that was your choice as I understand it. We will have a lot of work to do during your time here and you'll find that we do our work very bipartisan, but when we have to have a partisan issue we are not loath to do that. We probably accomplish more than any other committee because we do a lot of things bipartisan. We hope you're prepared to join us in making that even a better process.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Did you want to make any statement before we proceeded? Go ahead.

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Thank you, Mr. Chairman. Thank you, Senator Domenici, for your kind welcome. I'm excited at this opportunity to serve on the Energy and Natural Resources Committee

and to carry on a tradition which has long been there for Wyoming, actually for more than 100 years. Many don't know that Wyoming has been represented on this committee since 1899; one Senator from our State has been on this committee. My predecessors recognized long ago the major issues of this committee are very critical to the future of not just our State, but also the Nation.

We are blessed in Wyoming with incredible energy and natural resources. We are the largest net exporter of energy in the country. We have the first national park, first national forest, first national monument. This is a major part of our economy, a major part of the traditions of our State, and I'm looking forward to working hard for our State and for our Nation.

So thank you very much for the kind welcome.

The CHAIRMAN. Thank you very much.

Why don't we go right ahead then with your statement, Mr. Wahlquist, and then we'll have some questions for each of you.

TESTIMONY OF BRENT T. WAHLQUIST, NOMINEE TO BE DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

Mr. WAHLQUIST. Thank you. Thank you, Mr. Chairman and Members of the committee. It's a great honor to appear before you today as the President's nominee as Director of the Office of Surface Mining Reclamation and Enforcement.

I was raised on a family farm near Idaho Falls, Idaho. During my childhood I learned two important lessons relevant to the position for which I have been nominated. First, I learned an appreciation of the natural order of things: planting and harvesting, the cycle of life, and mankind's dependency upon natural systems. Along with that I developed an intense curiosity about those natural systems, which led to my eventual college degrees.

Second, my childhood taught me the value of coal. For much of my childhood, a coal-burning kitchen range cooked our food, canned our harvest, baked our bread, and warmed the kitchen in the winter. In short, a full coal bin was an integral and essential part of daily life.

While coal's importance today is not as readily apparent as it was when I was a child, it is no less important. More than half the Nation's electricity comes from the burning of coal and our daily lives are bathed in the glow of electricity.

I've been involved in the environmental issues related to coal mining for the past 35 years. That experience has taken me to all types of coal mines and related facilities across all 26 States where coal is being mined. My experience over the years has enabled me to look at the environmental and public safety issues related to coal mining from a wide range of perspectives.

The Office of Surface Mining Reclamation and Enforcement exists to ensure that America gets the coal it needs as the essential source of energy in a manner that protects both the land and the people, while addressing problems from past mining. However, OSM cannot and does not do this alone. Of the almost 2400 Government employees directly involved on a daily basis in implementing the regulatory and restoration programs of the Act, less than 25 percent work for OSM. The rest are State and tribal em-

ployees who permit and regulate 97 percent of the Nation's coal production and utilize 90 percent of the AML project funds.

With the passage of the 2006 amendments, which authorized tribal regulatory primacy and increased the flow of AML funds to States and tribes, those percentages are only going to go up. Therefore, the major task for OSM is to help the States and tribes succeed by providing them with the funding, regulatory and policy framework, oversight, assistance, training, and technical tools to maintain a stable regulatory and AML programs of high quality. If confirmed, I will certainly work towards that end as Director.

Again, thank you for the opportunity to appear before you today and express my deep interest in OSM and its mission.

[The prepared statement of Mr. Wahlquist follows:]

PREPARED STATEMENT OF BRENT WAHLQUIST, NOMINEE TO BE DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and Members of the Committee, it is a great honor to be appear before you today as the President's nominee as Director of the Office of Surface Mining Reclamation and Enforcement.

I would also like to introduce my wife Diana, who is here with me today. We have been married for over 41 years, and have six children and 10 grandchildren scattered from Vermont to Louisiana to Utah.

I am the youngest of seven sons. My family lived in an isolated farming community in Utah's Uintah Basin until we moved to a smaller farm near Idaho Falls, Idaho when I was five. From that family farm upbringing, I learned two important lessons relevant to the position for which I have been nominated.

First, I learned an appreciation of the natural order of things: planting and harvesting, the cycle of life, and mankind's dependency on natural systems. Along with that, I developed an intense curiosity about natural systems, which led to my eventual college degrees. In obtaining those degrees, I not only learned a great deal about biological systems, I also learned how to frame questions and seek objective answers to those questions.

Second, my childhood taught me the value of coal. For much of my childhood a coal burning kitchen range cooked our food, canned our harvest, baked our bread, and warmed the kitchen in winter. We also used that kitchen stove to heat the water with which we washed our dishes, our clothes, and ourselves. After we got an electric range when I was in the fourth grade, the coal burning space heater in the living room remained our sole source of heat for the house during those cold Idaho winters. In short, a full coal bin, with its sledge hammer to breakup large chunks of coal to a size that would fit in the fire boxes of the stoves, was an integral and essential part of daily life until I graduated from high school and left home for college.

Yet, while coal was absolutely essential to our daily life, I never really thought about the environmental or human cost of providing it. I just knew it came from mines. For 200 years coal fueled the development of this Nation's industrial strength, turned its iron into steel, helped enable victory in two world wars, provided heat for the homes of its citizens, and transported people and goods across the Nation. However, that mining also left the Nation with an extensive legacy of hazards and environmental degradation.

The way in which we use coal has changed over the years. While its importance to daily life is not as readily apparent as it was when I was a child, today it remains just as essential to each and every American. More than half of the Nation's electricity comes from the burning of coal and our daily lives are bathed in the glow of electricity. The Department of Energy expects coal to remain the primary fuel for electricity generation for the next 20 years and forecasts an increase in coal production to match that demand. As ways are developed to capture carbon, coal's use to produce gas and liquid fuels may also increase.

I saw my first surface coal mine in 1972. It was a dragline operation near Braidwood, Illinois that was about to close. I was working for Westinghouse at the time, and we were evaluating the mine as a potential site for a nuclear power plant. In the course of doing so, we also evaluated the surrounding farmland and nearby areas that had been surface mined some 30 years before.

I have been involved in the environmental issues related to coal mining throughout the 35 years since studying that first mine. That experience has taken me to all types of coal mines and related facilities across all 26 states where coal is being mined. I also have experience with the mines on tribal lands of the three Indian tribes with active coal mining operations.

My experience over the years has enabled me to look at the environmental and public safety issues related to coal mining from a wide range of perspectives. Initially, it was as an expert consultant, primarily on Western surface mines, while I was with Westinghouse. My work with Rocky Mountain Energy (a subsidiary of Union Pacific) was from the perspective of a large landowner seeking maximum return for its land and mineral resources. Being responsible for obtaining permits and maintaining daily environmental compliance at active surface and underground mines and related facilities for an Appalachian coal company (Carbon fuel) brought an entirely different perspective. I have also been in charge of regulatory programs responsible for permitting and inspecting mines at both the State and Federal level (the West Virginia Department of Natural Resources and the Federal programs in Washington and Tennessee and on Indian lands). Also, in my Regional Director positions, I have been responsible for evaluating all 24 state programs with active coal production. Finally, as Assistant Director, I was responsible for regulatory and abandoned mine lands (AML) policy formulation.

The impacts of coal mining, particularly the growth of surface mining in the post-war era, resulted in passage of the Surface Mining Control and Reclamation Act of 1977 (the Act), which created the Office of Surface Mining Reclamation and Enforcement (OSM). The Act was passed to address the hazards and degradation from past mining through an AML program. The Act was also passed to create a Nationwide regulatory program to assure such hazards and degradation were not created by the future coal mining that would be needed to meet the Nation's continuing need for energy. Thus, the OSM exists to ensure that America gets the coal it needs as an essential source of energy in a manner that protects both land and people while addressing problems from past mining.

In order to strike the proper balance between environmental protection and the Nation's need for coal, the OSM strives to maintain a stable regulatory environment consistent with the Act that is administered through state programs. That regulatory stability should enable all parties, including producers, regulators and citizens, to have a common understanding of applicable requirements and rights so that each can make informed decisions affecting their economic and personal interests with a minimum of controversy.

The OSM also promotes the development and use of the best technologies in coal mining and reclamation to effectively: a) prevent catastrophic mining related events impacting off-site public safety, property, or the natural environment, b) assure restoration of the land to productive long-term uses after mining, and c) minimize off-site environmental degradation; all while fostering the coal mining activity needed for the Nation's energy supply.

However, the OSM, cannot and does not do this alone. Of the almost 2400 government employees directly involved on a daily basis in implementing the regulatory and restoration programs of the Act, less than 25% work for OSM. The rest are State and Tribal employees who permit and regulate 97% of the Nation's coal production and utilize 90% of the AML project funds. With the passage of the 2006 Amendments, which authorize Tribal regulatory primacy and increase the flow of AML funds to States and Tribes, those percentages are only going to go up.

Therefore, the major task for the OSM is to help States and Tribes succeed by providing States and Tribes the funding, regulatory and policy framework, assistance, training, and technical tools to have stable regulatory and AML programs of high quality. If confirmed, I will certainly work toward that end as Director.

Over the past several years, the OSM has made substantial progress in achieving regulatory stability. Increased cooperation with States through such initiatives as our training programs, providing technical tools, and promoting technology transfer has largely eliminated the highly contentious relationship of two decades ago. Such efforts have proven highly cost effective in lifting the quality of State programs and promoting stability.

However, in certain areas, such as mountaintop mining, there still remains considerable uncertainty and controversy that makes it difficult for coal companies to make informed business decisions about future mining operations, for citizens to realize the protections afforded by the Act, and for regulatory authorities to apply mining and reclamation requirements consistently. If confirmed, I will work with this committee and affected parties toward increased regulatory stability in Appalachia.

Finally, I would like to highlight one recent success. In 2003, as I toured surface coal mines in Appalachia in my new position as Regional Director, I was struck by the forest fragmentation that was occurring and by the quality research of several academic experts demonstrating that it did not need to be that way. In December 2003, in cooperation with each of the States in the region, we launched the Appalachian Region Reforestation Initiative (ARRI). That effort was targeted at overcoming the technical, regulatory and cultural barriers to getting more trees planted and increasing the survival and growth rates of planted trees. This initiative has gained wide ranging support from all sectors. It has also made a very practical difference. While some trees were being planted in previous years, by over 9 million were planted in 2005, and over 14 million in 2006. Further, these plantings have a much higher likelihood of survival and vigorous growth. Numerous tree planting events involving school children have been held in the last three years where thousands of trees were planted. An academic team has been formed that includes 23 researchers from 10 universities and the U.S. Forest Service. That team is now developing "reclamation advisories" written at the high school science level for use by operators and regulators right down to the inspector and dozer operator in how to promote tree survival and growth and jump-start natural succession.

Efforts such as this highlight the importance of training, promoting scientific understanding, and encouraging the development and use of emerging technologies. If confirmed, I will continue to emphasize the importance of building bridges with academic institutions across the coal fields and will promote technical training and technology transfer among the State and Tribal regulatory and AML programs.

Again, thank you for the opportunity to appear before you today and express my express my deep concern and interest in the OSM and its mission.

The CHAIRMAN. Thank you all for your statements. Let me just ask a couple of questions and then defer to Senator Domenici.

Mr. Albright, let me just ask one. When you look in the relative short term, meaning the next couple of years, one of the greatest opportunities we have for actually meeting our energy challenges is through increased efficiency and increased conservation. What do you see in your new position, in this position you've been nominated for—what responsibility would you see yourself having for promoting energy conservation or efficiency?

Mr. ALBRIGHT. I think they're in the budget that has been approved by both Houses. I believe there's—I don't know the number—a good bit of money for R and D toward both of those goals. I think one of the things we have to do with particularly conservation of energy is educate the public to ways to do that and make available means to save electricity and save energy.

Certainly the Government role is important. I think we have an office or two in the Department that is charged with ensuring that we do the best and most efficient job we can on that. I will work very, very hard to see that we do that.

The CHAIRMAN. Let me ask Mr. Caswell a question about an issue that we visited about in my office just very briefly, related to the BLM Administration of the potash leasing area in New Mexico. This is an issue that has been the subject of controversy because of the competing demands. We have two resources there. We have potash; we also have some oil and gas. There has been a patchwork of development involving both resources. This is something that we're anxious to try to rationalize in some way, so that we are sure that we are maximizing the preservation of the resources and the utilization of the resources.

I mentioned that to you when we visited before. It's something I believe we are planning to visit with the Secretary about as well. I didn't know if you had any comments you could give us today about the issue. If so, I would welcome those.

Mr. CASWELL. Mr. Chairman, I'm learning about this issue this week. I think as we talked the other day briefly when I met with you—and I want to thank you for the opportunity to do that—that I still believe passionately that if we can get these folks together, the various interests together, I think we can find solutions in that sort of an approach. So if I'm confirmed I would be happy to work with you and your staff, Senator Domenici's staff and himself, the Department, obviously the Bureau employees, and we'll see what we can do to bring the parties together to try to resolve this issue.

The CHAIRMAN. All right, thank you.

Mr. Wahlquist, let me ask you also. I believe this is an issue you and I visited on briefly. There's a section of the Surface Mining Reclamation Enforcement Act, section 409, that allows the use of abandoned mine land funds for both coal and non-coal reclamation work. I understand that the Office of Surface Mining may be interpreting recent amendments by the Congress to preclude the use of some of these funds for non-coal sites. This is obviously important in a State like ours, in New Mexico, and in other western States. We've written to Secretary Kempthorne expressing our concern about any inability to use these funds for non-coal reclamation activities.

Is this an issue that you could give us any insight on as to what could be done here? Is this something you could look into for us?

Mr. WAHLQUIST. Certainly the 2006 amendments are a very complex piece of legislation, with lots of internal references. Over the past 6 months we've been involved in an extensive effort to outreach to all parties in terms of getting their views as to how the statute and these amendments should be applied, including the issue that we discussed yesterday on non-coal use. We're currently involved with the solicitor's office in having them look at, OK, what do these amendments really mean, and if confirmed we'll certainly work with them to make sure that we are implementing the statute in the way that it has been given to us and will not unduly try to restrict that intent.

The CHAIRMAN. If we do find that there's some disagreement between your solicitor and the Congress or some of us here in the Congress on that, we may have to revisit that issue.

Senator Domenici.

Senator DOMENICI. I'm going to take just a minute and follow right on where you were on the issue that Senator Bingaman, the chairman, had just raised with reference to land reclamation, abandoned mine land reclamation. If interpreted in a way that does not permit you to use that money for non-coal mines, New Mexico will lose enormously. We want you to know that we didn't think that was the way the law was intended and we'd like to be kept apprised of any thoughts or actions that are moving in that direction so we could act accordingly, although we don't think we need new legislation.

You understand our position and know how serious it is.

Mr. WAHLQUIST. I am very aware of your position and understand the serious nature of your view on that, and we will certainly work with the solicitor's office to come with what we feel would be an appropriate interpretation.

The CHAIRMAN. Thank you.

Let me just say to Mr. Albright it was a pleasure working with you when you were in your position in the House. I would like to ask you a question. I won't hold you to anything, but just think with me for a minute. What issue do you think is the most important one in the Energy Act that we've adopted that has not been totally implemented or implemented as you might have thought?

I will just lead you on that a little bit by telling you that some of us don't think that the loan guarantee sections and those areas where we were going to have money for new technology have been used to the fullest extent. Do you have any views on that? Maybe a more straight question like that might be more fair to you.

Mr. ALBRIGHT. Senator, I share your concerns as a staffer currently on the House side and just as a citizen. There does seem to be an awful lot of delay. There seems to be some questions as to interpretation of that program. As you know, we worked very hard to get it in, and I think there is some, give and take, argument if you will, inside the Government between the branches as to exactly what was meant by Congress.

I will try and wrap my arms around that, sit down and learn what the problems are. I was at the table with the Members when we put that in. I think I know what was intended and I think it is a very important part of the legislation that needs to be—and we need to get the regulations down and get them out quickly.

Let me, if I may, just add that I think the concern of the Administration, and particularly Secretary Bodman, is that we not allow a situation where the private sector or anyone misuses the public fisc. I think he has legitimate concerns in ensuring that the financial integrity of whatever loans are made are intact, and that's certainly something that we should all be concerned with.

Senator DOMENICI. Let me just say to you we're well beyond interpretation, those who wrote the Act. We believe we know what it said and we do believe the Administration has gone awful slow. We think they finally have come to a realization that we must have money in that fund and that we must do it. You'll find that when you get up there, and I just hope you will be an activist for getting some projects started, which will end up accruing to the future of the United States without any question.

Thank you very much.

Mr. Caswell, let me talk with you a minute. Senator Bingaman raised a question that in each instance is very important to this Senator also, and that's the question of the conflict that's growing in New Mexico on BLM land with reference to the production or possible production of oil and gas and the existence in the area of potash.

You will find out that the only potash the United States has is potash down in Eddy County, all the potash America produces is there, and that it has become an extremely valuable agricultural product. You will find that, by coincidence, the same thing has happened on one side of it—oil and gas are very important and they're being found on some property that is close at hand.

The issue must be resolved so that potash does not lose its future, and that's their issue. They are not interested in today; they're interested in the long-term viability of potash. Obviously, those who want to drill are interested in finding more petroleum

products now. That issue has to be resolved by you or by us, and we believe it should be resolved by you.

I understand that you are going to see to it that every effort is exercised to get the parties together to understand and try to agree on a solution. Is that correct?

Mr. CASWELL. Senator, as I indicated, I will be happy if I am confirmed to work diligently and to work with you on this.

Senator DOMENICI. All right. We want you to understand that we think it's big enough that we have taken it to the Secretary. He'll probably have you there. We will have a meeting with him, the two Senators, to tell him how important these two products are to our State. Where could you have a bigger conflict, except that potash probably from the standpoint of being the sole source of potash in the country at this particular moment takes on a new light that it did not have in the past. We will expect you to understand that thoroughly and work with us. Thank you for your comments.

I only have one left and it has to do with Ms. Epifani. I have a long one about the job you will have here and what you will do. I prefer just to ask you, what do you consider to be the most important aspect of your job? It has a long title. What do you think you will be doing to help the Department of Energy?

Ms. EPIFANI. I think the most important thing I can do for the Department of Energy is to serve as a liaison between Congress and the Department and to really carry the message back to the Agency and to the Administration as to what the political dynamics are on the Hill and what the priorities are that we need to really focus on and to make sure that we complete implementation.

Senator DOMENICI. You represent the President, is that right?

Ms. EPIFANI. Correct.

Senator DOMENICI. Thank you very much.

Thank you, Senator Bingaman.

The CHAIRMAN. Thank you.

Senator Salazar?

STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO

Senator SALAZAR. Thank you very much, Senator Bingaman.

Let me first say to the nominees here today, congratulations to each of you for being nominated for these very important positions for our Nation. Congratulations as well to your families who are here today.

Let me also say that I've served on this committee with both Senator Bingaman and Senator Domenici both in their capacities as chairman and ranking member, and I've been very proud of the work of this committee because I think this committee really is at the forefront on working on what is one of the signature issues of the 21st century for America, and that's energy and how we make sure that we deal with all of its implications from national security to the economic security and environmental security of our country. Each of you will have a significant role as we move forward on that agenda.

I have an opening statement, but I will submit that for the record if that is OK, Senator Bingaman. I would ask, since it refers to at least three of you, that you review that.

Let me just make a quick comment to you, Mr. Albright, and to Lisa. Thank you for the work that you did with us on 2005 EPAct. I know there are other people who are in the room who worked very hard on that as well, so thank you. I think it's a big bill. We have another big bill that we're moving through now and we hope that we get that to the President's desk also some time this year.

I have a couple of questions, first of all to you, Mr. Albright. With respect to the National Renewable Energy Lab in Golden, Colorado, I have worked closely with Secretary Bodman and President Bush and others to make sure that it has the resources to move us forward in that direction. What is your view of NREL? What do you know about NREL and what would you expect to see at NREL in the future?

Mr. ALBRIGHT. Senator, I have to confess I don't know enough to discuss it with you in any detail here today. I will pledge to you, though, I will learn everything I can about it.

Senator SALAZAR. Let me just ask you if you would put that as a high priority on your list, because they truly are at the forefront in terms of looking at all of our new energies, from solar to wind to biomass to hydrogen, and really are the crown jewel within the system in terms of what we're doing on energy. Secretary Bodman has visited with me there several times, as has the President. I also would encourage you to do the same.

Mr. ALBRIGHT. I pledge that I will do that. I do know the importance of the work that goes on there. I just don't know the details at this juncture.

Senator SALAZAR. One of the big issues always is funding, and frankly, if we're going to put our shoulder behind the wheel of renewable energies and new technologies, we're going to need the Secretary of Energy and the Under Secretary of Energy to do that.

Ms. Epifani, I just want to tell you that I look very much forward to working with you and having my office working closely with you as you take on your role as Congressional liaison.

Mr. WAHLQUIST, to you, and then I'm going to come back to Mr. Caswell. Let me just ask you this question. Abandoned mines. In my State of Colorado, there are some tens of thousands of abandoned mines, nothing being done about those abandoned mines. What would you think we can do to deal with the abandoned mine problem that we see throughout the West?

Mr. WAHLQUIST. Well, certainly in terms of the 2006 amendments, they focus very much on the use of that fund and will increase the flow of money in a fairly prescribed way to the States and certainly will increase the flow of money to Colorado and other western States. Right now that's a very prescribed process and there's not a lot of leeway or flexibility in just how that money is going to flow.

Senator SALAZAR. Are you supportive of that approach?

Mr. WAHLQUIST. I'm certainly supportive of implementing the statutes that the Congress has passed, the President has signed—

Senator SALAZAR. Do you think there are additional things that we might be able to do in that area?

Mr. WAHLQUIST. What again, sir?

Senator SALAZAR. Do you think there are additional things we ought to be doing with the AML issues?

Mr. WAHLQUIST. If confirmed, I would not advocate any further changes at this point. I think that we need to move forward in implementing the amendments that we have been given this past year.

Senator SALAZAR. Mr. Caswell, let me just say that you and I had a good 45-minute meeting in my office. I intend to place a hold on your confirmation until I'm able to sort out some things with Secretary Kempthorne relative to how we will dialog from the Federal level to the State level. For the record, Chairman Bingaman, I will submit letters written to Secretary Kempthorne on May 14 of 2007 and April 17 of 2007 from Governor Ritter of Colorado where he requested what I thought was a very reasonable delay of 120 days on the record of decision with respect to drilling on top of the Roan Plateau, which is a very special place, not dissimilar to the Via Vidal which you, Senator Bingaman and Senator Domenici, protected last year.

That request was, frankly, met with silence and actually the action that was taken was I thought inappropriate, given what the Governor had requested would seem to me to be a reasonable request.

Senator Bingaman, I know my time is up. May I have another few minutes to try to finish?

The CHAIRMAN. Please, go ahead.

Senator SALAZAR. For me, as I said in my office, I am not against the development of our natural resources in Colorado or throughout the West. I think the development of those resources is essential as we try to meet the energy needs of our country. I'm also concerned about the sustainability of our way of life in Colorado. In just a part of my State, in the five counties of northwestern Colorado, today we have about 5,000 oil and gas wells that are in operation. Within 15 years we're going to go from 5,000 wells to 60,000 wells. I think about the impact that's going to have on the landscape of western Colorado, which is very much dependent on tourism and the recreational industries to essentially fuel that economy.

What I want to do as we look at the development of oil and gas on the western slope of Colorado, where the BLM has about 8.4 million acres or so under its jurisdiction, is to make sure that we're able to move forward in a collaborative way. Senator Domenici and I visited one of the oil shale demonstration projects last year, which Shell has invested significant amounts of money in. There are other demonstration projects. Oil shale is a big thing for our country. It's a big thing for my State, and about 80 percent of the oil shale deposits are located in my State.

One of the things that we did in the 2005 Act is required collaboration to take place between the Department of Interior and our States with respect to oil shale development. I want to make sure that we're going to have that kind of collaboration, so that if my Governor or that if I request some opportunity to review a decision or a set of documents or planning agendas of the BLM that we're going to have the right kind of communication and collaboration,

because that's the only way that we're going to be able to move forward and develop those resources in the appropriate way.

So you and I had a long conversation and until I get these issues resolved with Secretary Kempthorne I am going to place a hold on your nomination. If you would wish to respond relative to how you're going to balance the protection of our natural resources in the West, as you have in Idaho, against what happens with respect to development in a general way, I would invite you to do that.

Mr. ALBRIGHT. Thank you, Senator. I understand the situation. My whole philosophy is based on collaboration. That's what I do now for the Governor. It's what I've been doing in my current capacity. We've been quite successful. I'm committed to that.

I am as concerned about development and its long-term impacts as you are. We have to be thoughtful. I believe, again, in multiple use, but we have to be thoughtful about how we do it. We have to think it through and think about long-term consequences before we make decisions. That demands the kind of integrated—it's a kind of an overused word, but—collaboration with people on all sides of the issue to come to some resolution.

At the same time, we do need to make decisions. We do need to be efficient at that. We do need to move forward. So I mean, that's part of my fabric. That's how I function.

Senator SALAZAR. Well, I'm sitting down with Secretary Kempthorne here in the next week or 2 and he and I will have another conversation. But I appreciate your long history of involvement on public lands and hope and wish that you do get the confirmation.

The CHAIRMAN. Thank you very much.

Senator Craig.

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

It's interesting that the native Idahoan, Dr. Wahlquist, is the one gentleman I know least of all who is before us. So doctor, we're going to have to get to know each other. Probably the absence of our knowledge of each other is because we don't mine any coal in Idaho. You may have stocked your family's cook stove with coal, but I doubt that it had been produced in Idaho. That coal was probably coming out of Utah at the time, was it not?

Mr. WAHLQUIST. I would expect that it was. I have no idea where it came from. All I know is it was in the coal bin.

Senator CRAIG. Well, anyway we welcome you. The role you play I think has been well defined, or the role you will play has been well defined by your statement and questions that have been asked of you, and we're anxious to have you in that position. Obviously, the role of coal in future energy needs is going to be a large one. We're trying to sort out now how we approach that as a country. Obviously, it will have to be cleaner than it currently is, and we're all rushing toward that with as much effort and technology as we possibly can.

Thank you for accepting the position. It's an important one.

Let me, of course, turn to Jim Caswell. I am frustrated always when at the very beginning of a process you are warned that you've been put on hold. The fires of the West are not on hold. The need to balance and get busy on our public lands is not on hold, and I hope we can work out our differences with my friend from Colorado as quickly as possible.

I know that decisions are made, and I sometimes know that when Administrations change after decisions are made there's some frustration as to what might have gone on prior to an Administration coming into place. So Ken, any way I can work with you and with our I hope new Director to resolve the issues that you've expressed, I'm certainly available to do that. Jim Caswell will become one of the largest land managers of the United States and it is critical that we have him working in our behalf on all of these fronts as quickly as possible.

A question of you, Jim. What do you mean—and you said it in your statement; it may fit the Roan Plateau issue to some extent—of “place-based ecosystem management principles”?

Mr. CASWELL. Senator, what I meant by that was as you plan, as you develop either projects or programmatic planning, for that matter, you need to consider the resources, the scientific information, the background, the material, that's germane to the location of the project. As a part of that, it's not only the physical resources and the scientific information, the survey information, the monitoring information that you bring into the solution. It's also the effects on communities, it's the effects on the values in those communities, it's the effects on the social aspects.

So you bring those pieces together as you analyze and develop the decisions that flow from whatever the project or programmatic effort is under way. That's what I mean by “place-based,” at the local scale, at the local level, and at the proper scale. If it's a programmatic decision, it needs to be at a broader scale. If it's a site-specific project on a specific area, it needs to be at a finer scale. That's what I mean by that.

Senator CRAIG. I thank you for that. Certainly the role you'll play in energy development in the West, in the Overthrust country, in the Powder River Basin down through Colorado, are going to be as critical to those States as sage ground and slickspot peppergrass has been to Idaho. Different resources affected, different impacts, but very important for all of us.

Lisa, I've had the great opportunity of working with you when you were staffing this committee, and already both the chairman and the ranking member have spoke of the role you played in the shaping of the 2005 Energy Policy Act. So I look forward to your new role. It's always fun to be working with someone you know and that you understand has some of the same knowledge that you have, and obviously helped shape some of the policy that will ultimately be implemented. So we thank you for that. Thank you for being willing to accept the position that you will hold.

In that same role, I had the opportunity to get to know you, Bud, very well in working, as you did, with the House and with Chairman Barton. I have a very simple request of you, not unlike what the Senator from Colorado requested. As you either go to Colorado or come from Idaho to Colorado, it's important that you come to our laboratory and get to know all of the things that are going on out there at the INL.

It is a premier laboratory, as many of our energy labs are that you will have substantial jurisdiction over. The R and D work that goes on there is preeminent and will continue to be as we expand the horizon of nuclear energy in this country. So we look forward

to your role there and to the implementation of the Energy Policy Act. Senator Domenici expressed and I share his expression of frustration as to some of the slowness that occurred following the passage of the Act.

I believe our country is in an energy crisis and, while I know we must proceed with proper due diligence and proper environmental concerns, to deny our country, our economy, our consumers, adequate energy, to have failed in establishing a secure energy source and sources for our country, is negligence and, tragically enough, it plays in politics. That is something that we'll debate long and loud in this committee and before the Senate and the House over the years ahead.

I suspect our consuming public grows weary of the political debates when they are now paying the price they're paying for the political debates and decisions of several decades ago as it relates to our energy supply. We are at risk today. I believe we are in crisis today as it relates to energy. So the role you'll play, the role that Dr. Wahlquist will play and others, as it relates to working cooperatively to secure that future is going to be important.

Obviously, Jim, the role you'll play as steward over potential large energy reserves out there to be developed are going to be increasingly important, and I thank you all for being willing to do that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Wyden.

STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

Senator WYDEN. Thank you, Mr. Chairman.

Welcome to all. Mr. Albright, let me begin with you. You're going to be managing the energy portfolio, of course, and it just seems to me to be very much out of whack, out of balance. I was in Klamath Falls, Oregon, last week and very excited about the potential for geothermal in Klamath Falls. They were very excited about the fact that the Department had paid for the study, the MIT study that showed that the potential energy available from geothermal in the United States is thousands of times our total energy consumption.

So then I looked at the Department of Energy budget and no funds are requested in this area for the second year in a row. I looked at the nuclear energy development budget proposal. It goes from \$120 million to \$568 million. So that's the kind of thing that I'm concerned about, because it reflects an extraordinary imbalance in the portfolio which you will be running, and I'd like to know what you're going to do to try to put a little bit of balance back in the portfolio.

Mr. ALBRIGHT. Senator, yesterday when we met you mentioned this and mentioned the MIT study. It was the first I had heard of that study. I did get a copy of it. I can't say that I read all four or five inches of it last night, but I did look through it, and I saw some pretty interesting things in there myself. I think the number was, as you say, thousands, I think it was 2,000 times the need.

I believe there was a reference to cost competitive electricity within I forget the number of years.

It seemed to me, looking at that report and I understand that reports sometimes are more—

Senator WYDEN. On the question of balance, sir, how is it balanced that there's no money there and a huge increase in the budget for nuclear energy development? How specifically is that balanced?

Mr. ALBRIGHT. Well, until I get there and look at it, it's awfully hard to say.

Senator WYDEN. It's also true that no funds were requested for wave energy, tidal energy, hydro technology. I mean, I think this is something we ought to have on the record today, whether you think that that's balanced. I'm giving you the numbers: zero in these other categories, huge increase in nuclear energy research. Is that balanced in your view?

Mr. ALBRIGHT. Senator, not having been a part of the discussion to why those numbers are where they are, it's very hard for me to say. I can say that I do think nuclear is very important and does need to ensure that the nuclear power we have is sustained and that the power that we don't have is, particularly in nuclear, is enhanced.

I do share, as I was saying, I share some of your concerns as I look at this report and I do have some questions that I will be asking of the people in the Department of Energy as to why something like geothermal is zeroed out. I don't know the answer to that. In looking at the report I have some concerns as well.

Senator WYDEN. I appreciate your looking at the report last night. You're going to have to have a better answer on the balance question to get my vote in this committee. I mean, this is a defining part of the energy debate. I'm prepared to support the research in the nuclear development, but when that's here [indicating] and everything else is here [indicating], I think it's a straightforward issue as to whether or not you think it's balanced. We'll have some more conversations about it.

Mr. Caswell, if I can turn to you. You and I talked about yesterday the inspector general report with respect to the Department ought to set off alarm bells for everybody who's thinking about service at the Department of the Interior. The inspector general says that the Department's been an ethical quagmire, and he specifically talks about Mr. Abramoff, Mr. Griles, Julie MacDonald, the most recent individual who resigned after it was revealed that she bullied scientists at Fish and Wildlife—a consistent pattern at the agency of, in effect, putting politics over science and sensible policy.

You've got a reputation as a straight shooter. We did some checking and people really do think that you've been fair and looked at the merits of the questions. What are you going to do if you're confirmed to stop these very troubling ethical lapses at the Department?

Mr. CASWELL. Senator, the only thing that a person has is their reputation and their integrity. I will continue to be sure that I operate in that vein.

I think the other thing that impressed me, having read the report earlier, and I mean some time back actually, the thing that impressed me was I arrived in Washington on Sunday night; Monday morning when I arrived at the Department, the first place, the first appointment, the first people that I sat down with, was the new ethics staff that the Secretary has assembled at the Department. We spent about an hour and a half going through expectations, rules, all of those things.

I've had contact with those same folks over a successive—phone conversations, email, all that kind of thing, in the past month or month and a half prior to this week on all of the paperwork. On Tuesday morning I had a conversation with the Secretary. The first thing we did was review the letter he sent to all employees, his ten points, the review that was done on the ethical standards and what the Department had been doing in the past to meet the intent of those.

Yesterday we had another meeting with the ethics people. I find them to be very forthcoming, very willing to help, available.

So I think in my mind it is, this whole question, is being dealt with. It will take some more time. I intend to reinforce the Secretary's commitment to this. In fact, I can go back as far as 2000 when I first went to work for then-Governor Kempthorne and he had a similar activity going on with his directors, not spawned by any huge issue, but he was concerned about ethics and how we operate in State government as well. So I will continue that. I will make this a priority with the people in the BLM and we will do everything we can to be sure that people operate ethically, honestly, and treat the treasure and the resources of this country in a fair and equitable way.

Senator WYDEN. My time is up. I'm planning to support your nomination, Mr. Caswell. We need you to go down there and drain the swamp. One of the concerns I had about the Julie MacDonald issue—and of course I did put a hold on Mr. Lavery and that remains there until I'm convinced we're going to get some changes—is that some of what she seems to have done with respect to these abuses, these ethical abuses, seems to have taken place after Secretary Kempthorne got there.

I like Secretary Kempthorne. Like you, I served with him. We've got to turn this around. So I plan to support your nomination and it is on the basis of your reputation and your answers today.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Barrasso.

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

First of all, I'd like to congratulate each of you on the nomination, congratulate your families. They have a reason to be very proud.

If I could, Mr. Albright, visiting with you—Wyoming is a coal State. Coal is America's most abundant fossil fuel. More than half of our electricity comes from coal. I believe our electricity transmission system is inadequate. What I'd like to know is, in places like Wyoming where we lack adequate transmission capacity to get electricity to market, what role can your office play in addressing this problem?

Mr. ALBRIGHT. One of the things, as you know, Senator, that was in the EPAct 2005 was the provision that would allow the Federal Government at the end of the day, if the States couldn't make decisions on where to site the transmission lines, the Federal Government could step in. That's through FERC, which is not controlled by the Department of Energy. It's an independent agency. I think that will go a long way to helping. Most of the problems with these lines seem to be with siting, and communities don't particularly want new transmission lines going through their back yards, and most of us can understand that.

The fact of the matter is you can't get the electricity there without the transmission. The Department is working on ways to improve efficiency of transmission through various nanotechnology provisions and other technological advances. So we hope we can do more with the transmission we have. We clearly need more transmission. I recognize that. I come from an electricity background. We'll do certainly everything we can to try and get those lines strung.

Senator BARRASSO. Thank you very much.

Ms. Epifani, you have a great reputation. I understand you're terrific from visiting with all of the people who've had an opportunity and privilege to work with you, and I look forward to working with you as well. Thank you.

Ms. EPIFANI. Thank you, Senator.

Senator BARRASSO. Mr. Caswell, my time is limited. I'm looking forward to an opportunity to sit and visit with you. Clearly the BLM has a major role in Wyoming. Currently in terms of leases in the lower 48 States, Wyoming is No. 1; the most acres for oil and gas leasing, over 13 million acres. So I'm hoping that we have a chance in the days ahead to sit and visit and then have some substantive discussions on these very important issues, if that would be fine with you.

Mr. CASWELL. I'm looking forward to it, Senator.

Senator BARRASSO. Thank you very much.

Mr. Wahlquist, one of the issues that I'd like to bring up is the abandoned mine lands program. Wyoming approaches AML from a somewhat different perspective. In Wyoming we are the largest financial contributor to the program, have been for years. We certainly support reclamation, protecting our environment for future generations. I've looked at the sites. I think they're doing a fine, fine job in Wyoming.

As I read the statement—I don't think you read all of it—you talked about being the youngest of seven sons and you learned the natural order of things, which to me, with my brothers the natural order of things was fighting for food, fighting for clothing, and hand-me-downs.

I have to tell you, in the Wyoming State legislature and in the State Senate I think all of us were extremely frustrated. We always felt like that youngest of seven sons, fighting with the Federal Government because of their failure to honor the commitment to the State and to Indian tribes to return half of the fee to them. That frustration grew every year as Wyoming paid more and more and didn't get the money back.

In December of this year, Congress changed the law mandating that certified States and Indian tribes are going to receive their portion of AML funds. The intention of Congress was to mandate those payments and currently Wyoming is owed over \$500 million.

What I'm asking you is, will you and can you make sure that happens for Wyoming and the other States and tribes involved? It's a very important issue for our State and many of the States who have been paying in and have not yet received their money.

Mr. WAHLQUIST. Again, Senator—and I appreciate the question—the amendments, the 2006 amendments, have some very specific provisions in them that go toward that end, and we're working with the solicitor's office as we determine, and if I'm confirmed we will proceed to see that those moneys flow in accordance with the statute that was passed.

Senator BARRASSO. I know time has not been on our side, and your office has been in touch with my office, so we could visit and meet on these things. Hopefully we can do that very soon because this is a critical issue to our State and our future.

So thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Tester.

STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

Senator TESTER. Well, first of all, thank you, Mr. Chairman.

I want to express to Senator Barrasso I'm looking forward to serving with him on this committee. I appreciate you being on board on this. This is the first committee I've been, beside the committee as a whole, the first committee I've been able to serve with you on this, and I look forward to it.

For the members of the panel, I appreciate you being here today. I'm sorry I wasn't here for your opening statements. I do appreciate the fact that you're willing to serve. I don't have a lot of questions for all of you. I do have a couple for Mr. Caswell. Thank you, Jim. I appreciate you stopping by the office and visiting. Some of these are going to be repetitive. I just want to get them on the record.

Mr. Albright, I will just say, kind of dovetailing on what Mr. Wyden said, I think what I look for in an energy policy is one that is balanced and one that every opportunity we have out there is taken advantage of in a way that meets the needs of this country and the world, now that we've got global warming the way it is.

So I respect your answers, but in some part of the aspect I do think that it is a bit troubling to me that parts of the budget are expanded on and why others are not, I personally can't figure out either. You may be able to once you get delving into it.

Mr. Caswell, once again I want to thank you for being here. A couple questions that deal—most of these questions are going to deal with communication for BLM. We talked about some of this yesterday, like I said. Right now it is my understanding that surface owners are not, on the split estates, are not finding out about the leases that BLM are doing until after the fact, if at all. So the question I have is do you intend on notifying the owners before those leases to out, to let them know, the landowners, to let them

know that those lands are potentially going to be leased? How will you do that?

Mr. CASWELL. Thank you, Senator. I appreciate the time we did spend together. I enjoyed that meeting a great deal.

As we discussed, this is something that goes kind of back to my core. I mean, we have to work with people, and people need to know what's going on. So if that in fact is happening, we're not communicating properly with the surface wonders, then we need to rectify that. The Bureau in my view needs to be the facilitator of this effort. I will definitely, if confirmed, look into this. I just think it's really important.

Senator TESTER. I would assume that your intention would be to directly notify these folks, not just put it on a web site or on an office door?

Mr. CASWELL. Absolutely.

Senator TESTER. Before the fact.

A couple other questions. We talked about multiple use yesterday, whether it's the traditional sheep and livestock industry or as it relates to oil and gas production or whether it's fish and wildlife issues as it relates to that ecology and our hunters' ability to go out and hunt. I guess, how is BLM going to ensure that public lands proposed for leasing will be managed for that kind of balance of traditional and multiple use, both from a hunter standpoint, a traditional agriculture standpoint, and an oil and gas standpoint?

Mr. CASWELL. Senator, that's a weighty question and it begs for local decisionmaking in my view. I can't sit here and answer it for you. What I can tell you is that I'm committed to balanced use. We have to find solutions. We have to problem solve on these issues. We have to work hard at that. We have to create an atmosphere that brings people together and that accommodates to the best of our ability the balance that's necessary between those competing uses.

I know that's not a really crystal clear answer, but this whole thing is very messy. It's very difficult to do. It has to be done that way. Otherwise all you have are winners and losers.

Senator TESTER. Are you personally weighted to one or another? Are you weighted toward traditional agriculture or weighted to oil and gas exploration or weighted toward wildlife? Traditionally hunting is the way I perceive that.

Mr. CASWELL. Personally, Senator, I say no. I believe again that we need to manage our resources. I don't believe that every acre is a resource or has resources on it is something that has to be developed. I believe in wilderness, all those things. It has to be done, and you have to make decisions. You can't just fight over this until you're at a stalemate and nothing occurs.

Senator TESTER. Your reputation is very, very good, as has been pointed out earlier on this panel, as a straight shooter and somebody who's straight up on issues and willing to fight for what's right. You may be in this position for a long, long time. You may be in it for a year and a half. You may be in it for less than that. I hope not. I guess the question is, and this is looking out a little further, and that is does BLM have a plan or are they thinking about plans whereby if one of these industries is negatively im-

pacted—I'm talking about traditional agriculture specifically or wildlife, so that hunting opportunities are diminished, or anything else that you might think of out there; those are the ones that come to my mind—if those opportunities are diminished because of the oil and gas drilling, does BLM have a plan to help compensate?

Mr. CASWELL. Senator, I honestly do not know if that's being thought about, talked about. I would assume not, but I have no idea.

Senator TESTER. Would you encourage conversation on those kind of issues? Is that something that you'd have time to put some time into, to move forward? I know we're talking about hypotheticals, but it depends how intense the drilling is and it depends on where it's being done. As we talked about yesterday, I know sage grouse is not on the endangered species list. I don't want to see it go on. The impacts of a potential 307,000 acre lease south of the CMR Range on wildlife could be, depending on how extensive the drilling is, either devastating or, if it's managed correctly, it could have little or no impact.

Mr. CASWELL. The direct answer to your question, Senator, my knee jerk to that is that's a very slippery slope. I would be hopeful that if we work together we can find the latter course.

Senator TESTER. The last question, and I know I'm out of time, so I appreciate the chair's perseverance here. As we talk about private property rights and split estates, what we're dealing with with BLM land is public lands. Would you make an effort in your position to let the public know that these leases are being offered long before, at least a reasonable time before, that they are being offered? Because right now the public is finding out after the lease has been granted. So that they have the opportunity for input.

Mr. CASWELL. Senator, absolutely. I think that's the law, actually. I mean, we're obligated to let the public know what's going on. I would make sure that that occurs.

Senator TESTER. It's my understanding—and you can check into this, because I could be wrong. It's my understanding that they're being notified after the sale, not before. That's a critical component.

Thank you very much. I just want to express the fact that you people come out here, you lay your hearts and souls on the line, and I really, really appreciate your public service. Thank you very much.

The CHAIRMAN. Thank you all for being here and testifying. We will make provision that if any member of the committee has another question they would like to submit in writing we would require that that be done, submitted to the committee staff by 5:00 this evening. We would then ask that you respond to those questions, if any are submitted, in writing.

With that, we will conclude the hearing and we will adjourn. Thank you very much.

[Whereupon, at 10:57 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF LISA EPIFANI TO QUESTIONS FROM SENATOR SALAZAR

Question 1. One of the missions of the Office of Congressional and Intergovernmental Affairs is to promote the Department's programs and initiatives with the general public. As our country looks to promote greater use of renewable energies, and greater energy efficiency, there are many challenges to educating the general public about energy and the opportunities they have to be smarter about their energy use. Can you describe what role you see the Office of Congressional and Intergovernmental Affairs playing in promoting energy efficiency and renewable energy opportunities to the general public?

Answer. The Office of Energy Efficiency and Renewable Energy and the Office of Public Affairs have the primary responsibility at the Department of Energy ("DOE") for promoting energy efficiency and renewable energy directly to the general public. However, the Congressional and Intergovernmental Affairs Office ("CI") also plays an important role advancing DOE's efforts to increase public awareness of the value of efficiency and the importance of fuel diversification.

Through its contact with members and their staffs, CI is in a unique position to learn about different state and regional efforts to address energy challenges and promote renewables and efficiency. CI can share this information with other DOE program offices and suggest venues and opportunities to highlight the good work of states and coalitions and related Federal efforts in order to increase general public knowledge.

CI can be instrumental in informing members about upcoming Administration activities or DOE events that can be useful venues to help increase public awareness on issues like renewables and energy efficiency.

CI can take advantage of its working relationship with the national laboratories, like the National Renewable Energy Laboratory in Golden, Colorado, to find opportunities to highlight the value of fuel diversity and efficiency to the general public.

Although CI's work is mainly to serve as a liaison between DOE on the one hand and Congress, State governments, and Tribal governments on the other, there are certainly opportunities where CI's relationships and knowledge can be harnessed to serve the general public. Improving energy education, especially regarding renewable energy and efficiency, is an important mission for DOE overall and one to which CI can certainly contribute.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. Oil and Gas Inspection and Enforcement.—The previous BLM Director worked with me to add inspectors to the Farmington Field Office. Several have been added to that office. What steps do you plan to take to ensure that the oil and gas inspection and enforcement program will be strong during your tenure and into the future?

Answer. Although I have not had the opportunity to thoroughly review the oil and gas inspection and enforcement program, I do appreciate the complexity of the issue. If confirmed, I will ensure that the inspection and enforcement program is robust, and that the BLM provides an appropriate level and appropriate timing of inspection and enforcement activities.

Question 2. Split Estate.—In the past, many issues have arisen with respect to conflicts between surface uses and oil and gas development where split estates exist.

New Mexico recently passed a law requiring oil and gas operators to work with surface owners and to post bonds. What steps will you take to ensure that conflicts between surface uses and oil and gas development will be minimized? Do you think an approach such as that of New Mexico should be adopted at the Federal level?

Answer. I am a strong believer and committed practitioner in working together with all affected constituencies when trying to solve a problem. While I have not been briefed on all of the intricacies of split estate issues, you have my commitment that, if confirmed, I will be engaged on this issue.

I am not familiar with the law in New Mexico addressing split estate issues, which was adopted just a few months ago, so I am not able to comment on the advisability of adopting a similar approach at the Federal level at this time. If confirmed, I will review this law, as well as the split estate report the Department of the Interior sent to Congress on this issue.

Question 3a. Teshekpuk Lake.—Last summer, 18 Senators joined me in writing to Secretary Kempthorne to ask that the Department reconsider the decision to issue leases for oil and gas land in the vicinity of Teshekpuk Lake in the National Petroleum Reserve-Alaska. Secretary Watt withdrew this area due to its importance to wildlife. The lease sale was subsequently enjoined by a Federal court. I am advised that the Department is working on a supplemental EIS. I understand that recent scientific work indicates that warming climate trends may be impacting coastal erosion north of Teshekpuk Lake. Is BLM considering the impact of warming climate trends in its Supplemental EIS for the Northeast Planning Area or modifying its proposed actions to address these trends and minimize adverse impacts? If so, please specifically describe. If not, will you commit considering this new information before making any leasing decision?

What is the current time line for the environmental analysis and the lease sale in the Northeast Planning Area?

Answer. I understand that BLM considered the impact of warming climate trends in its original supplemental EIS for the Northeast Planning Area. BLM has recently started the analysis on a current draft revision and is nearing completion. If confirmed, I will more thoroughly review the pertinent information concerning the Northeast Planning Area.

Question 3b. More generally, do I have your commitment that you will personally review the question of leasing in the vicinity of Teshekpuk Lake prior to any decision regarding a lease sale? Of the 3.8 million acres of the NPRA that are already under lease, how many wells are in production? Why is there not more production from the acreage already leased in the NPRA? Do you believe that Congress should revisit the rules relating to diligent development of leases in the NPRA?

Answer. While I am generally familiar with the issue of leasing in the National Petroleum Reserve-Alaska, I have not had detailed briefings on the issue. If confirmed, you have my commitment to become well-versed on these issues and to ensure that any decisions during my tenure are balanced and based on all available relevant information.

Question 4a. Oil Shale.—The Energy Policy Act of 2005 contained provisions to promote the development of oil shale resources. BLM is moving forward with a research and development leasing program and a programmatic environmental analysis for commercial leasing. However, I believe that commercial leasing should not take place until the technology is proven. Industry informs us that this is several years away. What is the time line for conducting a commercial lease sale? Do I have your commitment that a commercial lease sale will not be conducted until the technology is proven? I understand that some states have requested additional time to comment on the environmental analysis. Will you provide additional time to the states? What is the timeline for conducting a commercial lease?

Answer. I have been advised that commercial leasing will not occur prior to completion of the Oil Shale and Tar Sands Programmatic Environmental Impact Statement and Oil Shale regulations and consultation with affected States and local governments. The BLM currently estimates completing the PEIS in late 2008 and the regulations in mid-2009. Following this process, I am told that the earliest a lease sale could occur would be 2010.

Question 4b. Do I have your commitment that a commercial lease sale will not be conducted until the technology is proven?

Answer: If confirmed, you have my commitment that a commercial lease sale will not be conducted until the BLM has worked with the Governors of the affected states and complied with all of the other prerequisites to commercial leasing set forth in the Energy Policy Act of 2005.

Question 5. Application of NEPA in Oil and Gas Leasing.—I have written to the Secretary expressing concern about BLM's implementation of section 390 of EPAct relating to NEPA review in the oil and gas leasing program. The provision has been

implemented by BLM in a manner inconsistent with CEQ regulations. Will you personally review this matter and work with us to ensure that BLM's implementation is consistent with the CEQ regulations?

Answer. While I am familiar with the use of categorical exclusions, I have not been briefed fully on this section of the Energy Policy Act. If confirmed, I will review this matter.

Question 6. According to the BLM's Law Enforcement Year-End Review for FY 2005, there were more than 5,400 law enforcement incidents involving off road vehicles. And recently a group of former public lands officials, including the BLM, recently cited reckless off-road vehicle riding as the top threat to America's public lands. Under your direction what will the BLM do to address the damage to public land resources resulting from inappropriate off-road vehicle use?

Answer. Coming from the West, I am familiar with the complex challenges in managing off-highway vehicles—especially when western populations and the use of off-highway vehicles are increasing at a corresponding rate. It has been my experience that, in general, managing off-highway vehicle travel through the designation of routes and trails, with appropriate enforcement strategies, is the best way to conserve natural resources. If confirmed, I intend to promote that approach towards managing motorized activities on the public lands, while fully involving the public and local communities in the decision-making process.

Question 7. The Forest Service will complete travel management plans for all of its land by 2009. How soon would you have similar travel management planning efforts completed for BLM lands?

Answer. I am not familiar with the BLM's current travel management planning activities nor its schedule. If confirmed, I look forward to working with you on this issue.

Question 8. The Department's policy concerning R.S. 2477 rights-of-way allows the BLM to make so-called "non-binding determinations" as to the validity of a highway claim. In actuality, these determinations appear to "bind" the agency by allowing counties to perform road maintenance and perhaps to open a closed route to motorized vehicle use. As Director, how will you work to clarify this discrepancy, so that land managers retain their authority to prevent highway maintenance or use, regardless of the determination?

Answer. I have not had an opportunity to delve into the intricacies of the R.S. 2477 rights-of-way issues in great detail, but if confirmed, I will work to provide clarification if needed.

Question 9. Generally, under the Norton policy, how does your agency plan to work with other agencies like the National Park Service, Fish and Wildlife Service, Department of Defense, and the Forest Service to address R.S. 2477 claims that cross agency boundaries?

Answer. If confirmed, I will ensure that BLM coordinates with other agencies.

Question 10. Will BLM process an application even if the Park Service or other agency objects? If other agencies disagree with the BLM's conclusions, will the BLM nonetheless make an affirmative non-binding determination?

Answer. Again, I am not familiar with the intricacies of the R.S. 2477 in great detail, so it is difficult at this time to know what steps BLM would take under these scenarios. If confirmed, I will ensure our policies facilitate internal coordination on these matters.

Question 11. Recently the committee reported legislation (S. 1139) which would codify the BLM's National Landscape Conservation System, which the Department supported. However, the BLM's budget to manage the national monuments, conservation areas and other environmentally significant areas that are included within the NLCS has failed to keep up with management needs. Likewise, the BLM's funding to protect these areas with Land and Water Conservation Fund dollars has also decreased, leaving many important areas unprotected. If confirmed will you work to ensure that the funding for BLM national monuments and Land and Water Conservation Fund is at a sufficient level to begin to address these unmet needs?

Answer. I support the National Landscape Conservation System. If confirmed, be assured that I will work with the Department to further the management and conservation of NLCS lands. While I am not familiar with the specific funding levels and land acquisition needs of the NLCS, if confirmed, I look forward to working with you on this important issue.

Question 12. Rio Puerco.—Please provide a breakdown of FY07 and planned FY08 funding for Rio Puerco Watershed Management and separately for the Rio Puerco Watershed Management Committee by category including resource protection and administrative costs. Since inception of the Rio Puerco Watershed Management Committee, in total, how much funding has been used for resource protection and restoration? How much additional funding would be required to fully restore the Rio

Puerco watershed? Can you assure me that this will be a high priority for you in the agency's future funding requests?

Answer. Since the inception of the Committee, BLM has informed me that the committee has obtained \$3.9 million in Federal, State, and partnership funding for restoration projects. I am not aware of how much funding would be required to fully restore the Rio Puerco watershed. However, I understand that the future of the Rio Puerco watershed is a vitally important issue for New Mexico, and I appreciated having the opportunity to discuss this with you. I have been advised that the BLM has worked to leverage resources in order to bring more funds to the watershed. If confirmed as Director, I will support cooperative conservation efforts.

Question 13. Otero Mesa.—It is my understanding from a letter sent to me by former Acting BLM Director James M. Hughes that deferment of oil and gas leasing on Otero Mesa is unnecessary because BLM has no plans to proceed with new leases within the time frame that the USGS Salt Basin Aquifer study should be completed. Does this continue to be the case? Can you assure me that BLM will notify the committee immediately if BLM begins consideration of offering leases or approving any development on Otero Mesa?

Answer. I am advised that the BLM has no current plans to offer any new leases in the Otero Mesa area. Since the Resource Management Plan was approved, there has only been one lease offered. If confirmed, I assure you that we will notify the committee of any future leases or development on Otero Mesa.

Question 14. Please provide the committee with any documents that BLM has produced or otherwise used which analyze the size, distribution, and vulnerability of the Salt Basin Aquifer. If no such documents are available, please describe what scientific information regarding the Salt Basin Aquifer has been reviewed or will be reviewed as the basis for BLM's drilling plan in Otero Mesa.

Answer. With regard to your document request, I am not familiar with the documents BLM produced or used concerning the Salt Basin Aquifer. However, I have passed on your request to BLM staff, who are committed to meeting your request and will be contacting you for further clarification.

Question 15. Prehistoric Trackways.—It is my understanding that due to recent reports of vandalism of archeological resources within the proposed boundary of the Prehistoric Trackways National Monument in Dona Ana County, New Mexico, BLM State Director Linda Rundell has reprogrammed some of her limited funds to place a full-time BLM law enforcement agent in the area. Will you commit to assisting New Mexico BLM find sufficient resources to protect these irreplaceable treasures now and into the future?

Answer. I am pleased to hear that the New Mexico BLM has taken proactive steps to conserve the irreplaceable resources of this area. While I am not familiar with the needs in Dona Ana County, New Mexico, I am committed to learning more about them and conserving our special places. If confirmed, I will work to further that goal.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR WYDEN

Question 16. County Payments.—County Payments provide critical funding in my home state of Oregon, and especially to Oregon's unique O&C lands. As incoming Director of BLM, can I get your assurance that you will work with me to ensure county payments funding is found? Will you advocate for the necessity of this program?

Answer. I am aware of the many benefits my home state of Idaho has received from the Secure Rural Schools Act, and, having previously worked in Oregon, I understand the importance of the Act to western Oregon counties. If confirmed, I look forward to working with you on this very important issue.

Question 17. State and Local Fire Assistance/County Payments.—The 2008 budget continues a downward trend in funding for community fire protection programs. Programs such as State and Volunteer Fire Assistance are critical in helping communities prepare for wildland fire—through firefighter training, hazardous fuels reduction on non-federal lands and Community Wildfire Protection Planning. Likewise, programs such as county payments have provided counties in my home state funds to help build up their firefighting capacity or do projects to protect their communities by reducing fuel loads in the forest. These proactive steps are also key in preparing for the fire season and reducing federal suppression costs. However, these programs continue to struggle to obtain funding. How will the BLM help ensure that at-risk communities are adequately prepared for the inevitable wildland fire when community assistance programs are underfunded and funding for them continues to decline?

Answer. This is an issue of great interest to me and, in the past, I have worked with the Western Governors' Association on these matters. If confirmed, I will make it a priority to learn more about BLM's technical assistance and funding plans for Community Wildland Fire Protection Plans.

Question 18. Thinning/Forest Health.—Years after the passage of the Healthy Forests Restoration Act, we still see dangerously overstocked forests in the West, and, as a result, increasingly severe fires with the accompanying out of control costs. We have also seen a number of the reports discussing the skyrocketing wild-fire costs have noted how essential it is to vastly expand the agencies' fuels reduction efforts. A Report by the Brookings Institution's Independent Large Wildfire Cost Panel in discussing hazardous fuels reduction found that "all forests interviewed were failing to meet their goals" citing a range of reasons including increasing costs of a fuels reduction over funding available. It goes on to find "even those forests with aggressive fuels programs were essentially treating between five to ten percent of the total forest acreage." At that pace, we have little hope of getting ahead of the problem. Big chunks of the West are burning at this very moment, and feeding the skyrocketing fire-fighting costs, yet the Administration continues to drag its feet on completing the critical thinning that needs to be performed to prevent fire in our Nation's forests. It seems to me, this is the best form of preparation for the fire season, I keep hearing from folks on the ground who don't understand why we don't make the comparatively smaller commitment upfront to avoid the hazardous conditions that lead to these out-of-control fires. Isn't some of the skyrocketing cost of fire suppression the result of inadequate fuel reduction budgets? Isn't this a case of if you don't pay to prevent fires, you'll end up paying more later to fight them? How do you justify this policy? Why do you think we aren't able to make more of that upfront commitment to treat our forests—at a pace that actually stands a chance to make a difference? What will you do to ensure that happens and make thinning more of a priority?

Answer. While I am not familiar with the BLM's fuels budget, I do support an aggressive fuels treatment program. I agree that fuels treatments can, in many cases, lower firefighting costs. If confirmed, I will look into the status of the program to find creative solutions to improving BLM's accomplishments within available resources.

I believe the land management agencies in cooperation with state and local governments are committed to treating our Nation's hazardous fuels. Great strides have been achieved since passage of the Healthy Forests Restoration Act. This is a very complicated issue with a huge backlog of acres in need of treatment. If confirmed, forest and rangeland health, wildland fire costs, and hazardous fuels will be some of my priorities. I look forward to working with the Congress on this critical issue.

Question 19. BLM no longer obeys its multiple-use mandate.—BLM is facing an explosion in demand for natural gas drilling on public land in Western states. Applications for Permits to Drill more than tripled in just five years, up to 6,400 in 2004, and that's going to double before too long. All of this drilling puts an incredible strain on the other purposes for BLM land under the multiple-use mandate, such as natural resource conservation, recreation and grazing. Critics including the Government Accountability Office, state officials, local residents and BLM staffers warn that BLM is so busy processing APDs that it no longer has time for any other duty, such as sending staff biologists into the field. The damage to Western habitat threatens to put animals like the Sage Grouse on the Endangered Species List, which would cripple gas drilling much like the Northern Spotted Owl's endangered status has crippled timber harvesting in the Pacific Northwest. Do you agree with the critics outside and inside BLM who say it no longer obeys its multiple-use mandate? Specifically, what would you do to restore the balance? Would you reverse the steady flow of Information Memos from Washington to state field offices that have placed processing APDs above all other duties, demanding a quick turnaround time and limiting Best Management Practices, which would mitigate environmental damage, to the status of "voluntary recommendations?" What additional should Congress provide BLM either financially or as statutory authority to cope with the unprecedented gas drilling on Western lands? While the new Healthy Lands Initiative announced in this year's budget request would attempt to repair drilling damage done to some BLM lands, wouldn't it be wiser for BLM to establish more territory as a no-drilling zone before the damage was done?

Answer. I am a firm believer in the multiple-use mission of the BLM. The very nature of the multiple-use mandate means that we must balance the conservation of our Federal lands with the environmentally-sound development of our Nation's energy resources underlying these lands. I believe that, in many instances, it is possible to achieve this balance. If confirmed, I will work with Congress to address

wildlife habitat management, environmental Best Management Practices, restoration of damaged lands, and inspection and enforcement of oil and gas development activities.

Question 20a. Attitudes on protecting natural resources.—Over the years, while supervising national forests and state policy on endangered species, you sometimes showed impatience with environmental law and with environmentalists' demands to preserve natural resources. In a 2002 letter to the National Environmental Policy Act Task Force, on behalf of the state of Idaho, you complained about "regulatory obstacles involv(ing) NEPA" that "we believe. . . partly reflect shortcomings in NEPA, a decision-making policy that precludes timely decision-making, and partly reflect abuses of NEPA, interest groups whose interests are served by gridlock." Can you identify which "interest groups" you think are "served by gridlock" and tell me what you think their interests are? Or do you now disavow that 2002 statement?

Answer. In my view decision making "gridlock" can, at times, serve many organizations across the political spectrum. Any organization or individual that believes its interests are not served by a specific decision or program can use the law or regulations to address its grievances before their government. One of the objectives of NEPA was to level the playing field, and it has been successful in this regard. However, this opportunity can be abused. If confirmed, I will work to implement NEPA within the BLM as Congress intended.

Question 20b. Can you see legitimate reasons for citizens sometimes to oppose development on public lands?

Answer. Absolutely, yes.

Question 20c. If you're a critic of NEPA, how you would change it?

Answer. I believe in the NEPA process and that it has made Federal agencies more accountable to the public, improved decision-making, increased environmental protection, and improved public trust. If confirmed, I will implement the BLM's NEPA program to the letter of the law, regulation, and policy.

Question 20d. And given that it's your current area of expertise in Idaho, how would you change the Endangered Species Act?

Answer. I do not believe a statutory change to the ESA is possible nor is it necessary at this time. I do believe however there are administrative and procedural changes that if implemented and institutionalized would improve the effectiveness and efficiency of the ESA to emphasize the recovery of listed species. If confirmed, I will implement ESA procedures in all BLM decisions where required.

Question 21. National Landscape Conservation System and Steens Management.—You have been supportive of the BLM's National Landscape Conservation System, protecting some of the BLM's crown jewels—however, you have heard some concerns about how the act codifying this system would impact the management of the Steens. You want a confirmation from the BLM that the Steens Act will still govern management of the Steens Area, consistent with the language in the legislation. Can you confirm that the Steens Act will still govern management of the Steens Area, consistent with the language in the legislation codifying the National Landscape Conservation System? What are your thoughts on the National Landscape Conservation System and what benefits can it bring to the BLM?

Answer. It is my understanding that the intent of the bill is not to alter the management of the units of the NLCS, but that the Department has identified some areas of ambiguity in the language of the bill. If confirmed, I look forward to working with the BLM, partners and Congress to clarify the bill while continuing BLM's support of the NLCS.

Question 22. Protecting Cultural Resources on BLM Lands.—Working with partners and governments including tribal governments should be a priority for the BLM and other land management agencies. In a recent court case out of the 10th Circuit in New Mexico, the court found the Forest Service did not make a "reasonable and good faith effort" to identify historic properties and, therefore, could not make a proper determination as to whether the area—where it wanted to conduct road development—contained traditional cultural properties. The Pueblo of Sandia alleged that the United States Forest Service failed to comply with the National Historic Preservation Act (NHPA) when the Forest Service approved a road project and related improvements in the Las Huertas Canyon in the Cibola National Forest without first evaluating the canyon as a traditional cultural property eligible for inclusion in the National Register of Historic Places.

Can you assure the Committee that under your direction, the BLM will not make the same mistake especially during travel planning? Can you assure us that the agency will conduct archeological site inventories and consultation with tribes before determining whether motorized recreational activities and road development should occur in an area?

Answer. I am not familiar with the details of BLM's current travel management planning. However, I am told that BLM has developed clear guidance for consulting with Tribes, including evaluating traditional cultural properties. If confirmed, I am committed to carrying out that guidance.

Question 23. Travel Management on BLM Lands.—Immediately after the April 11, 2003 agreement between DOI and the State of Utah precluding BLM's consideration of additional wilderness study area designations, Secretary Norton assured the Committee that BLM would use other tools to protect wilderness quality lands. (<http://www.blm.gov/nhp/efoia/wo/fy03/im2003-275chl.htm>). Meanwhile, BLM's Draft Travel Plans/ORV Route Designation Plans released for public review in eastern Utah propose ORV routes in these lands BLM itself has determined to have wilderness character. What specifically is the BLM doing to protect the wilderness character of BLM lands during the development of these Travel Management Plans? Doesn't designating thousands of miles of vehicle routes destroy the wilderness-quality of these roadless areas?

Answer. I have not been briefed in detail regarding the settlement agreement between the Department of the Interior and the State of Utah regarding wilderness authorities and the issues pertinent to it. If confirmed, I will review this issue, taking into consideration your concerns.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR SALAZAR

Question 24. Readiness for Position.—You have had a distinguished career in the U.S. Forest Service having served as the forest supervisor, deputy forest supervisor, and acting deputy of regional foresters. Can you describe what professional experiences you have had that prepared you to manage the Bureau of Land Management's annual budget of about \$1.2 billion and almost 8,000 employees?

Answer. I have consistently led people and organizations for over 40 years to achieve exceptional results during difficult times. As a leader and a manager, I have experience with small groups and teams as well as large complex organizations of hundreds of employees. I have served in a regional capacity in the Forest Service and, if confirmed, will bring this perspective to a national leadership position. I believe I understand the art of motivating people to perform at their best while ensuring that they are accountable to those they serve. I remain a student of leadership and management theory, and you can rest assured that if confirmed I will work tirelessly to make the BLM one of the most respected, responsive, and competent agencies in government.

Question 25. Energy Development on Public Lands.—You were quoted in the Associated Press on June 2, 2007, as saying "We just have to develop the resources that we have. You can't just write this stuff off. It's a terribly important activity for the good of the country." While I believe securing America's energy independence is critical for our Nation, and I support efforts to develop Colorado's energy resources, I am concerned about the Administration's rush to lease as much acreage as possible for oil and gas exploration and development. It is this rush to lease that leads me to believe that there is a fundamental problem with how the BLM is doing business in Colorado and the West. There has been rapid growth in energy production occurring on BLM lands. In northwest Colorado alone, there are currently, 4,000 to 5,000 drills extracting oil and gas. Over the next 15 years, Federal leases already have been sold that will expand the number of drills to 60,000. I am concerned that the Administration is making oil and gas exploration and development the number one priority on all BLM land, over all other uses, and that this will permanently and irrevocably affect the natural heritage of the Rocky Mountain West. I am also concerned that the priority to extract our domestic oil and gas resources on public lands may come at the expense of energy conservation and the development of renewable, clean energies.

Can you describe the considerations you think are important in balancing the protection of our Federal lands with the development of our Nation's energy resources underlying these Federal lands? Will you commit to work with local communities and to listen to their legitimate concerns regarding the primacy of energy development over other uses of public lands?

Answer. I believe a balance can only be achieved with proper analysis, documentation, and disclosure of the environmental, social, and economic information and data that is germane to the decision being made. Further, this analysis must be completed at the appropriate scale and must be in collaboration with the community of interest. I have always been a strong practitioner of listening to those impacted by Federal land management policies. If confirmed, you have my commitment to place the proper emphasis on working with and listening to local communities.

Question 26. You were also quoted in the Associated Press as saying “But I also don’t believe that every tree ought to go to the mill. So much of it becomes site specific. But if the objective is to develop a resource, most of the time I think we can find a way to solve the problems surrounding it.” Can you describe the circumstances or problems that you believe would lead to a decision to protect a Federal resource rather than develop it?

Answer. Over the course of my career I have made hundreds of decisions that resulted in the protection of Federal lands and resources. Some of these decisions have been large like the management plan for the Lewis and Clark Trail covering thousands of acres while others have been smaller in scale like protection of riparian habitat on a specific stream. If confirmed, I will support policies and provide direction that strives to balance the various uses BLM is charged with providing to the American people.

Question 27. In recent years, there has been a rapid growth in energy production occurring on BLM lands. While BLM has increased the budget for inspection and monitoring of this energy production, I do not believe the increase in the budget is commensurate with the increase in energy production. If you are confirmed to be director of the BLM, can you describe what efforts you will take to ensure there is adequate inspection and monitoring of the energy production occurring on BLM lands? Can you also tell me whether you would consider unannounced visits to drilling pads as one method of strengthening inspection and monitoring?

Answer. It is my understanding that the BLM does not typically announce inspection and enforcement visits, and I support this practice. I will review the inspection and enforcement budget, if confirmed.

Question 28. Roan Plateau.—Current BLM oil and gas leasing and development policies have resulted in the BLM opening to leasing millions of acres of sensitive lands, including lands that many members of Congress have proposed for wilderness, or that have previously been protected for their wildlife or cultural values. In Colorado, the Roan Plateau is an example of one of those special places. Tens of thousands of acres of public lands administered by the BLM are prime wildlife habitat for elk and mule deer, home to rare species of plants and animals, and a refuge for Colorado citizens who seek solitude and renewal through hiking, hunting, fishing and camping. I have publicly stated that the Roan Plateau is a unique resource that should be preserved for future generations. In November 2004, the BLM’s draft environmental impact statement of the results of leasing Federal lands on the Roan Plateau for oil and gas exploration and development studied four alternatives for energy development, in addition to a no action alternative. The public submitted 74,000 comments in response to the draft EIS, overwhelmingly opposed to the leasing of these lands. BLM has issued a Resource Management Plan that will pursue a leasing program fundamentally different from the four alternatives included in the draft EIS. Governor Ritter has requested, and I strongly support his request, for a 120-day extension to review the Resource Management Plan. We must ensure that the Roan Plateau Resource Management Plan does not rush to develop this natural gas resource, and that it ensures the protection of elk and mule deer habitats, the protection of recreational resources, and the protection of the Roan’s unique features that make it a popular destination site.

Do you agree that Governor Ritter’s request for a 120-day extension should be granted? Can you commit that BLM will work with the State of Colorado to ensure the Roan Plateau Resource Management Plan ensures the protection of wildlife habitat, and the protection of this unique resource?

Answer. I have not been fully briefed on this matter nor the decisions made. Over the last forty years, I have worked with local and State governments, including working directly for three governors over the past 6 years. I can commit that I will work with the State of Colorado and the counties on this and other matters within your state.

Question 29. An important section of the Energy Policy Act of 2005 (section 369) deals with the potential development of oil shale in the western United States. A bipartisan effort laid out a deliberate, thoughtful process for the potential development of oil shale in Colorado, Utah and Wyoming. We are pleased with the BLM’s diligence in issuing the research and development leases.

Will you commit to adhering to the deliberate and thoughtful process that Congress set forth in the Energy Policy Act of 2005 regarding oil shale development in the West—including the completion of the programmatic Environmental Impact Statement as required by Section 369(d) of the Energy Policy Act prior to moving forward with a commercial leasing program? Will you agree to work with the State and affected local communities in a way that considers their input, experience, and concerns with potential oil shale development?

Answer. Although I have yet to be briefed in detail about the implementation of the oil shale program under the Energy Policy Act of 2005 (EPAct), my general understanding is that the process you outline in your question is how the process is designed in the recently enacted law. If I am confirmed, you have my commitment that implementation will be consistent with the statute and that state and local communities will be integral participants in the process.

Question 30. Federal Land Sales to Offset Federal Deficit.—Secretary Kempthorne and I are on record discussing the sale of Federal lands, and the use of the proceeds to reduce the Federal deficit. If you are confirmed as Director of BLM, what guarantees do we have that the sales of Federal lands will be in the best interest of protecting our country's natural resources, and that sales of valuable lands won't be accelerated in an effort to reduce the Federal deficit?

Answer. I know that Secretary Kempthorne has indicated that he would oppose proposals that advocated the sale of lands strictly for deficit reduction. At the same time, he indicated that there are instances when it makes sense to dispose of public lands and would not want to preclude those instances. I support Secretary Kempthorne's position.

Question 31. National Landscape Conservation System.—In 2005, The National Trust for Historic Preservation listed the BLM's National Landscape Conservation System as one of America's eleven "most endangered historic places." Yet, the BLM continues to provide an average of only one ranger for every 200,000 acres within the System, which contains thousands of important cultural resources reflecting our national heritage that are being irreparably looted and vandalized. As one example, the Conservation System's Canyons of the Ancients National Monument contains the largest known concentration of archaeological sites in the nation, yet the BLM does not have the staff to adequately protect these resources. There are not even full-time rangers in places such as Las Cienegas National Conservation Area and the Sonoran Desert National Monument. Will you work with the Department of Interior to ensure that these outstanding landscapes, and the vast cultural and natural resources within them, are more adequately protected?

Answer. I support the National Landscape Conservation System. If confirmed, be assured that I will work with the Department to continue to manage and conserve NLCS lands. It is my understanding that public visitation to NLCS units is growing and issues such as those you pointed out must be addressed.

Question 32. The National Landscape Conservation System Act, S. 1139, was introduced in May to congressionally authorize this extraordinary system of BLM lands. These landscapes are the crown jewels of BLM lands and waters that have been congressionally and presidentially designated for conservation, including their National Monuments, National Conservation Areas, and Wild and Scenic Rivers. The bill is straightforward legislation that would codify this unique System that was administratively designated in 2000. We were pleased that Acting Director Jim Hughes testified in support of the bill at a legislative hearing before this committee on May 3. The bill will highlight the importance of these landscapes to the American public and the Department of Interior. Will you also support this historic legislation?

Answer. I support the National Landscape Conservation System. If confirmed, be assured that I will work with the Department to continue to manage and conserve NLCS lands. It is my understanding that the intent of the legislation is not to alter the management direction for the units of the NLCS, but to codify the existing system. I look forward to working with the BLM, partners and Congress to continue to support it.

Question 33. Unfortunately the BLM has chosen not to provide detailed budgets for the NLCS in recent years. Transparency and accountability are vitally important to BLM's credibility. We're told by BLM staff that the President's budget is not a true depiction of how NLCS funds are spent. Indeed, the BLM doesn't even track NLCS funding. The Senate Appropriations Committee recently directed BLM to provide a budget table that includes major subactivity allocations for each unit of the NLCS, and inclusion of such budget tables in future budget justifications. The committee further directed BLM to produce a NLCS expenditure and outcomes report which breaks out expenditures by NLCS unit and subactivity.

Should you be confirmed by the Senate, will you make increasing the transparency and accountability of the NLCS a high priority? Will you commit to ensuring that these budget tables and expenditure reports are completed in a timely manner and reported to Congress and the public?

Answer. If confirmed, I will make sure that we provide transparency to the budget for the National Landscape Conservation System and that we are responsive to the requests of Congress. I also will ensure the public and Congress have a complete picture of all BLM's programs.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR MURKOWSKI

Question 34. The Bureau of Land Management controls more acres in the State of Alaska than it does in any other State. How acquainted are you with the key issues facing the BLM in administering these lands? Given that you have not worked on Alaska issues in the course of your 30 year career with the Federal government, what will you do to get up to speed on the Bureau's responsibilities with respect to Alaska lands if confirmed to head the BLM?

Answer. Having lived in Alaska for a period of time, I can appreciate the importance of the BLM's role in Alaska and the significant number and magnitude of the resource management issues that Alaska faces. If confirmed, I will be briefed on BLM programs and issues, with significant time focused on Alaska. Further, I intend to meet with all the State Directors, including the Alaska State Director, to better understand the issues they face in their respective states. In addition, I will make it a priority to again visit the great State of Alaska as quickly as possible, if confirmed.

Question 35. The Alaska National Interest Lands Conservation Act requires that employees of Federal land management agencies who are assigned to posts in Alaska sit for a class on the requirements of that act and the Alaska Native Claims Settlement Act. If you are confirmed to direct the BLM will you sit for the class?

Answer. Yes, at the first opportunity.

Question 36a. The availability of fire aviation assets has been a persistent problem for the State of Alaska. Alaska is slated to lose dedicated fire aviation assets in 2008 (water scooper tankers, utility aircraft). I understand that this is budget driven. Are you concerned that the fire preparedness budget is being cut too deeply to provide the fire protection that communities adjacent to public lands deserve?

Answer. Fire management is of great concern and interest to me, including aviation assets. On behalf of then-Governor Kempthorne, I worked with Western Governors' Association on these matters with the Federal agencies. If confirmed, you can be assured I will look into this specific matter.

Question 36b. Our Nation is still relying on a limited supply of fire retardant tankers that have been deemed safe to fly. Would it be one of your priorities to lead our Nation into production of the next generation of fire retardant tankers during your watch or will we continue to rely on a fleet being held together with scotch tape and paper clips?

Answer. I am advised that the interagency fire community, which includes the BLM, is working to determine the most effective mix of types and numbers of aircraft necessary to meet Federal fire response needs well into the future. If confirmed as Director, I will be glad to work with you to ensure this important effort is implemented.

Question 37. The State of Alaska contracts with a Canadian firm for retardant tankers that the Canadian government says are safe to fly but the US Federal land management agencies say are not safe enough to fight fires in the Federal protection zone. The State has been flying these tankers for some four years in the State protection zone without incident. If you are confirmed, would you confer with the Canadian aviation regulators and determine whether the Federal land management agencies have taken an unduly restrictive posture—a posture that in my view threatens life and property in the State of Alaska.

Answer. I am advised that the BLM has a long and productive relationship with the Canadian fire community. If confirmed, I would be glad to learn more about the Canadian government's aviation policies and explore areas of mutual interest. I understand that all firefighting aircraft must meet Federal aviation certification requirements, which are designed to protect pilots, firefighters and the public. As a result of firefighting aircraft accidents several years ago, certificate requirements have been heightened. It is my understanding that specific Canadian aircraft, contracted by the State of Alaska, can be used on Federal lands when life or property is threatened.

Question 38. On May 3, the Public Lands and Forests Subcommittee took testimony on legislation to establish the National Landscape Conservation System and the BLM testified in favor of the legislation. I submitted questions for the record following the hearing. I don't believe that those questions have been answered. Would you check and see where those answers might be and whether I can expect them in the near future?

Answer. I am not familiar with the questions you have sent, but the Department has indicated that it will send those answers to Congress this week.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR DOMENICI

Question 39. Mr. Caswell, as you have been made aware at your hearing, Senator Bingaman and I, as well as other Senators, are extremely frustrated over BLM's failure to resolve the situation with respect to dual development of both potash and oil and gas in the Known Potash Leasing Area in Southeast New Mexico. We recently requested a meeting with Secretary Kempthorne to discuss the issues surrounding this problem and to ascertain when the Department expects to announce a plan for resolving these issues. Will you commit to me that you will make this your highest priority if you are confirmed?

Answer. Although I am not yet familiar with the intricacies of the conflict between potash and oil and gas development in the Known Potash Leasing Area in Southeast New Mexico, you have my commitment that I will learn all that I can about the issue, and that I will make it a high priority if I am confirmed.

Question 40. All of your professional experience has been with Forest Service, and you have an excellent record in land management. While that will serve you well at BLM if you are confirmed, as evidenced by your testimony, BLM's multiple-use mission is different in some respects from the Forest Service. How do you intend to promote the energy production side of the BLM mission?

Answer. If confirmed, you have my full commitment to continue the progress that has been made in implementing the Energy Policy Act of 2005. As I stated during my confirmation hearing, I fully embrace the multiple-use mission of BLM as mandated by FLPMA. I recognize the need for increased domestic production on Federal lands and, if confirmed, I will work tirelessly to seek an appropriate balance in that regard.

RESPONSES OF JAMES L. CASWELL TO QUESTIONS FROM SENATOR CANTWELL

Question 41. Proposed Mine Near Mt. St. Helens.—On April 18, I sent a letter to Acting Bureau of Land Management (BLM) Director Jim Hughes regarding the BLM's recent announcement of a hardrock minerals lease in the "Margaret Deposit" area near Mount St. Helens. I am concerned that the BLM's Environmental Assessment did not adequately address potential environmental impacts. Mr. Hughes states in his response to my letter that "implementation of the preferred alternative would not result in authorization of on-the-ground activities or disturbances, thus, at this point in time, there are no impacts to analyze for this action." Yet, without a hardrock minerals lease, no mining company could conduct mining activities that post serious environmental consequences.

Do you agree with the position that "there are no impacts to analyze for this action"?

Do you believe an Environmental Assessment should accurately evaluate all potential environmental impacts that could result from a mining lease?

Answer. I have very limited knowledge about this issue. I am advised that no decision regarding the lease application has been made. However, I am aware of its importance to you and, if I am confirmed, you have my commitment that I will review this issue and be fully briefed on the concerns you raise.

Question 42. In response to my April 18 letter, Mr. Hughes stated that, "The U.S. Forest Service consent letter indicated . . . that issuance of a . . . lease . . . is compatible with both the purposes of the acquisition, and the Forest Plan." It is my understanding that the BLM can only issue a lease for acquired land if it is compatible with the purposes for which the government obtained the land. The land in question was purchased by the government from the Trust for Public Land under the authority of the Weeks Act. Land acquisition under the Weeks Act is for limited purposes. Specifically, only lands "necessary to the regulation of the flow of navigable streams or for the production of timber" are to be recommended for purchase. Such acquisition is authorized only if it "will promote or protect the navigation of streams on whose watersheds they lie." Furthermore, the Gifford Pinchot National Forest Supervisor sent a letter to the Congressional Delegation in February 1986 stating that the Federal government's acquisition of this property "will aid in the preservation of the integrity of the Green River prior to its entering the National Volcanic Monument, and will also aid in the preservation of the scenic beauty of this area which is to become an important Monument portal."

Please explain how is leasing this land to a mining company compatible with the "preservation of the integrity of the Green River" or "aid[s] in the preservation of the scenic beauty of this area."

Answer. I have not been fully briefed on this issue. I am advised that no decision regarding the lease application has been made. However, I am aware of its importance to you and, if confirmed, I will review this issue and the concerns you raise in your question.

Question 43. In response to my April 18 letter, Mr. Hughes stated that “With regard to questions related to public interest . . . the preferred alternative would be responsive to the request from a legitimate applicant with . . . property rights.” The same paragraph concludes “ultimately, the issuance of a lease . . . is fully discretionary to the Government.” Before issuing a lease for the acquired lands, the BLM must determine whether doing so is in the public interest. The Department of the Interior has stated in Federal Regulations that “We intend for the phrase ‘in the public interest’ to imply a consideration of the potential environmental costs of mineral development. It is our duty to balance the potential benefits of mineral development against the potential environmental consequences of that development when we decide that the approval of an application is in the public interest.” There are a number of issues that, at a minimum, must be considered in determining whether leasing is in the public interest. These include, but are not limited to, scenic values, biological values, archeological, historic and cultural values, recreational uses, among others. Despite over 20,000 comments received during the public comment period opposing the granting of the lease and the potential for significant environmental, human health and recreation impacts associated with mine development in Mount St. Helen’s Green River valley, the BLM determined this project could be in the public interest.

Do you agree with this assessment?

In this case, do you believe that BLM balanced the potential benefits of mineral development against the potential environmental consequences of that development?

In this case, do you believe that BLM fully assessed potential impacts on public health, the environment and these other values in determining whether issuing a lease is in the public interest?

Answer. I have not been briefed on this issue and therefore, my knowledge about this issue is very limited. I am advised that no decision regarding the lease application has been made. However, I am aware of its importance to you and, if confirmed, you have my commitment that I will thoroughly review this issue and the questions you raise.

Question 44. In response to my April 18 letter, Mr. Hughes stated that “the BLM and U.S. Forest Service are committed to ensuring that all laws and processes regulating mining on public lands are followed.” Yet, BLM made no effort in the Environmental Assessment to determine whether modern mine development in the Green River valley is capable of complying with all laws regulating mining and protecting the environment.

How will you remedy this issue?

Answer. I have not been briefed on this issue and therefore, my knowledge about this issue is very limited. I am advised that no decision regarding the lease application has been made. However, I am aware of its importance to you and, if I am confirmed, you have my commitment that I will thoroughly review this issue and the concerns you raise in your question.

Question 45. According to the Interior Board of Land Appeals (IBLA): “The BLM has a statutory responsibility under NEPA to analyze and document the direct, indirect and cumulative impacts of past, present and reasonably foreseeable future actions resulting from federally authorized fluid minerals activities. By law, these impacts must be analyzed before the agency makes an irreversible commitment. In the fluid minerals program, this commitment occurs at the point of lease issuance.”

As Director of BLM, will you commit to ensuring that BLM does not ignore this directive from the IBLA by conducting a full impacts analysis in consideration of all hardrock mineral leases?

Given that the same NEPA requirements would apply, do you agree that the same standard of analysis should apply for hardrock mineral leasing as applies to fluid mineral leasing?

If no, please explain why in detail.

Answer. I have not been briefed on this issue and therefore, my knowledge about this issue is very limited. However, you have my commitment to comply fully with NEPA and any IBLA rulings interpreting NEPA, as applied to the BLM’s Land Use Planning process and leasing decisions regarding fluid minerals and leaseable solid minerals.

Question 46. On May 10, 2007, the 135th birthday of the 1872 Mining Law, House Natural Resources Committee Chairman Nick Rahall, introduced a comprehensive mining reform bill, H.R. 2262, the Hardrock Mining and Reclamation Act of 2007. I am very concerned about the environmental impacts of mining in my state. In Washington state, new mine proposals are under review, and the state has a legacy of pollution problems and safety hazards from abandoned hardrock mines. According to a report by the Environmental Working Group, there are 51,000 acres of existing mining claims on Washington’s public land which could be immediately sold for pri-

vate development. The 1872 Mining Law has long been interpreted as mandating hardrock mining as the “highest and best” use of public lands. I hear from my constituents that the BLM takes the position that it cannot deny mining on Federal lands, even if there are significant impacts on important water resources, recreation areas, or fish and wildlife.

How should BLM determine the appropriate use of Federal lands when conflicts in environmental impacts exist, such as mining activities proposed in a municipality’s drinking water supply watershed?

Answer. I believe the BLM should use the provisions of the Federal Land Policy Management Act and other applicable laws, including the land use planning process, to determine whether lands should remain open to location and mining under the 1872 Mining Law. I am informed that if lands are open to location under the Mining Law, BLM regulations are designed to minimize environmental conflicts by preventing unnecessary or undue degradation of the public lands. I also have been told that BLM reclamation and operations regulations require proposed mining operations to comply with applicable Federal and State water quality laws (including the Federal Safe Drinking Water Act and the Clean Water Act), and to take reasonable measures to prevent or control on-site and off-site damage from hard rock mining operations.

When do you think conflicts between mining and other uses of the land are so significant that mining should be denied?

Answer. The land use planning process is the appropriate means to determine whether conflicts with other uses of the public lands are so significant as to preclude mining and close the lands involved to the operation of the Mining Law. If lands remain open to mining under the Mining Law, however, then my understanding of current law is that where conflicts with other uses exist, mining should be denied when the mining operations would cause unnecessary or undue degradation of the public lands.

What is BLM’s position on H.R. 2262?

Answer. I am told that the Administration does not yet have a position.

How will BLM work with Congress to implement needed reform to the 1872 Mining Law?

Answer. I am well aware of the importance of this issue to Congress, the BLM, the states, industry, and the environmental community, and if confirmed, you have my commitment to work with you and stakeholders and interested parties on this issue.

Question 47. As you know, the 1872 Mining Law was enacted 135 years ago with the intent to help settle the west. Although times and values have changed, it continues to allow for the patenting, or outright sale, of Federal public lands. A moratorium against new patents has been put in place by Congress since 1994 as part of the appropriations bills, but we have to come back year after year to stop the sale of public lands.

Would you support a permanent solution to this dilemma by placing a statutory end to patenting?

Answer: I am not familiar enough with the intricacies of the patenting system to comment on this issue at this time. However, I am well aware of the importance of mining law reform. If confirmed, I will work with you, the stakeholders, and interested parties on this issue.

Question 48. As I’m sure you know, in her days as Secretary of the Interior, Gale Norton developed a new process for reviewing and recognizing right-of-way claims for highways on Federal lands across the West, under an 1866 Mining Act statute known as R.S. 2477. The new policy makes it easier for states and counties to turn existing two-tracks, trails, and old dirt roads on Federal lands into roads or highways. The Norton policy allows the BLM to make so-called “non-binding determinations” as to the validity of a highway claim. In actuality, these determinations appear to “bind” the agency by allowing the counties to perform road maintenance and perhaps to open a now-closed route to motorized vehicle use.

As Director, would you work to clarify this discrepancy and ensure land managers retain their authority over maintenance decommissioning?

As Director, when would you report back to this Committee the cost of performing non-binding determinations on R.S.2477 claims for the entire agency?

Will the agency seek cost-recovery from an applicant?

Answer. I have not had an opportunity to delve into the intricacies of the R.S. 2477 rights-of-way issues in great detail, but if confirmed, I will work to provide clarification if needed.

Question 49. The Norton policy lacks detail about notifying the public, private property owners, Native Americans, local and state officials about R.S. 2477 claims

under review at the agency. I believe it is critical to actively engage the public in important land management decisions.

Can you provide me with an assurance and more details about how you would engage the public and stake holders about these pending decisions?

Answer. I have not had an opportunity to delve into the intricacies of the R.S. 2477 rights-of-way issues in great detail, but believe strongly in public participation.

Generally, under the Norton policy, how do you plan to work with other agencies like the National Park Service, Fish and Wildlife Service, Department of Defense, and the Forest Service to address R.S.2477 claims that transverse agency boundaries?

Answer. If confirmed, I will ensure that BLM coordinates with other agencies.

As Director, will you ensure that BLM will not process a mining application if the Park Service or other agency objects?

Answer. If confirmed, I will ensure that BLM coordinates with other Federal agencies, including the National Park Service, as required under applicable law.

Question 50. Abandoned Mine Cleanup.—There are over a half million abandoned hardrock mines across the west, including thousands of mines in my state of Washington. Local communities and Native American tribes have to deal with the pollution created by these mines, but there is no dedicated Federal funding source for cleaning up these mines.

What suggestions would you put forward, as Director of the BLM, to fund cleanup of the mining industry's legacy of abandoned hardrock mines?

Answer. I appreciate the magnitude and complexity of abandoned mine cleanup in your state and across the West. However, I have not been briefed on the status of this program or the available funding. If confirmed, I will become informed on the issue.

What is your position on charging a royalty or rental fee for mining on public lands to pay for cleaning up these old sites?

Answer. Because I have no specific background or knowledge on the issue of charging a royalty or rental fee as a matter of law, regulation, or policy, I believe it would be inappropriate for me to take a position on this without a substantive briefing on the matter. If confirmed, I would be pleased to involve myself in this issue and give it my utmost attention.

Question 51. Regarding interagency wildland fire cooperation, specifically with the Appropriate Management Response, very few if any of the BLM Resource Areas permit Wildland Fire Use. Yet, this is an important tool to reduce the risks, costs, and impacts of fire suppression.

Will you direct the BLM to begin authorizing Wildland Fire Use on some of its areas?

Answer. I agree that Wildland Fire Use (WFU) is an important tool for fire agencies to help achieve an ecological balance on public land. I am advised that BLM already authorizes WFU on the public lands: land-use plans have identified about 12 million acres of land where WFU would be the appropriate response. I understand that, to date in 2007, WFU has been the BLM's response to wildfire on nearly 26,000 acres. If confirmed, I would encourage further WFU when it is the appropriate response.

How will BLM coordinate with the Forest Service when a Forest Service Wildland Fire Use crosses over to BLM land?

Answer. I am advised that the BLM, in its fire planning process, consults with neighboring managers and landowners in an attempt to mirror their plans should a fire cross ownership boundaries or approach a mutual boundary. I know that fire does not respect agency or private land boundaries and that a coordinated, cohesive response is needed.

Question 52. The anticipated impacts of climate change and invasive weed spread will hit BLM rangelands hard. We are observing serious wildland fire conditions such as an increasing number of large and severe wildfires, lengthened wildfire seasons, increased areas burned, and increasing numbers of large wildfires in fire-sensitive ecosystems. The annual number of acres burned on public lands has been increasing over the last couple of decades. Recent research suggests that these trends are, in part, related to shifts in climate. For example, a warming climate is contributing to longer wildland fire seasons with more extreme wildland fire events, which greatly increase the risk to human lives and infrastructures. Last November, the Association for Fire Ecology in the "San Diego Declaration on Climate Change and Fire Management" issued specific actions that Federal land managers can take to better prepare for and mitigate future impacts of climate change on wildland fire management.

Are you familiar with the “San Diego Declaration on Climate Change and Fire Management”? Will you commit to support the policy principles laid out in the Declaration?

What is your plan to implement the recommendations in the Declaration to ensure that the Federal government is prepared to address the impacts of climate change on wildland fire management?

What is your plan to mitigate the effects of climate change on BLM lands?

Answer. I am not familiar with the “San Diego Declaration on Climate Change and Fire Management.” I do have a varied background in fire and intend to make it one of my focus priorities if confirmed as Director. In my present position, I co-chaired the WGA panel on “Fire Costs” which also made recommendations to the Federal agencies and concluded that climate change is one of the drivers of continued severe wildfire activity. I served as a member of the Wildland Fire Leadership Council on behalf of WGA through May of 2006. I also serve on the Governor’s task force which has developed an invasive species management plan. Invasive species are a significant issue in some ecosystems and contribute to an increase in wildland fire occurrences. In addition, wildland fire can result in an increase in invasive species. If confirmed, be assured that I will fully consider the recommendations in the Declaration and other important issues related to BLM’s wildland fire management program.

Question 53. BLM is currently withdrawing support from the Rural Fire Assistance program. In fact, the Department of Interior eliminated Rural Fire Assistance from the FY 2007 budget, even though applications were solicited from fire Departments.

a. What is your plan to support volunteer firefighters with the wildfire equipment and training needed to support the BLM mission?

Answer. I believe local fire departments are an integral component of the Nation’s wildland fire community. Their first-response capabilities are crucial to the success of land management agencies in protecting lives and values at risk. Their services also result in tremendous cost savings to taxpayers. I am advised that although the Rural Fire Assistance program has been phased out, the Federal firefighting agencies are planning to provide wildland fire training to these departments to enhance their safety, effectiveness, and capabilities in responding to and managing wildland fires. If confirmed, I will work with you to ensure that rural fire departments receive support to enhance their safety, effectiveness, and capabilities.

Question 54. One result of successful collaboration between citizen groups and various Federal forest managers in the Pacific Northwest is a broad agreement on the need to avoid controversial logging projects and focus instead on thinning dense young forests in order to restore forests and create jobs.

Do you agree with this priority?

Answer. I agree that restoration of forest ecosystems that includes thinning is a priority and focuses on the wildland urban interface. You have my commitment to support policies and provide direction that will make planning adaptive, dynamic, and rely upon “placed based” ecosystem management principles and landscape-scale assessments, if I am confirmed as Director.

What is your plan to work to conserve the last remaining old growth forests and consider shifting BLM’s efforts toward restoration?

Answer. I am very familiar with the old growth forest issue and understand fully the important role old growth forests play in a properly functioning ecosystem. What I have yet to learn is what current direction exists in BLM resource plans regarding old growth management. If confirmed, I will learn about the old growth situation on BLM managed lands and take appropriate steps to implement proper guidelines.

Question 55. The BLM is currently developing new management plans for several heavily forested districts in the Northwest that provide habitat for threatened spotted owls, marbled murrelets, and Pacific salmon. These forests were included in the interagency Northwest Forest Plan that requires BLM to conserve old growth forests and help provide habitat corridors between the Cascades and Coast Ranges of Oregon. Scientists have long said that the Northwest Forest Plan will simply not work unless BLM fully participates in the conservation and restoration of these forests.

What will you do to ensure that the scientific integrity and credibility of the Northwest Forest Plan is not undermined?

Answer. I am not as familiar with the requirements of the Northwest Forest Plan as I moved to Idaho in 1986 prior to its development. I do understand and support integrated planning and the importance of conserving habitats particularly across broad landscapes with multiple intermingled ownership patterns. If confirmed, you have my commitment to become well-informed on the current planning effort under way in Washington, Oregon, and Northern California.

RESPONSES OF BRENT T. WAHLQUIST TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. Tribal Primacy.—The amendments to the Surface Mining Act passed last year provide for a long overdue change that allows tribes to apply for and receive primacy to regulate coal mining on reservation lands.

- What is the status of implementation of this provision?

Answer. Since the 2006 amendments contain some provisions that differ for Tribes when compared to States, the Office of Surface Mining Reclamation and Enforcement (OSM) is considering rulemaking to clarify the scope and procedures for Tribal primacy. OSM has consulted with the Tribes on this issue and expects to make a decision in coordination with the Solicitor's office on whether to pursue rulemaking in the near future.

- I know that the Navajo Nation has had a long-time interest in assuming primacy over this program. What work are you undertaking to facilitate this?

Answer. Prior to the passage of the 2006 amendments, OSM had worked with the Navajo Nation to develop the Tribal code and regulations needed for a regulatory program. Since passage of the 2006 amendments authorizing Tribal primacy, OSM has continued to work informally with the Nation to refine their draft program for presentation to the Tribal Council so that it can be finalized and submitted to the Secretary for consideration.

Question 2. Mountain Top Removal.—There has been ongoing controversy regarding mountain top removal mining and the related use of valley fills. This has become a fairly widely-used technique in some areas of the eastern United States.

- What is OSM's role in regulating this practice?
- What is OSM doing to address concerns that have been raised?

Answer. OSM's regulations serve as the Federal model for State rules under the Surface Mining Act, based on the concept of primacy. States play the primary role in regulating coal mining and reclamation under the provisions of the Act. The concerns about mountaintop mining have included topographic changes, post-mining land use issues, forest fragmentation, stability of fills and the impacts of excess spoil fills on streams. OSM is addressing concerns about mountaintop mining both through cooperative efforts with state and Federal regulators as well as through development of national regulations. Cooperative efforts with the Appalachian States to address concerns include the following:

- Guidance was developed on approximate original contour (AOC) to ensure the maximum amount of spoil is returned to the mined area.
- Guidance was developed for allowable post-mining land uses to ensure that variances from AOC authorized by the Surface Mining Act are properly applied.
- Inspection techniques for valley fill construction requirements have been developed to ensure stability of fills.
- An initiative has been established that encourages returning mine land to productive hardwood forests to address forest fragmentation. Proper forest reclamation also reduces peak flows that contribute to flooding.
- Work is ongoing with the EPA, U.S. Army Corps of Engineers, and the Fish and Wildlife Service to share data and coordinate reviews required by the Clean Water Act, the Endangered Species Act, and SMCRA to establish coordinated permitting, make better permit decisions, and minimize environmental impacts.

OSM also has determined that two issues warrant Federal rulemaking. OSM's proposed rule, which is accompanied by a draft Environmental Impact Statement, is now in final review. It seeks to minimize the scope and environmental impacts of valley fills and other activities in proximity to streams. The proposal also intends to eliminate confusion about the meaning of existing rules that has been highlighted by the controversy over mountaintop mining. If adopted, the rule should provide improved environmental protection as well as greater clarity and regulatory stability.

Question 3. State Regulatory Funding.—Recently, several states have raised concerns that the Administration has not requested the funding needed to ensure that the state regulatory programs can be administered adequately.

- What steps do you plan to take to ensure that adequate funds are requested and allocated to the states for this important use?

Answer. The President's FY 2007 budget included an increase of \$2 million for state regulatory grants, an increase of 3.5%. However, as a result of the FY 2007

continuing resolution, the States and Tribes did not receive an increase in funding. In the President's FY 2008 budget request to Congress, a \$4.2 million increase was requested over the FY 2007 continuing resolution in regulatory program grants, which amounts to a 7.5% increase. If confirmed, I will continue to promote adequate funding for the States and Tribes.

Question 4. What is the time frame for the rulemaking to implement amendments to the Surface Mining Control and Reclamation Act contained in the Tax Relief and Health Care Act of 2006?

Answer. By September 30, 2007, OSM plans to promulgate an interim final rule to implement those provisions that must be in effect before FY 2008 distributions to States and Tribes can occur. At the same time, OSM intends to issue a proposed rule that will include an opportunity to comment on both the interim final rule and additional provisions contained in the proposed rule. OSM anticipates promulgating a final rule addressing the comments received by the beginning of FY 2009. If confirmed, I will work with OSM to meet these commitments.

Question 5. There are additional rulemakings pending before OSM. Please provide us with an update on the status and timelines for:

- the procedural rules on ownership and control that underlie the Applicant/Violator System;
- the stream buffer zone proposed rule and accompanying draft EIS;
- the anticipated rulemaking on mine placement of coal combustion by-products.

Answer. The final ownership and control rulemaking is anticipated to be published before the end of calendar year 2007. The proposed excess spoil minimization/stream buffer zone rule and draft EIS are in final review, and publication is expected in the near future. OSM published an advance notice of proposed rulemaking related to mine placement of coal combustion by-products in March 2007 and is currently reviewing the comments received. OSM anticipates publication of a proposed rule before the end of calendar year 2007.

RESPONSE OF BRENT T. WAHLQUIST TO QUESTION FROM SENATOR WYDEN

Question 6. Mr. Wahlquist, the most destructive form of surface mining at present is mountaintop removal mining. An Environmental Impact Statement from the EPA in 2003 estimated that up to 1.3 million acres of land—mountain ridges, forests and waterways—could be destroyed by mountaintop mining by the end of the next decade, approximately the size of the State of Delaware. During your OSM career to date, you've advocated a hands-off policy on Federal regulation of mountaintop removal. You rejected a plea last year from Tennessee's governor when he asked OSM to develop an Environmental Impact Statement on the destruction caused by mountaintop removal in his state. In the 1990's, you wrote one policy memo that ended West Virginia's "50-foot rule" on restoring the contours of mountains after mountaintop removal, and you wrote another essentially throwing the reclamation issue back at the state governments. Are there any new restrictions on mountaintop removal or any new environmental safeguards on surface mining which you would agree for OSM to enact should you be confirmed as director? Or are do you believe the status quo is acceptable?

Answer. I do believe that additional changes are needed. I have concerns about mountaintop mining that include topographic changes, post-mining land use issues, forest fragmentation, stability of fills and the impacts of excess spoil fills on streams. The Office of Surface Mining Reclamation and Enforcement (OSM) has addressed some of these concerns through cooperative efforts with state and Federal regulators. Cooperative efforts with the Appalachian States to address concerns include the following:

- Guidance was developed on approximate original contour (AOC) to ensure the maximum amount of spoil is returned to the mined area.
- Guidance was developed for allowable post-mining land uses to ensure that variances from AOC authorized by the Surface Mining Act are properly applied.
- Inspection techniques for valley fill construction requirements have been developed to ensure stability of fills.
- An initiative has been established that encourages returning mine land to productive hardwood forests to address forest fragmentation. Proper forest reclamation also reduces peak flows that contribute to flooding.
- Work is ongoing with the EPA, U.S. Army Corps of Engineers, and the Fish and Wildlife Service to share data and coordinate reviews required by the Clean Water Act, the Endangered Species Act, and SMCRA to establish coordinated permitting, make better permit decisions, and minimize environmental impacts.

I believe that OSM needs to strengthen requirements for excess spoil disposal, which is primarily related to mountaintop mining, and for coal refuse disposal, which is related to both surface and underground mining, particularly as these activities contribute to stream loss.

OSM has prepared a proposed rule that is in the final stages of review and is supported by a draft Environmental Impact Statement. The proposed rule seeks to minimize the scope and environmental impacts of valley fills and other activities in proximity to streams. The proposal also intends to eliminate confusion about the meaning of existing rules that has been highlighted by the controversy over mountaintop mining. If adopted, the rule should provide improved environmental protection as well as greater clarity and regulatory stability. If confirmed, I look forward to working with you on this very important issue.

RESPONSE OF BRENT T. WAHLQUIST TO QUESTION FROM SENATOR SALAZAR

Question 7. As our country seeks to produce more of its energy domestically, and knowing that coal is our country's most abundant fossil energy resource, please describe the greatest challenges you see facing the Office of Surface Mining Reclamation and Enforcement in the coming years.

Answer. In accordance with State primacy provisions in the Surface Mining Control and Reclamation Act, the Office of Surface Mining Reclamation and Enforcement (OSMRE) directly regulates less than 3% of the Nation's coal mining. Therefore, one of OSMRE's greatest challenges will be to make sure States and Tribes have the tools and resources they need to be able to timely issue permits and maintain quality regulatory programs that protect people, land, and water in the face of substantial staff turnover through retirements, at OSMRE and the States and Tribes.

Thus, OSMRE will need to provide adequate regulatory funding, a stable regulatory framework that will accommodate technological advances, technical training, consistent oversight, and the technical tools needed to promote and maintain high quality regulatory programs. If confirmed as Director, I will certainly work toward that end.

Question 8. Can you explain how OSMRE selects mine reclamation projects to be cleaned up under the Abandoned Mine Reclamation Fund, and how many projects were cleaned up last year?

Answer. The Abandoned Mine Land Program is implemented through States and Tribes who conduct reclamation in accordance with a reclamation plan approved by the Secretary of the Interior. Projects are selected by the States and Tribes consistent with their reclamation plans. OSMRE conducts high priority reclamation in States that do not have an approved plan. Of the 299 sites completed in FY 2006, only 15 were conducted by OSMRE.

RESPONSES OF BRENT T. WAHLQUIST TO QUESTIONS FROM SENATOR MURKOWSKI

Question 9. Congress directed last year that states with small abandoned mine programs should receive a minimum grant of \$3 million annually, with no phase-in period for that minimum amount. Will you comply with this directive if confirmed?

Answer. The language of section 402(g)(8)(A) of the Surface Mining Control and Reclamation Act authorizes a minimum grant of \$3 million to states with an approved abandoned mine reclamation program. However, Section 401(f), which actually provides for the distribution of Section 402(g)(8)(A) funds, contains a phase in provision. The Office of Surface Mining Reclamation and Enforcement (OSM) has been working with the Solicitor's Office to make sure the Act is appropriately implemented concerning this issue. If confirmed, I will work with the Solicitor's Office on moving forward to implement the amendments.

RESPONSES OF BRENT T. WAHLQUIST TO QUESTIONS FROM SENATOR BARRASSO

Question 10. Do you share my view that the newly amended Surface Mining Control and Reclamation Act of 1977 (SMCRA) mandates payments to certified states as it relates to both past and future revenues? If not, why not?

Answer. Yes.

Question 11. Do you believe the certified states' distributions are to be considered payments or grants?

Answer. In discussions with the Office of the Solicitor, the Office of Surface Mining Reclamation and Enforcement (OSM) is analyzing whether the use of the term "payment" in Section 411(h) contained in the 2006 amendments to the Surface Min-

ing Control and Reclamation Act mandates or authorizes a distribution mechanism other than grants.

Question 12. I am committed to making sure that Wyoming and every other state and Indian tribe receive their Abandoned Mine Land funds, both past and future. Can I count on your support to make this happen and what steps will you take to help in this effort?

Answer. If confirmed, I will work to ensure that all States and Tribes receive the funding in compliance with Title IV of the 2006 amendments to SMCRA. I will consult with the Solicitor's Office in this effort.

Question 13. During your testimony today, you mentioned on several occasions that you will be relying on the solicitor to provide guidance on how funds under SMCRA will be distributed to certified states. When do you anticipate you will receive that guidance and will you or your office provide that information to me?

Answer. The Solicitor's Office is diligently working with OSM to provide the necessary guidance in time for OSM to publish an interim final and a proposed rule by the end of the fiscal year. If confirmed, I will promptly notify you of the decisions.

Question 14. What role, if any, does the Office of Management and Budget have in the rule making process you have undertaken to implement the provisions of the December 2006 amendments to SMCRA?

Answer. Over the last few months, OSM has been working with OMB regarding this particular rulemaking.

Question 15. Has OMB stated their position to your office on how distribution of certified state and Indian tribe funds should be treated (payments versus grants)?

Answer. OSM has discussed this issue with OMB; however, OMB has not stated a position.

Question 16. Have you or the Office of Surface Mining evaluated alternatives to the Federal grant process for the distribution and payment of funds as called for in the Amendments?

Answer. OSM, in coordination with the Office of the Solicitor, currently is evaluating the different mechanisms for distributing the AML and Treasury funds under the 2006 amendments.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. Technology Commercialization Fund.—Section 1001(e) of the Energy Policy Act of 2005 directs the Secretary of Energy to place 0.9 percent of the amount made available to the Department of Energy for applied energy research, development, demonstration, and commercialization application each fiscal year into a Technology Commercialization Fund, to be used to provide matching funds to promote promising energy technologies for commercial purposes. If confirmed, will you ensure that the Technology Commercialization Fund is implemented?

Answer. I was glad to see that last month the Secretary of Energy took the important step of appointing a Technology Transfer Coordinator (Ray Orbach, Under Secretary for Science), as well as a Technology Transfer Policy Board. If confirmed I would look forward to working closely with Under Secretary Orbach in this important endeavor. I do not know the current status of DOE's implementation of the Technology Commercialization Fund, but I would look forward to hearing the recommendations of others in the Department with respect to the Technology Commercialization Fund.

Question 2. FutureGen.—The cost of the FutureGen has reportedly doubled. How do you plan to contain the cost of this program? Can you provide the Committee an estimate of total costs to completion for the record?

Answer. I understand that the Department recently announced a significant cost escalation in this important program which is the result of a number of factors. I am strongly committed to the construction of the FutureGen facility and would make advancement of this project as well as proper management of the project a high priority. The Department and the FutureGen Alliance must work together and consider options for containing costs.

Question 3. Technology Readiness Levels.—If confirmed, would you support the inclusion of technology readiness levels, such as those used by the Department of Defense and NASA, in DOE's Order 413, "Program and Project Management for the Acquisition of Capital Assets"?

Answer. I would be pleased to review the practices of NASA and the Defense Department, if confirmed, and to consult with DOE's Office of Management and project management officials regarding whether these practices could or should be applied at DOE.

Question 4. Integrating Basic and Applied Science—If confirmed, how will you make the best use of frontier science conducted by the Office of Science to accelerate applied energy R&D?

Answer. If confirmed, I would look forward to working closely with Ray Orbach, DOE's Under Secretary for Science, to identify ways to integrate the work of the basic science research activities of the Department with those of the applied science programs through cooperation between the various programs. Close coordination and communication between these program offices can lead to greater integration of basic and applied science activities.

Question 5. Portfolio Budgeting—If confirmed, will you support an integrated portfolio budget approach to integrating programs between the applied energy research programs which you will be responsible for and frontier science program with the Office of Science?

Answer. I would need to study such a proposal further, and consult with the Office of Science, the Department's Chief Financial Officer and others before determining whether an integrated budget approach would be advisable.

Question 6. Nuclear Waste Management—What is your view of the status of the nuclear waste program? Is the Yucca Mountain program in trouble? What is your opinion on the need for DOE to provide interim storage services to commercial nuclear power plants?

Answer. I am a proponent of the Yucca Mountain program and believe that our country must address the issue of nuclear waste disposal. While the schedule for construction of the repository has been delayed, I understand that the Department is expected to file a License Application with the Nuclear Regulatory Commission by June of 2008, and this will be a major step forward for the program. I do not currently have a view about whether there is a need for DOE to provide interim storage services, but I look forward to learning more about this issue.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM SENATOR WYDEN

Question 7. A Balanced Energy Portfolio—As discussed during the hearing and during our meeting, as Under Secretary of Energy, you will be responsible for managing the Department's energy technology portfolio—energy efficiency, renewable energy, fossil energy, nuclear energy, etc. In the Administration's current budget request—for the second year in a row—no funds were requested for geothermal energy. No funds were requested for wave energy, tidal energy, or new hydroelectric turbine technologies. Last January, the President called for replacing 20% of our gasoline with alternative fuels and more efficient vehicles. But funding for biofuels in the Renewable Energy budget, which is critical to achieving the President's goal of reducing our need for gasoline by increasing the production of biofuels and developing new vehicle technologies, increased by less than \$30 million. Research into new vehicle technologies increased by less than \$10 million. On the other hand, funding for nuclear energy development increased by \$120 million to \$568 million. If you are confirmed, what are you going to do to ensure that there is more balance in Department's energy technology portfolio? What actions will you take to reassess the Department's decision to terminate funding for geothermal and hydroelectric and ocean energy technologies?

Answer. I understand your strong interest in pursuing a balanced energy portfolio, as we discussed in our meeting prior to my confirmation hearing as well as in the hearing itself. As you requested, I have obtained a copy of the recent MIT study on geothermal technology and, while I am still studying it, I believe it raises some very interesting points about this technology which are worthy of further discussion and review. I do believe that to address our Nation's energy needs we must pursue a wide variety of new energy supplies. If confirmed I would look forward to discussing the funding priorities for various programs with other Administration officials.

Question 8. Industrial Efficiency—According to EIA, about one third of total U.S. energy consumption is consumed by the industrial sector. These U.S. companies, as we all know, must now compete in the global economy and for many industries—such as the pulp and paper industry in my state—energy costs are major factor in their ability to compete. DOE's budget request cut funding for every single industry-specific energy efficiency program. Funding for the forest and paper products industry would be cut to \$1.7 million. DOE proposed to cut funding for the aluminum industry to \$1.7 million. The Senate just adopted, as part of the Energy Bill, a provision that would require DOE to enter into cooperative agreements with energy intensive industries to help them save energy and compete in the world market. Similarly, the Senate Energy & Water Appropriations bill for FY 2008 also directs the Department to fund these industry-specific programs. If you are confirmed, what

will you do to ensure that the Department does not continue to short change industrial efficiency? And what assurance can you give me that if the Senate authorization and appropriations provisions become law, you will fully implement the industrial efficiency partnership program?

Answer. To answer the second part of your question, I am a firm believer in implementing the laws as passed by Congress, and if confirmed you can be assured that I will carry that message into the Department. With respect to the specific programs you mentioned, I would need to learn more about why the Department chose its proposed spending levels for the each specific program. In general, I believe the Department has placed a strong emphasis on promoting energy efficiency and I support that.

Question 9. Strategic Petroleum Reserve—Expansion.—If you are confirmed, you will be responsible for fossil energy programs, including the Strategic Petroleum Reserve. The Administration has proposed to increase the size to 1.5 billion barrels. EIA says that thanks to OPEC oil prices are going to be between \$50 and \$60 a barrel. At \$55 a barrel (which is far less than it is today), the price of another 800 million barrels of oil is \$44 billion. At today's prices of almost \$73 a barrel, that's almost \$59 billion, just for the oil. DOE estimates the cost of building the additional storage capacity to reach 1.5 billion barrel capacity will cost around \$10 billion. So that's between \$54 billion to \$69 billion of taxpayers' money which will not actually reduce our dependence on oil, but will simply put crude oil back in the ground at a time when the market indicates there is a world shortage of oil. We can improve our energy security by reducing our dependence on oil by increasing our investments in efficiency and new fuels, or we can literally spend billions of dollars removing crude oil from the market and putting it back in the ground. Why does that make sense and will you, if confirmed, reexamine the Administration's plans for expanding the Strategic Petroleum Reserve?

Answer. The Strategic Petroleum Reserve was established to protect our nation from major disruptions in oil supply resulting from catastrophic natural disasters or international developments out of our control. Over the years the period of time which the volume of oil in the Reserve could replace (or at least compensate for) the loss of supply has decreased because our demand has increased. The expansion proposal would strengthen our protection against major disruption supplies and enhance our national security. The proposal to expand the Reserve to 1.5 billion barrels would take place over many years. I do however understand and appreciate your concern about Federal purchases of oil at a time when prices are high, and if confirmed I will examine how to accomplish this goal in an economically sensible manner.

Question 10. Hanford Clean-up—Schedule and Management.—Over some 45 years, Hanford produced some 74 tons of plutonium, first to make nuclear weapons and later as part of its continued operation of the N-Reactor despite the fact that it was no longer needed. The results are well known to all. Some 1,600 identified waste sites. Some 53 million gallons of high-level waste stored in 177 underground storage tanks. Sixty-seven of those 177 tanks are suspected to have leaked that waste into the soil. The list goes on.

We are now coming up on the 20th anniversary of the signing of the Tri-Party Agreement between DOE, the State of Washington, and the U.S. Environmental Protection Agency that was supposed to set specific, enforceable milestones for the clean-up. DOE has now been trying to clean up the nuclear waste and environmental contamination for half as long as the site was actually in operation—more than 20 years—with no end in sight. In fact, we are going backwards.

The high-level waste vitrification plant was supposed to be completed and in operation by 2011 according to the Tri-Party Agreement. It is now being delayed another eight years and it won't be completed until 2019. And at a cost that has more than doubled—from \$5.8 billion estimated in 2003 to this year's estimate of \$12.3 billion. And, DOE's plan still leaves no solution for more than half of the so-called low-activity waste that is supposed to be removed from the tanks which also requires vitrification and disposal. There's still no real plan for dealing with the contamination that has leaked out of the tanks. And just this year, DOE was fined \$1 million by EPA for failing to properly manage even the low-level waste burial sites.

If you are confirmed, what will you do to fix the management problems at Hanford and get the clean-up program back on track?

Answer. Cleaning up the waste left over from the Nation's Cold War nuclear weapons production is one of the most critical responsibilities of the Department of Energy. If confirmed, this mission would be one of my highest priorities. I would look forward to working closely with the Office of Environmental Management to improve the management of the cleanup program. I understand that there have been significant cost increases and delays in the cleanup effort at Hanford and I be-

lieve it must be a top priority for the Department to get these costs under control and move on with the cleanup. If confirmed, I would look forward to traveling to Hanford to meet with officials and learn more about what we can do to address these problems. I would look forward to partnering with you in this effort.

Question 11. Hanford Clean-up—GNEP.—DOE has not fulfilled its obligation to clean-up Hanford. It's not clear when it will. But now, DOE is proposing to bring more waste to Hanford—this time in the form of spent nuclear fuel from commercial nuclear power plants, as part of its GNEP program. The DOE proposal also calls for building more reprocessing facilities to separate plutonium and uranium from this fuel and generate more high-level waste, more transuranic waste, and more low-level waste. And more radioactively contaminated buildings that will need to be decommissioned.

Hanford does not need more nuclear waste. It needs less. If you are confirmed as Under Secretary, what assurance can you give me that DOE will not be bringing more spent fuel and nuclear waste to Hanford and that we will see the wastes that are there cleaned up?

Answer. As discussed above, I believe one of the highest priorities of DOE must be the cleanup of the nuclear waste left over from Cold War nuclear weapons production, and I would make the cleanup at Hanford a top priority during my tenure at DOE, should I be confirmed by the Senate. As for the proposals to take waste to Hanford described in your question, I do not know the specifics of any such plans. I would need to study this further and ask questions of DOE officials about those plans. I look forward to hearing your input on how DOE could more effectively manage its cleanup efforts at Hanford, and throughout the country.

Question 12. Reliant Energy—Market Abuses.—You represented Reliant Energy from 1997 to 2004. During this time, Reliant—a Houston-based energy company—contributed directly to the California/Western energy crisis in 2000 and 2001. Federal regulators ultimately entered into five different settlements related to Reliant's conduct. In January 2003, FERC approved a settlement with Reliant for withholding power in the California market obligating Reliant to pay \$13.8 million. In October 2003, FERC entered into a second settlement with Reliant, this one for \$50 million to settle claims for market manipulation. In November 2003, the Commodity Futures Trading Commission issued an \$18 million civil penalty against Reliant for false reporting and attempted manipulation of natural gas prices as well as engaging in sales and false reporting of electricity prices. In March, 2004, FERC entered into yet another settlement with Reliant for \$860,000 for gaming—using a gaming practice known as “Double Selling.” And then in December 2005, FERC entered into yet another settlement with Reliant, this one for refunds to California customers for \$460 million. My question for you is simple—what do you know about Reliant's marketing and trading practices during the Western energy crisis, and when did you know it? What action, if any, did you take to halt or to advise against such abuses by Reliant?

Answer. I was the head Reliant legislative lobbyist in Washington, D.C. I was not in a policy making position in the company, nor did I function in an operational capacity. I had no knowledge that some of Reliant's employees were engaged in unlawful practices until near or about the time that the public learned of it.

Once there were accusations from various fronts that Reliant's practices in California were questionable, I approached the CEO and several other senior officials in the company and asked directly if they had “done anything wrong.” I was assured that they had not.

I urged that when dealing with allegations of wrongdoing, it is always the best for government relations for the company to investigate accusations of wrongdoing thoroughly, find out the truth, correct anything that could be corrected and let the public know that the right thing is being done. Basically, I believe that transparency is a good thing. I urged that such a course be followed.

Question 13. Reliant Energy—Lobbying Positions and Views.—According to Reliant's lobby disclosure forms you lobbied on a range of energy issues. For example in 2004 you lobbied on the S. 509, the Energy Market Oversight Act introduced by Sen. Feinstein with 8 co-sponsors including myself to give FERC more authority to conduct investigations and increase penalties for violations of the Federal Power Act and the Natural Gas Act. And you also lobbied on Sen. Cantwell's bill S. 681, the Electricity Market Manipulation Prevention Act. And you lobbied on Congressman Dingell's bill, the Energy Markets Fraud Prevention and Consumer Protection Act. Just to name a few of the legislative proposals that were aimed at addressing the abuses that companies like Reliant and Enron perpetrated in the energy markets. What position did you personally take with regard to these reforms, and what position did you advocate on behalf of Reliant with regard to these reforms? What

is your view on what reforms are needed to ensure that energy markets are not subject to the abuses that occurred in the 2000-2001 timeframe?

Answer. As a lobbyist for Reliant I tried not to take personal positions, but rather to represent the company's position as best I could. The company opposed the matters you reference in your question and, accordingly, I lobbied against them.

Regarding reforms needed, I believe that the EPACT 2005 statute contains a Market Manipulation provision that is aimed at just the type of behavior referenced in your question. Also, the imposition of both criminal and civil sanctions against those engaged in inappropriate activity would suggest that there were measures in place during the 2000-2001 time-frame that provided government authorities with the ability to levy sanctions against the behavior in question.

Question 14. Reliant Energy—Failure to File Lobby Report Forms.—You appear to have been the senior official in Reliant's Washington DC office between 1997 and 2004. (According to your resume, you were Vice President for Federal Relations during that period.) During your tenure at Reliant, in the 2002-2004 timeframe, Reliant failed to file lobby disclosure forms as required by law. Specifically, Reliant did not file its 2002 end of year report on time. In fact, it was not filed until April 2004. And the 2003 end-of-year report was not filed in February 2004 as required, but also not filed until April, 2004. When the forms were finally filed, they were filed by a Federal relations manager who apparently reported to you—Holly Lass. As a senior corporate official for Federal relations, what responsibility did you have for ensuring these reports were filed? Who was responsible for filing these reports and why weren't they filed as required?

Answer. The responsibility for filing the Lobbying Report Forms rested in Houston for the time that I was with Reliant. Apparently that was clear with both the House and the Senate as correspondence concerning the filings was directed to Houston.

At some point after August 26, 2002, the individual, who worked outside my operation and who was responsible for filing the reports, left the company in a reorganization. It appears that the responsibility for filing the reports was not reassigned. As best I can tell at this point, at least two notices were sent to Houston regarding the "timeliness" of the several filings in question. It is unclear to me what action was taken in Houston regarding these notices. It does appear that Ms. Lass, who did work for me, forwarded several of the reports in early 2004. I do not know why she forwarded or filed the reports in question. To the best of my recollection she neither had the responsibility nor the authority to file the documents. I understand that entities charged with accepting the filings consider that the requirements applicable to making these filings were fully complied with by early April of 2004.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM
SENATOR SALAZAR

Question 15. National Renewable Energy Laboratory.—The National Renewable Energy Laboratory (NREL) in Golden, Colorado, is the Department of Energy's premier national laboratory for renewable energy and energy efficiency research and development. I want to stress my desire to see that the National Renewable Energy Laboratory continues to be a high priority for the Department of Energy. I am very proud of this laboratory and know it holds great promise for our country. We were successful this year in securing \$100 million in funding for much needed facilities and infrastructure support that is critical to NREL being able to carry out its mission. Unfortunately, the President's budget request for NREL in FY 08 was \$181.5 million which was a 3% decrease from the FY 07 budget. We are at a critical juncture in our efforts to develop a sustainable plan to achieve energy independence in the 21st Century. If we are going to be leading our nation to achieve greater energy independence and security, we must substantially increase our investment in our Nation's premier renewable energy laboratory.

Do you agree with my assessment that we must substantially increase our investment in renewable energy and clean energy technologies to reduce our dependence on foreign oil? I would like your commitment to work to fully fund NREL each budget year, and support the important work it does.

Answer. I do agree that providing substantial investments in clean energy technologies is a critical element of the effort to reduce America's dependence on foreign oil. I am aware of the important role that NREL plays in this effort, as we discussed at my confirmation hearing. If confirmed, I would look forward to visiting NREL as soon as possible and learning more about the specific research underway at this important national laboratory. You have my commitment to work to do my best to provide appropriate funds for NREL within the broader context of the DOE and Administration budget.

Question 16. Carbon Sequestration.—The Regional Carbon Sequestration Partnerships fall under the purview of the Under Secretary of Energy. Carbon sequestration is a proven technology that has been around for a long time, and one of the most promising areas for addressing global warming while allowing our country to continue to use our vast coal reserves. In the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 that passed the Senate on June 21, 2007, Title 3 of the bill includes a carbon capture and storage research, development and demonstration program that seeks to speed the development of large-scale carbon capture and storage.

In April, this committee heard testimony from Tom Shope, the Acting Assistant Secretary for Fossil Energy and George Guthrie, Program Director for Fossil Energy and the Environment, Los Alamos National Laboratory that indicated commercial-scale deployment of carbon sequestration wouldn't happen until 2045. I raised concerns in that hearing about the timing of large-scale commercial carbon sequestration deployment given that it is a proven technology, and the importance of addressing the global warming. If confirmed, what steps will you take to ensure the Department of Energy places a high priority on ensuring the carbon sequestration program moves ahead with more timely deployment of commercial-scale carbon sequestration projects?

Answer. I am a strong supporter of carbon sequestration research and development and believe that these efforts will be critically important to reducing greenhouse gas emissions. I am impressed with the emphasis that DOE is placing on this effort through its Carbon Sequestration Program and its Regional Carbon Sequestration Partnerships. If confirmed I anticipate that I will be an active advocate for these research and development efforts, including efficient deployment of demonstration projects. I look forward to partnering with you and other members of Congress in this effort.

Question 17. Oil Shale.—Colorado experienced significant social and economic turmoil due to the rapid boom and bust cycle of oil shale development in the 1980's. As DOE considers the various oil shale proposals, it is absolutely necessary for DOE and other Federal agencies to work closely with Colorado's Department of Natural Resources and representatives of local governments, as well as the environmental community, on any plans to develop oil shale. How will you do that?

Answer. DOE activities related to development of oil shale resources are carried out under the Fossil Energy program. In overseeing that program, if confirmed, I would certainly emphasize the importance of cooperating with state and local governments in Colorado and elsewhere. Throughout my career in government I have made it a top priority to consult with other affected units of government in developing national policies, and I have always sought to develop consensus policies.

Question 18. Electricity Transmission.—Reducing electrical transmission losses over long distances would mean an increase in energy efficiency, and could result in significant energy savings. Could you comment on how combining renewable energy sources with a distributed generation system would positively benefit rural areas?

Answer. Renewable sources of energy, wind and solar power in particular, constitute a small percentage of this Nation's electric generation mix. They are, however, the most rapidly growing segment of that mix and for good reason: they produce electricity with no emissions.

Incorporating a variety of different generating technologies into the Nation's grids enhances electric system resiliency and reliability. The Department engages in a broad range of research and development and demonstration for this reason. In addition, DOE invests in the pursuit of greater efficiency in generation sources and transmission and distribution, and assists the States in the design and implementation of demand response programs; all of which seek to decrease the level of demand placed upon our electric grid.

Question 19. Legacy Management.—There are 18 legacy management sites in Colorado, and I am proud that the Office of Legacy Management has a legacy management and an environmental management office in Grand Junction, Colorado. Over the last several years, the Department of Energy has made decisions not to backfill positions in Grand Junction when they have been vacated, and has in some cases, moved functions to other offices across the country. Given the large number of legacy management sites in Colorado, it makes sense to keep these positions in Colorado. If appointed, can you commit to reexamine the staffing needs of the functions being performed in Grand Junction with the goal of retaining these important functions close to the legacy management sites?

Answer. You make a compelling case for retaining legacy management activities within the greatest areas of legacy management sites, such as Colorado. Should I be confirmed, I would be willing to reexamine the staffing needs in Grand Junction.

Of course, I would seek the advice and counsel of that site as well as that of the Office of Legacy Management leadership at DOE.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM SENATOR DOMENICI

Question 20. Mr. Albright, if you are confirmed, you will be in a unique position to ensure implementation of many of the provisions of that legislation (EPACT 2005). Some of that is well underway at DOE, but much remains to be done.

In addition to the Title XVII implementation that we discussed at your hearing, what provisions of that Act do you feel should be priorities for implementation at this point?

Answer. Let me say that one of my highest priorities should I be confirmed will be implementation of the Energy Policy Act of 2005, legislation in which I am proud to have played a role as staff in crafting along with you, Senator Bingaman, and Congressmen Barton and Dingell. I believe that we must move ahead expeditiously in implementing as much of EPACT as possible. As we discussed at my confirmation hearing, implementing the loan guarantee provisions of EPACT will be high on my agenda. If confirmed I would make it one of my first orders of business to conduct a thorough review of DOE's implementation of the Act to identify those areas where the Department is behind schedule and has the resources available to move forward. If confirmed, I expect to provide strong leadership in implementing EPACT 2005.

Question 21. National Electric Transmission Corridors.—In an effort to alleviate transmission congestion, strengthen the grid's reliability, and counter NIMBY opposition to siting power lines, the Energy Policy Act of 2005 directed DOE to study the Nation's congestion areas and then designate National Corridors. EPAct also provided FERC with backstop siting authority for any proposed transmission line that falls within a National Corridor.

Recently, DOE issue two draft National Corridor designations in accordance with EPAct—one in the Mid-Atlantic Area and the other in the Southwest.

It is my understanding that final National Corridor designations will not be made until the public comment period is completed. How is DOE handling public outreach efforts? How is DOE interacting with the states on these designations? When do you anticipate final designations?

Answer. As I am not currently working inside the Department, I do not know whether or when DOE will issue final Corridor designations. I am aware, however, that the Department has had a period of public comment (which has recently closed), has conducted several public meetings to receive input, and has otherwise sought to solicit input on the proposed designations. DOE seems to have made a strong effort to solicit input from the public.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM SENATOR SANDERS

Question 22. You served as the Washington Representative for Reliant Energy during the time of the California energy crisis of 2000. Although Enron was held up as the major bad actor in this artificial crisis, Reliant was similarly accused and subsequently paid California \$13.8 million to settle the allegation of market manipulation. What role, if any, did you play in advising Reliant regarding the issues of market manipulation prior to and during the California 2000 energy crisis and what was your position, if any, on this issue during that time period?

Answer. I was the head Reliant legislative lobbyist in Washington, D.C. I was not in a policy making position in the company, nor did I function in an operational capacity. I had no knowledge that some of Reliant's employees were engaged in unlawful practices until near or about the time that the public learned of it.

Once there were accusations from various fronts that Reliant's practices in California were questionable, I approached the CEO and several other senior officials in the company and asked directly if they had "done anything wrong." I was assured that they had not.

I urged that when dealing with allegations of wrongdoing, it is always the best for government relations for the company to investigate accusations of wrongdoing thoroughly, find out the truth, correct anything that could be corrected and let the public know that the right thing is being done. Basically, I believe that transparency is a good thing. I urged that such a course be followed.

Question 23. Weatherization, energy efficiency and renewable energies are key issues which for too long have not enjoyed the sort of emphasis at the Department as coal and nuclear have. This is true in spite of the evidence presented by the scientists with the Intergovernmental Panel on Climate Change in their several reports about the growing certainty that carbon emissions threaten our world. What do you intend, to do, if confirmed, to rectify this imbalance at the Department?

Answer. I understand your strong interest in pursuing a balanced energy portfolio. I believe that to address our Nation's energy needs we must pursue a wide variety of new energy supplies. If confirmed I would look forward to discussing the funding priorities for various programs with other Administration officials, members of Congress, and the private sector. I would certainly appreciate having the input and assessments of energy issues from the Intergovernmental Panel on Climate Change as we work to promote a balanced energy portfolio.

RESPONSES OF CLARENCE H. ALBRIGHT, JR., TO QUESTIONS FROM SENATOR
CANTWELL

Question 24. PNNL Use Permit.—In February of 2006, the Department of Energy announced it would compete the contract for management and operation of the Pacific Northwest National Laboratory (PNNL). Since that time there has been no visible progress on the RFP process, not even a draft proposal released for public comment. Of particular concern is the still unresolved matter of PNNL's "Use Permit." I understand the Use Permit concept is unique among Department of Energy laboratories, yet it has been a part of the contractual arrangement between the Federal government and the operator of PNNL since its inception in 1964. The Use Permit is based on existing statutory authority of the Department and has created substantial synergism among the staff performing research for various sponsors, including the Federal government, state governments, industrial research organizations, and international organizations. The Use Permit creates innovation, economic development, jobs, and fosters energy technology research and development. In addition, there does not appear to be any legal or practical reason why the Department would preclude the continuation of the Use Permit as part of any RFP. Will you commit to supporting the inclusion of PNNL's Use Permit in the RFP process?

Answer. I believe PNNL is within the responsibility of the Under Secretary for Science and so if confirmed as Under Secretary of Energy, I believe I would not be making any final decisions concerning the use permit at PNNL. Nonetheless, I understand your interest in the preservation of the Use Permit provision at PNNL. While I have not had the opportunity to study this issue in detail, if confirmed I would certainly be willing to listen to the views of those at the PNNL site, the contractor involved, and DOE's program management and procurement officials. If confirmed, and if I am involved in considering this issue, I would certainly keep in mind the strong views that you have expressed.

Question 25. Electricity Grid.—I am concerned that our Nation's electricity grid is based on outmoded technology that makes it less reliable and requires greater generation resources than it should. I have been working with a broad group of stakeholders to develop comprehensive legislation that will streamline and create greater efficiencies to our electricity grid. What is your plan to support robust energy technology research and development at the Department of Energy?

Answer. If confirmed to the position of Under Secretary, one of the offices I will oversee is the Office of Electricity Delivery and Energy Reliability. Working with this office we will aggressively pursue the President's plans for improving and upgrading the Nation's transmission system and I will work to see that we provide the resources necessary to support that effort. As you may know, President Bush has nominated a new Assistant Secretary for Electricity Delivery and Energy Reliability, which demonstrates his commitment to placing greater emphasis on modernizing and upgrading the electricity grid. If confirmed, I expect to play a major role in this effort.

APPENDIX II
Additional Material Submitted for the Record

STATE OF ARIZONA,
OFFICE OF THE GOVERNOR,
Phoenix, AZ, July 11, 2007.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing you to offer my support of the nomination of James L. Caswell for the position of the Director of the Bureau of Land Management.

The State of Arizona has worked with Mr. Caswell over the past several years on forest health and wildfire issues. In his capacity as a member of the subcommittee of the Western Governors' Association, Mr. Caswell has provided great leadership on a number of contentious issues that are so important to our Western states.

Mr. Caswell has a strong track record of being able to work across party lines and with diverse groups and organizations.

The Bureau of Land Management faces many challenges and I believe Mr. Caswell will be a great asset as Director, and I ask for your prompt action to confirm him.

Yours very truly,

JANET NAPOLITANO,
Governor.

STATE OF IDAHO
HOUSE OF REPRESENTATIVES
Ketchum, ID, June 10, 2007.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR SENATOR BINGAMAN: I am delighted to support the appointment of James L. Caswell to the position of Director, United States Bureau of Land Management.

I have known Mr. Caswell since 2000 when he was appointed to the position of Administrator, Office of Species Conservation, Boise—The position was housed in the office of the Governor to deal with natural resource issues in the state. Initially I believed that the work on species conservation could be performed in the Fish and Game Department, but I began to see that the issues transcended one state agency and an independent agency with political appointees might not be the way to get the job done.

Mr. Caswell came to the position from the position of Forest Supervisor, Clearwater National Forest in northern Idaho. This was a contentious position that he left with the approval as well as regret from all stakeholders in the region.

What I have learned to appreciate from Mr. Caswell is his fairness. When he presents an issue to legislators, he provides all sides, fairly. He recognizes the minefields that a situation can present to us in our districts, he identifies the options. He has the knack to lift us up, above our constituents, to realize what will be good state public policy. He doesn't threaten or cajole. He calmly accepts the response from the legislator and moves on. I remember visiting with him over a salmon issue in the National Recreation Area. He helped me understand where we could and could not go for the constituent. On road less issues, on Craig-Wyden problems for our communities, he has been there to help.

I know that Jim is eminently qualified to assume this position. He is a good leader and is able to attract very good people to work for him. He will be a credit to

our state and to our country should you appoint him to this position. I respectfully ask for your approval.

Sincerely,

WENDY JAQUET,
House Democratic Leader.

IDAHO STATE SENATE,
Ketchum, ID June 15th, 2007.

Hon. JEFF BINGAMAN
Chairman, Energy and Natural Resources Committee, Washington DC.

DEAR SENATOR BINGAMAN: I am writing to call your attention to Mr. James Caswell of Emmett, Idaho. As you likely know, Mr. Caswell has been appointed by the President to fill the position of the Director of the Bureau of Land Management. It is my understanding that you will soon be responsible for the confirmation of that appointment, and I would like to take this opportunity to share a few comments on the character of Mr. Caswell.

As the Idaho Senate Minority Leader and as a member of the Senate Resources and Environment Committee, I have worked numerous times over the years with Mr. Caswell on an array of issues through out the variety of positions he has held in the State of Idaho. Mr. Caswell has always performed his duties fairly and professionally.

Most recently as the Administrator for the Office of Species Conservation, Mr. Caswell has done an exemplary job enforcing the Endangered Species Act here in Idaho. As you may imagine in an ultra conservative state, such as ours, it is not always easy to implement and enforce conservation policies or programs. Yet, Mr. Caswell has over twenty years of experience implementing regulations and enforcing them with the general public. With finesse, he finds resolutions and calms the passions of the public, without compromising the law, our resources or our heritage. Mr. Caswell has a genuine concern for conservation and an understanding of human nature. He is successful with maintaining a fragile balance between the two.

Mr. Caswell has an impressive resume. It reflects over two decades of on-the-ground experience with land management and public Administration. He has a history of continual education, which is reflective of his desire to learn and seek new approaches to the tasks he encounters in his field. In his resume, you will also find a considerable list of awards and accomplishments contributed to him.

I would encourage you to schedule sometime to talk with Mr. Caswell. I think you will find as I have, an intelligent, fair and hard-working individual, one worthy of a Senate confirmation. If needed, I would be happy to provide further comment. My contact information is above. Thank you for your time.

Sincerely,

CLINT STENNETT

STATE OF IDAHO,
HOUSE OF REPRESENTATIVES,
Rogerson, ID, July 8, 2007.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing in support of Jim Caswell and his nomination to be the next Bureau of Land Management Director.

I became acquainted with Jim when he was named administrator of the Office of Species Conservation for the State of Idaho. He was instrumental, in crafting the Slickspot Pepper Grass candidate conservation agreement. This agreement brought all the stakeholders, State and Federal agencies, military and affected BLM permittees together in a proactive approach to conserve the plant and make listing under the Endangered Species Act unnecessary. I have also witnessed his work on delisting wolves in Idaho, helping with the Sage Grouse working groups to hopefully make listing unnecessary, and work on the road less rule.

As you can see from his resume, Jim has a life time of experience working with land management issues and natural resources and people on those lands.

Jim is uniquely qualified because of his experience in working with the bureaucracy of the land management agencies, BLM and Forest Service. He has vast experience working with the Endangered Species Act and dealing with the Fish and Wildlife Service.

I urge you to approve Jim Caswell for the next BLM director.
Thank you,

BERT BRACKETT,
Representative.

STATE OF COLORADO,
EXECUTIVE CHAMBERS,
Denver, CO, April 17, 2007.

Hon. Dirk Kempthorne
Secretary, of the Interior, Department of the Interior, Washington, DC.

DEAR SECRETARY KEMPTHORNE: On behalf of the State of Colorado I am formally requesting that the state review period for the draft Oil Shale and Tar Sands Program Programmatic Environmental Impact Statement (PEIS) be revised from May 15—29, 2007 to May 15—September 11, 2007.

Your staff has indicated to us that this 2000 page document will be the cornerstone of your decisions for a Commercial Oil Shale Program in northwest Colorado. As a Cooperating Agency, with a fiduciary and stewardship responsibility to our citizens, the state needs a reasonable timeframe for meaningful input on the scope of your analysis and the development alternatives considered in the PEIS. Your Colorado staff has also indicated that the Bureau of Land Management does not want any surprises from Cooperating Agencies during the public comment period—further underscoring the importance of a thorough review by the Cooperating Agencies. It is unrealistic, unnecessary and simply wrong to limit Cooperating Agencies to 15 days of substantive review and comment for a program of this magnitude.

Our analysis during this review period will help us to determine whether the document, when finalized, will provide adequate information on the technologies contemplated; the environmental impacts to surface and ground water, air quality and wildlife; the identification of lands suitable for this type of development given other resource development and economic development activities in northwest Colorado; the availability and related impacts to supply the power and water needs to sustain a commercial industry; and the timing of commercial development since we are years away from the first production from the current Research Development and Demonstration (RD&D) leases.

It would be better to first identify deficiencies in the analysis prior to the public comment period, rather than face wholesale revisions to be embodied solely in the final PEIS. Addressing these issues adequately in the PEIS is critical to an informed recommendation by the state as part of the Governor's Consistency Review on the Commercial Oil Shale Program.

I respectfully request that you revise the timeframe.
Sincerely,

BILL RITTER, JR.
Governor.

STATE OF COLORADO,
OFFICE OF THE GOVERNOR,
Denver, CO, May 14 2007.

Hon. Dirk Kempthorne,
Secretary of the Interior, Department of the Interior, Washington, DC.

DEAR SECRETARY KEMPTHORNE: I would like to take this opportunity to reiterate a request that Harris Sherman, Executive Director of the Colorado Department of Natural Resources made to Jim Hughes, Acting Director of the Bureau of Land Management, last week. Our urgent request is that you give us an extension of time to provide Colorado's comments on the Roan Plateau. As I am sure you are aware, the BLM has recently completed its analysis of the protests received on the Roan Plateau Resource Management Plan (RMP) and the Record of Decision (ROD) could be issued in the near future.

Colorado has been an active participant in the development of the Roan RMP and it is imperative that my Administration be given the opportunity to weigh in on the proposal before the ROD is issued. As a recently elected governor, I believe that the citizens of Colorado expect me to evaluate and comment on the plan which will chart the future for one of Colorado's special places. I am aware of the extensive work that has brought the BLM to this place in the process. Nevertheless, it is imperative that these plans transcend election cycles and result in management proposals that achieve durability and broad public acceptance. Failure to grant this request for additional time will seriously undermine the credibility of the plan.

I respectfully request an additional 120 days to evaluate and provide comments on the Roan RMP. Thank you for consideration of this request. I look forward to hearing from you.
Sincerely,

BILL RITTER, JR.
Governor.

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