

MCCONNELL AND WODDER NOMINATIONS

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

FIRST SESSION

TO

CONSIDER THE NOMINATIONS OF CHARLES MCCONNELL, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY) AND REBECCA WODDER, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS

JULY 28, 2011



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MCCONNELL AND WODDER NOMINATIONS

THURSDAY, JULY 28, 2011

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

The committee met, pursuant to notice, at 10:05 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. OK. Why don't we get started?

The committee is meeting this morning to consider the nominations of Charles D. McConnell to be the Assistant Secretary of Energy for Fossil Energy and Rebecca Wodder to be the Assistant Secretary of Fish and Wildlife and Parks. Mr. McConnell has served as the Chief Operating Officer in the Office of Fossil Energy since March. Before coming to the Department of Energy, he spent 2 years as a Vice President at Battelle Energy Technology and 31 years before that at Praxair.

Praxair, Inc., a Fortune 300 company that produces industrial gases.

Ms. Wodder has served as President and Chief Executive Officer of American Rivers, one of the nation's leading conservation organizations, for the past 16 years. She also held senior posts at the Wilderness Society before joining American Rivers. She was a legislative assistant to our former colleague, Senator Gaylord Nelson, from 1978 to 1981.

Both nominees bring a great deal of knowledge and experience to the offices to which the president has nominated them. I strongly support both nominations. I'm delighted to welcome both nominees to the committee this morning.

Let me recognize Senator Murkowski for any statement she'd like to make.

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

Senator MURKOWSKI. Thank you, Mr. Chairman. Good morning.

Good morning to you, Mr. McConnell and Ms. Wodder. I appreciate both of you and your willingness to stand before this committee as you seek to serve your country. I am pleased to support Mr. McConnell's nomination to be Assistant Secretary of Energy.

Mr. McConnell, I think your even and thoughtful approach makes you the type of nominee that both Republicans and Demo-

crats can come together and support. Now, that said, I do have some important questions about DOE's Fossil Energy missions and how you intend to restore this office to an engaged and assertive entity. I have some concerns about both Alaska and national programs which, I think, are falling behind.

Ms. Wodder, I must say that along with several of my Republican colleagues on this panel, there have been concerns that have been noted about your past statements and history at American Rivers and also with the Wilderness Society. While I can certainly understand that as the CEO of an organization that you do make statements on behalf of that organization, I do believe that you must be associated with and stand behind those comments.

I am particularly concerned about what seemed to be foregone conclusions against natural gas and hydroelectric development and, more generally, economic growth. As I'm sure that you know, hydroelectric power is critically, critically important for my home State of Alaska. About 25 percent of our energy does come from hydro. In the southeastern part of the State where I was born and raised, it is everything. It is critical for us. Many communities throughout our State rely almost exclusively on hydro power where it provides a clean, renewable, alternative to diesel power generation.

It would appear that throughout your career, Ms. Wodder, you have unequivocally advocated for the removal of dams. As Assistant Secretary for Fish, Wildlife, and Parks, you would play a crucial role in the permitting of many large hydroelectric projects throughout the country. That would be of concern to my fellow Alaskans, as our State has plans at the moment to construct the largest new dam built in the United States in decades. This is the 800 megawatt Susitna Dam Project. The Governor has just committed state funding for that. It's something that, as Alaskans, we look to, again, as an opportunity for an energy source.

Mr. Chairman, I look forward to today's hearing and hearing again from both of the witnesses. But I think it is important that I express my concerns clearly about Ms. Wodder's nomination.

Thank you.

The CHAIRMAN. Thank you very much.

Under our rules here in the committee that apply to all nominees, we require that they be sworn in connection with their testimony. Could each of you stand and raise your right hand, please?

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

Ms. WODDER. I do.

Mr. MCCONNELL. I do.

The CHAIRMAN. You may be seated. Thank you.

Before you begin your statements, let me ask 3 questions that we address to each nominee that comes before this committee. The first question is: Will you be available to appear before this committee and other congressional committees to represent departmental positions and respond to issues of concern to the Congress?

Ms. Wodder.

Ms. WODDER. I will.

Mr. McConnell.

Mr. McCONNELL. I will.

The CHAIRMAN. The second of our 3 questions 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've been nominated by the president?

Ms. Wodder.

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

The CHAIRMAN. Mr. McConnell.

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

The CHAIRMAN. Thank you both for those statements. The third and final question we ask all nominees is: Are you involved or do you have any assets that are held in a blind trust?

Ms. Wodder.

Ms. WODDER. No.

The CHAIRMAN. Mr. McConnell.

Mr. McCONNELL. No, sir.

The CHAIRMAN. Very well. At this point, we always invite nominees to introduce anyone they brought with them that they would like to introduce, family members or others.

Ms. Wodder, did you have anyone with you you wanted to introduce?

Ms. WODDER. Yes, Chairman Bingaman. I am joined by my husband, James Van Erden, and our daughter, Jayme. Another daughter, Jennifer, can't be here with us today because she is in Panama serving with the Peace Corps.

The CHAIRMAN. We welcome them, the ones who are here. Thank you very much.

Mr. McConnell, did you have anyone you wanted to introduce?

Mr. McCONNELL. Yes. Right behind me is my wife of 32 years, Laura.

The CHAIRMAN. OK. Thank you for being here today.

At this point, why don't we call on each of you to make whatever statements you would like to make before we go to questions.

Ms. Wodder, why don't you start, and then Mr. McConnell.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT OF HON. MARY L. LANDRIEU, U.S. SENATOR FROM LOUISIANA

I am pleased to support the nominations of both Mr. McConnell and Ms. Wodder. Both positions are important to each of their respective agencies and I hope we can get both of these individuals confirmed as quickly as possible so that they can begin to fulfill the duties of their new roles.

I met with Mr. McConnell earlier this week and I was very impressed by him. While many Member of Congress believe that "fossil fuels" is a bad word here in Washington, these are the fuels—coal, oil and natural gas—that have powered this nation for decades and will continue to power this nation well into the future. It is important to have individuals in the Fossil Energy office who understand hydrocarbons, how to make them cleaner and more efficient, because we simply cannot

just do away with these fuels as they supply 83 percent of the energy consumed in this country. I believe that Mr. McConnell is such a person who understands the importance of hydrocarbons and the vital role they play to this nation's economy. I think he will be a welcome addition as DOE's Assistant Secretary for Fossil Energy and I look forward to working with him in the future on projects that are important to Louisiana and to the nation at large.

While I have heard some things that give me reservations about Ms. Wodder's position on certain matters, I am ultimately not in opposition to her nomination, but she has big shoes to fill. The former Assistant Secretary, Tom Strickland, understood the important role domestic energy plays in supplying this nation with jobs and energy security. He also understood that there is an important balance when promoting domestic energy and protecting the environment and that they are not mutually exclusive goals. I hope that Ms. Wodder will follow in Mr. Strickland's footsteps and will work to promote both objectives from her role as Assistant Secretary for Fish and Wildlife and Parks.

Thank you.

STATEMENT OF REBECCA WODDER, NOMINEE FOR ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS

Ms. WODDER. Thank you, Chairman Bingaman, Senator Murkowski, and members of the committee. I'm deeply honored to appear before you today as President Obama's nominee for Assistant Secretary for Fish and Wildlife and Parks.

I'd like to begin with a personal introduction. I am from a farming family, born and raised in Nebraska. My parents grew up during the Depression and survived grasshopper plagues and the Dust Bowl. Hardships had eased a bit by the time I was born, but I learned the value of hard work early on. I never took any good fortune for granted.

I spent the weekends and summers of my youth on my grandparents' farms helping with chores and developing my love of barnyards, farm animals, and corn fields. My parents were both teachers, and my father taught at every level from a one-room schoolhouse to the University of Nebraska. Public service and education were important values in my family, and I've spent most of my career working for public interest organizations.

My lifelong commitment to conservation was awakened by an experience in the spring of 1970. As a senior in high school, my chemistry teacher tapped me to organize activities for the first Earth Day. Inspired and eager to play a role in cleaning up pollution, I went on to get undergraduate degrees in biology and environmental studies and master of science degrees in landscape architecture and water resources management.

In graduate school, I led a study of the Lower St. Croix Wild and Scenic River. I spent a summer exploring the river, talking to power boaters and paddlers, anglers and campers about their experiences and how to minimize conflicts with other users. A lasting memory from that time is discovering a cache of sepia-toned, turn-of-the-century photographs of the St. Croix. On both sides of the river, as far as the eye could see, the land was completely cut over, and the river itself was choked with logs.

It was that kind of devastation that inspired 19th century conservationists. What hit me, though, was the resilience of nature and how far the river corridor had come in restoring itself, thanks to those who had the foresight to protect it.

When I became President and CEO of American Rivers, I saw an opportunity to connect people to nature through rivers. We ex-

plored, settled, and built America by river, and rivers are relevant to things that every American cares about, clean drinking water, health and safety, prosperity, and a high quality of life. Most important, rivers are resilient and with a little help, like the St. Croix, they can recover and be valuable assets, the centerpiece of a vibrant community.

Among many river restoration projects that were undertaken during my tenure, one that stands out was a creative approach to improving conditions on the Penobscot River in Maine. A collaborative effort between a power company, State and Federal agencies, tribes, fishermen, and conservationists succeeded in maintaining all of the project's hydropower generating capacity while removing 2 dams and opening nearly 1,000 miles of historic river habitat for endangered Atlantic salmon.

To be asked by President Obama and Secretary Salazar to oversee the conservation of this nation's wildlife, natural and cultural resources, and parks and refuges is the greatest honor of my long career. If confirmed, I will approach my responsibilities with deep humility and a commitment to work closely with members of this committee, the fine staff of the National Park Service and Fish and Wildlife Service, and with the many stakeholders who are affected by the services' programs.

I will seek balanced approaches that take the needs of all stakeholders into account. I believe that the best way to achieve lasting conservation solutions is through a collaborative process. I look forward to promoting the many vehicles for partnership that have been developed to implement our nation's conservation laws.

I will reach out proactively, especially to those whose livelihoods are at stake, and listen carefully to their concerns and ideas. I will aim for clear policy guidance based on the best science. I will commit to fully transparent decisionmaking.

Most fundamentally, I believe that conservation is a widely held American value grounded in 2 quintessentially American principles: being a good steward and being a good neighbor. The Nebraska farmers I knew growing up worked hard to protect their soil and water year after year. When a neighbor needed help, everyone pitched in.

In closing, I would be greatly honored to serve as the Assistant Secretary for Fish and Wildlife and Parks. I believe wholeheartedly in the missions of the National Park Service and the Fish and Wildlife service. If confirmed, I will do my best to provide the leadership, secure the resources, engage the stakeholders, and together with the dedicated men and women of these two services make measurable progress against the great conservation challenges of our time.

Thank you.

[The prepared statement of Ms. Wodder follows:]

PREPARED STATEMENT OF REBECCA WODDER, NOMINEE FOR ASSISTANT SECRETARY
FOR FISH AND WILDLIFE AND PARKS

Thank you, Chairman Bingaman, Senator Murkowski and Members of the Committee. I am deeply honored to be here with you today as President Obama's nominee for Assistant Secretary for Fish and Wildlife and Parks.

I am joined here today by my husband, James Van Erden, and one of our two daughters, Jayme. Our younger daughter, Jennifer, cannot be here because she is

teaching English in a remote village in Panama, as a Peace Corps volunteer. I am deeply grateful for their love and support.

BACKGROUND

I would like to begin with a short, personal introduction that helps to explain my background and why I am here today. I'm from a Midwest farming family, born and raised in Nebraska. My parents grew up during the Depression and my mother's family lost their farm. They fought plagues of grasshoppers and the Dust Bowl, planting windbreaks and hauling water to keep the trees alive.

Hardships had eased a bit by the time I was born in the early 50's, but I learned the value of hard work early on and never took any good fortune for granted. I spent the weekends and summers of my youth on my grandparents' farms, helping with chores and developing my love of barnyards, farm animals and endless fields of corn. Those windbreaks planted during the Dust Bowl were some of my favorite places to hide in the hot Nebraska summers.

My father enlisted in the Army at the start of World War II. When he came back from the war, he finished his education on the GI Bill and became a teacher. He taught at every level from a one-room schoolhouse on the prairie to the University of Nebraska. My mother also taught school. Public service and education were very important values in my family, and I have spent most of my career working for public interest conservation organizations.

My lifelong commitment to conservation was awakened by an experience in the spring of 1970. As a senior in high school, my chemistry teacher tapped me to organize activities for something new called Earth Day. Inspired and eager to play a role in cleaning up polluted rivers, I went on to get two undergraduate degrees from the University of Kansas, in Biology and Environmental Studies; and two Master of Science degrees from the University of Wisconsin-Madison, in Landscape Architecture and Water Resources Management.

While studying at Wisconsin, I designed and led the first visitor study of the Lower St. Croix Scenic River. I spent an entire summer exploring the river, talking to power boaters and paddlers, anglers and campers about their recreational experiences and how to minimize conflicts with other users. A lasting memory from that time is discovering a cache of sepia-toned, turn-of-the-century photographs of the St. Croix. On both sides of the river, as far as the eye could see, the land was completely cutover, a moonscape, and the river itself was choked with logs. It was that kind of devastation that inspired 19th century conservationists. What hit me, though, was the resilience of nature and how far the river corridor had come in restoring itself, thanks to those who had the foresight to protect it.

The next turning point came while working as a research assistant to a University of Wisconsin professor who was writing a book on the Wild and Scenic Rivers Act. I was sent to Washington, D.C. to interview Senator Gaylord Nelson for the book, and was offered a job as his Legislative Aide on Environment and Energy. This was a great place to start a conservation career in national public policy. My years as a staffer to Senator Nelson taught me many things, among them, that conservation is not a partisan issue, that conservationists should reach out and engage all Americans, and that we must commit to this effort for the long haul. He liked to point out that "economy" and "ecology" have the same Greek root, *ecos*, which means "house" and that taking care of the planet is essential to both a strong economy and healthy ecosystems.

After the 1980 elections, I went to work for The Wilderness Society. I directed the Alaska program for three years and spent time in many parts of the state, including a memorable three week canoe trip on the Kobuk River which runs along the south flank of the Brooks Range. My time in Alaska imprinted me with a love of wilderness and wildlife, and gave me a much fuller appreciation for the majesty of America's natural resources.

When I was recruited to be President and CEO of American Rivers, in 1995, I saw an opportunity to connect people to nature. Every community in America can trace its' story to a river. We explored, settled and built America by river. Rivers are relevant to things every American cares about—clean drinking water, health and safety, prosperity, and a high quality of life. Most important, rivers are resilient and with a little help, like the St. Croix, they can recover and be valuable assets, the centerpiece of a vibrant community. Senegalese poet and naturalist, Baba Dioum, says, "In the end, we will protect only what we love." It seemed to me that rivers are a perfect medium for Americans to discover their love of the great outdoors.

COLLABORATIVE AND CONSTRUCTIVE PROBLEM-SOLVING

To be asked by President Obama and Secretary Salazar to oversee the conservation of this Nation's wildlife, natural and cultural resources, and parks and refuges is the greatest honor of my long career. If confirmed by the Senate to the position of Assistant Secretary for Fish and Wildlife and Parks, I will approach my responsibilities with deep humility and a commitment to work collaboratively with you, the fine staff of the National Park Service and the Fish and Wildlife Service, and with the many stakeholders who are affected by the Services' programs.

The conservation challenges of the 21st century loom large, alongside many other key issues affecting the wellbeing of Americans. I believe solutions to our conservation challenges can also contribute to a sound economy and a healthy, safe and thriving future for our Nation. I have seen this in action in many places across America. In Harmony Junction, Pennsylvania, the removal of an old dam to restore fish and wildlife habitat also solved serious flooding problems and created a recreational resource that supports the community's economy and quality of life.

In presenting my qualifications to you, I would like to highlight five key attributes that I bring to this assignment:

First, I am an experienced chief executive officer, having successfully led American Rivers for 16 years of substantial growth and accomplishment.

Second, I have 20 years of training and experience in developing and implementing strategic plans. When obstacles are many and resources few, having a good strategy is an absolute necessity.

Third, I am a good listener and am open and interested in different points of view.

Fourth, I am a collaborative, constructive and patient problem-solver.

I have led many effective public outreach and involvement efforts, including serving for several years as Conservation Chair for the National Council of the Lewis & Clark Bicentennial and partnering with federal, state, local, and tribal governments, as well as grassroots organizations and corporations to engage the public in this coast-to-coast commemoration.

Among many river restoration projects that were undertaken during my tenure, one that reflects these characteristics is a creative approach to improving conditions on the Penobscot River in Maine. A collaborative effort between a power company, tribal, state and federal governments, angler organizations and conservation groups succeeded in maintaining all of the hydropower generating capacity in the project area, while removing two dams to open nearly 1,000 miles of historic river habitat for endangered Atlantic salmon.

The experience I would bring to this position includes three decades working with federal policies and programs related to natural resource management, fish and wildlife protection, and land and water conservation. As President of the nation's pre-eminent river conservation organization, I have had the privilege of working with hundreds of grassroots groups, local, state, federal and tribal governments, and many different sectors of business and industry, to develop solutions to complex problems with multiple stakeholders. During my tenure, American Rivers played a significant role in adding more than 100 rivers to National Wild and Scenic River System; restoring thousands of miles of rivers; demonstrating natural or nature-mimicking infrastructure solutions to water quality and supply problems in dozens of cities across America; and working with partners to find consensus solutions to conflicts between fish, water, and energy needs in the Pacific Northwest.

Having spent 30 years in the public interest sector, I share with each of you a deep commitment to public service and, if confirmed, I will approach my responsibilities with humility and dedication. I will aim for balanced solutions that take the needs of all stakeholders into account. I believe that the best way to achieve lasting conservation solutions is through a collaborative process and I look forward to promoting the many vehicles for partnership that have been developed to implement the Endangered Species Act and other key laws and Congressional mandates. I will reach out proactively, especially to those whose livelihoods are at stake, and listen carefully to their concerns and ideas. I will ask my colleagues for robust analyses of all alternatives and aim for clear policy guidance based on the best science. And, I will commit to fully transparent decision-making.

Most fundamentally, I believe that conservation is a widely-held American value, grounded in two quintessentially American principles—being a good steward and being a good neighbor. The Nebraska farmers I knew growing up worked hard to protect their soil and water year after year, so that their sons and daughters could make a good living. And, when a neighbor needed help, everyone pitched in.

These principles are part of President Obama's 21st century conservation initiative, America's Great Outdoors. Built on a strong bi-partisan foundation that goes back 100 years to the conservation legacy of President Theodore Roosevelt, the fact

that more than 10,000 Americans took time to participate in more than 50 listening sessions across the nation last summer suggests a strong base of interest to build on today. Many compelling goals were raised and discussed at these public events and they provide a unique opportunity for conservation progress that deeply interests me, should I be confirmed.

For example, the idea of empowering communities to connect with America's great outdoors through their rivers and other waterways is a goal that is near and dear to my heart. I have seen this work first hand in places like Columbia, South Carolina, where the Congaree River Blueway connects an urban community to Congaree National Park and underserved youth to the outdoors.

I am also eager to learn about and contribute to the idea of catalyzing large-scale land conservation partnership projects through economic incentives and technical assistance. Large landscapes offer opportunity to improve both the productivity and environmental performance of industries that provide food, energy, and material goods and the natural systems that provide clean air and water, productive soils, flood protection and natural beauty that sustains our spirit.

CONCLUSION

In closing, I would be greatly honored to serve as the Assistant Secretary for Fish and Wildlife and Parks. I feel a strong connection to the American landscape and a deep responsibility to future generations of Americans. I believe wholeheartedly in the missions of the National Park Service and the Fish and Wildlife Service. Should I be confirmed by the Senate, I will do my best to provide the leadership, secure the resources, engage the stakeholders, and together with the dedicated men and women of these two Services, make measurable progress against the great conservation challenges of our time.

The CHAIRMAN. Thank you very much.
Mr. McConnell, why don't you go right ahead.

STATEMENT OF CHARLES D. MCCONNELL, NOMINEE FOR ASSISTANT SECRETARY FOR FOSSIL ENERGY, DEPARTMENT OF ENERGY

Mr. MCCONNELL. Thank you, Chairman Bingaman, Ranking Member Murkowski, distinguished members of the committee. It's a great honor and privilege for me to appear before you today as President Obama's nominee for Assistant Secretary for Fossil Energy.

I'd also like to thank Secretary Chu and President Obama for their support and confidence in recommending and nominating me. I'd like to thank the committee as well for considering this nomination.

I'm currently the Chief Operating Officer at the Office of Fossil Energy where I manage the daily operations of the office's programs and leadership, including the strategic planning, program direction, and evaluation work. I also oversee Fossil's administrative and budgetary operations.

I was born and raised in a small Ohio River steel town in Steubenville, Ohio. My mother was a school teacher, and my father worked in a steel mill for 37 years. I've always had a curiosity and appreciation for industry and spent 2 summers working in a steel mill and a power plant while pursuing a degree in chemical engineering at Carnegie Mellon University. I later earned an MBA at Cleveland State University.

My entire career has been focused on a broad range of industries and energy development. My first job after college was a plant engineer and later as a plant manager for Union Carbide at facilities in Ohio, Pittsburgh, and on the East Coast. Eventually, I was detailed to a joint venture between Union Carbide and, at the time,

Texaco which focused on gasification and hydrocarbon conversion technologies.

Union Carbide later became Praxair, and I spent nearly 32 years with Praxair. I was fortunate to have held various positions in the United States as well as Asia, including a –year stint in Singapore as Managing Director for Asia Markets. I ended my career at Praxair in Houston, Texas, as Global Vice President. In that position, I provided leadership on research and development initiatives in oxy-coal technologies, hydrogen, refining and chemicals, enhanced oil recovery, as well as carbon management science for carbon dioxide capture and sequestration.

After retiring from Praxair in 2009, I served for 2 years as the Vice President of Carbon Management at Battelle Energy Technology in Columbus, Ohio. I there was responsible for business and technology management, including the leadership of the Midwest Region Carbon Sequestration Partnership.

During my career in the private sector, I've held a number of advisory positions as well, including chairmanships of the Gasification Technologies Council, the Clean Coal Technology Foundation of Texas. I also served on the FutureGen Advisory Board for the State of Texas, the Gulf Coast Carbon Center, T&P Syngas Company, the Pittsburgh Coal Conference, and the Coal Utilization Research Council.

I believe my technical and business background and knowledge of energy markets, as well as management and leadership skills, have positioned me with an experience and expertise necessary to lead the Office of Fossil Energy. Frankly, I consider it the opportunity of a lifetime. If I'm confirmed, I look forward to applying my full energy and commitment to addressing one of our nation's most critical challenges: to ensure the competitive, sustainable, and environmentally responsible use of our nation's vast fossil energy resources.

Mr. Chairman, members of the committee, I want to thank you again for considering my nomination. I pledge that if I'm confirmed as the Assistant Secretary for Fossil, I'll work closely with you and other Members of Congress to pursue that common goal of securing America's energy future.

Thank you. I look forward to any questions you may have.
[The prepared statement of Mr. McConnell follows:]

PREPARED STATEMENT OF CHARLES D. MCCONNELL, NOMINEE FOR ASSISTANT
SECRETARY FOR FOSSIL ENERGY, DEPARTMENT OF ENERGY

Chairman Bingaman, Ranking Member Murkowski, and distinguished members of the committee, it is a great honor and a privilege to appear before you today as President Obama's nominee for Assistant Secretary for Fossil Energy.

I thank Secretary Chu and President Obama for their support and confidence in recommending and nominating me. I also thank the Committee for considering my nomination.

I am currently the Chief Operating Officer in the Office of Fossil Energy, where I manage the daily operations of the Office's programs and leadership, including strategic planning, program direction, and evaluation. I also oversee Fossil Energy's administrative and budgetary operations.

I was born and raised in the small steel town of Steubenville, Ohio. My mother was a school teacher and my father worked in a steel mill for 37 years. I have always had a curiosity and appreciation for industry and spent two summers working in a steel mill and a power plant while pursuing a degree in Chemical Engineering

at Carnegie Mellon University. I later earned an MBA at Cleveland State University.

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Union Carbide later became Praxair, and I spent nearly 32 years there. I was fortunate to have held various positions in the U.S. and Asia, including a three-year stint in Singapore as Managing Director for Asian Markets. I ended my career at Praxair in Houston, Texas, as Global Vice President. In that position, I provided leadership on research and development initiatives in oxy-coal technologies, hydrogen, refining and chemicals, enhanced oil recovery, as well as, carbon management science for carbon dioxide capture and sequestration.

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During my career in the private sector, I held a number of advisory positions, including chairmanships of the Gasification Technologies Council and the Clean Coal Technology Foundation of Texas. I also served on the FutureGen Advisory Board; the Gulf Coast Carbon Center; T&P Syngas Company; Pittsburgh Coal Conference; and the Coal Utilization Research Council.

I believe my technical and business background and knowledge of energy markets, as well as my management and leadership skills, have provided me with the experience and expertise necessary to lead the Office of Fossil Energy. And, if I am confirmed, I look forward to applying my full energy and commitment to addressing one of our Nation's most critical challenges: to ensure the competitive, sustainable and environmentally responsible use of our Nation's vast fossil energy resources.

Mr. Chairman, and members of the committee, I thank you again for considering my nomination and I pledge that, if confirmed as Assistant Secretary for Fossil Energy, I will work closely with you and others in the Congress as we pursue the common goal of securing America's energy future. Thank you, and I look forward to answering any questions you may have.

The CHAIRMAN. Thank both of you for your excellent statements. Let me start with a few questions. We'll just do 5-minute rounds of questions here.

Mr. McConnell, let me ask you first about FutureGen. You have had quite a history with that. How would you approach the management of the revised FutureGen project that Fossil Energy is undertaking? I guess the more precise question is: Will you maintain its current strategic plan, or do you suggest maybe some alternative project design? What are your thoughts on that?

Mr. McCONNELL. Mr. Chairman, I'm sure you're aware that the FutureGen configuration has been revised prior to the current facilities and the way it's designed. In terms of where it is today, it represents one of the 3 key technologies in the portfolio of Fossil Energy. In terms of the way the management is structured and in terms of the way the business arrangements are structured, currently, the people that are involved with the FutureGen operations include the FutureGen Advisory Team as well as the investors at the coal-fired power plant, both moving the project forward, challenging financial situations as they do move it forward. But, nonetheless, as we continue to milestone the performance as the project moves forward, we continue to be encouraged that it will be a success.

The CHAIRMAN. Let me ask about carbon sequestration. This is an issue you've also had extensive involvement in. Recently, large electric providers, in particular, AEP, have announced their reluctance to pursue any further carbon capture and sequestration projects despite large government financing for these projects in

the absence of some type of price on carbon or some other carbon mitigation legislation.

I guess we've had some hearings here on the role of natural gas in the future in this country. Those hearings have also raised questions about the viability of CCS as a solution to the problems that many utilities are faced with.

How do you see the impact of these changes on the regional CCS partnership program and the Clean Coal Power Initiative that you folks are pursuing there in the Fossil Energy Office?

Mr. MCCONNELL. I think you've rightly pointed out that in the absence of a carbon signal in the marketplace, in terms of a carbon tax, cap and trade, or whatever mechanism might be concerned, the economic viability of projects going forward becomes more and more uncertain in the utility industries when you are looking at simply capturing and storing carbon dioxide in a sequestration. However, I think it's encouraging—in the Fossil portfolio today, we have nine other projects that are very actively advancing the CCS roadmap as it was originally designed to develop carbon capture technologies, the geological understanding and science associated with sequestration.

But those nine other projects also contain, I think, one of the most game-changing, perhaps, aspects of the whole program. What we're now beginning to talk very regularly and routinely about is carbon capture utilization and storage. The utilization is speaking in terms of taking that carbon dioxide and in the process of enhanced oil recovery being able to put it into geological formations to do 2 things: one, to be able to recover vast quantities of unrecoverable oil without the use of CO₂; and in the process of recovering and enhancing that oil and getting the returns associated with it, it's also then permanently stored and sequestered—so really the balance, long-term, between environmental responsibility in getting sequestration and at the same time providing an economic incentive and an economic driver to move these projects forward so that they'll be continuing to provide value to the marketplace, to manufacturers, and to the industry.

The CHAIRMAN. Thank you very much.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Let me continue with you, Mr. McConnell—a lot of discussion lately about the SPR, strategic petroleum reserve. If you are confirmed, you're going to have primary responsibility over the SPR. I wonder if you could just describe very briefly your view, your philosophy toward the SPR and, specifically, whether or not it is appropriate to use the SPR to manage high gasoline prices, as we saw just several weeks ago, or whether it should only be called upon in terms of actual supply disruption.

As you speak to that, I'd also ask you to address the—I don't know how much substance there is to it, but there is speculation—there are rumors that there may be a second round of SPR that may come about. I've been a little bit concerned that we have criteria that is somewhat vague. When we have a release as we had several weeks back, it gives rise to a lot of political discussion that I'm not convinced is appropriate when we're talking about our strategic petroleum reserve.

So I'd like you to address just kind of where you're coming from with the SPR, generally.

Mr. MCCONNELL. Thank you, Senator. Let me address the first part of your question first.

Senator MURKOWSKI. OK.

Mr. MCCONNELL. In terms of Fossil Energy's responsibilities, we have an ongoing and routine responsibility for the sustainable, safe, and efficient operations of the facilities, in terms of manning the facilities, conducting the daily operations, and making sure that everything at the SPR is functional and, if you will, in a ready-to-go operational State 24/7.

Also, as part of our responsibilities, we conducted the sale and the auction of the oil as we were instructed and drove it forward. In terms of preparing for it and in terms of the actual operations of it, that's really more of an operational discussion I just provided to you. But as the discussions were being considered amongst a number of offices within the Department of Energy, a lot of considerations went into it in terms of when the release should occur and how large it would be.

A big part of it was the fact that it was an International Energy Agency action of which the United States was a part of. Of course, as you know, we had 30 million barrels that went up for sale. What was encouraging to us was that the 30 million barrels were actually oversubscribed in the sale by as much as 100 percent, and we had almost 60 million barrels of offers that came in.

I think it really largely speaks directly to the fact that there was a supply interruption from the Libyan situation that occurred. As a matter of fact, today, there's over 180 million barrels of supply that had gone out of the system, and IEA's determination was that it really was a liquidity event in terms of oil in the marketplace and availability. So the action was recommended by IEA to make up that supply gap.

I think from our perspective, we saw the market response to that supply gap very strong at the time it was taken. In fact, in terms of pricing targets, we really received almost a 96 percent price target in terms of the oil in the reserve. So it was not a bargain basement sale, if you will.

Senator MURKOWSKI. Does it make a difference if the—because you keep referring to the fact that this was done in concert with the IEA. Does it make a difference if it's a unilateral action, as I understand this second contemplated SPR would be?

Mr. MCCONNELL. I can't speak to a second contemplated release, but I—

Senator MURKOWSKI. Speak to the unilateral action.

Mr. MCCONNELL. But I can speak to the fact that it was very important that it was an international response. That was a conversation that went on for quite some time, in terms of the United States' consistent approach to an action that was internationally driven.

I'm not aware of any unilateral U.S. next step. As a matter of fact, one of the issues that's currently on the table is that the supplies continue to be tight, and there has been no recommendation by the IEA to actually buy back the oil and refill at this point in time.

Senator MURKOWSKI. It's my understanding that the IEA numbers that were out on Wednesday showed that our U.S. oil inventories rose 2.3 million barrels last week, which is above where they should be for this time of year, possibly a signal that the demand is tapering off, which, in my view, would make it even less compelling that there's a supply shortage that is out there.

I've got some other questions that I will ask you, Mr. McConnell, but—and Ms. Wodder, but my time—

The CHAIRMAN. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

My thanks to you both. I very much enjoyed our visits.

Let me start with you, Mr. McConnell. As we talked about in the office, the development of oil and natural gas from shale has the potential to be a real game changer in the U.S. energy market, and there is, of course, tremendous, you know, interest. As I discussed, you know, with you, one of the areas I'm looking at, particularly in terms of policy for the future, is trying to make sure that we don't have the gridlock that you so often see when a promising energy source is discussed, where people talk about production, then various concerns come up with respect to the environment, and everything sort of gets into a brawl that can hold everything up.

When Secretary Salazar was here a couple of months ago, I proposed to him that morning to use the Interior Department's oil and gas leasing program, the one on public lands, as an effort to develop model practices, procedures, and regulations that could be used on private lands to give us a chance to get out in front of some of these controversies—it's already going to be a challenge because we're seeing plenty of them already—and make sure we can strike a balance so that we can get the additional oil and gas. We can also be sensitive to environmental and science concerns. Secretary Salazar said he was interested in it.

My question to you is: Would you be willing to be a point person between your office and Interior to speed this up and ensure that both agencies are working together and that, particularly, we look at using the public lands to try to make sure that we strike this responsible balance? Would you be willing to do that?

Mr. MCCONNELL. Senator, as we did discuss, President Obama looked to Secretary Chu and the Department of Energy to lead the blue ribbon panel for the recent development work in natural gas in terms of safety, sustainable hydrocarbon recovery technologies. That blue ribbon panel and advisory board is going to be reporting out very shortly here in the next week or so. I think the final report is scheduled for the 17th of August. There'll be a series of recommendations that will go a long way toward speaking to shale gas, fracking technologies, issues around the natural gas area.

From my perspective, as I told you, I'd be delighted to be in a position to ensure that that coordination and that point activity to make something happen happened, because we're absolutely committed to exactly what you just said, making it happen and having a focal point to do that.

Senator WYDEN. I appreciate it. As I indicated, what I like about this concept—this is a chance to do it in the real world. In other words, I've been putting myself to sleep nights trying to go through the various reports and the like. But the fact that the government,

on public lands, could actually come up with a real world experience so that we could achieve the twin goals of extra production and best practices in the environmental area would really make sense to me. So I'm glad you're willing to take on that kind of effort.

Now, with respect to you, Ms. Wodder, I've received several letters and comments expressing concern over positions you've taken as President and CEO of American Rivers and that those views, specifically in support of removing the Lower Snake River dams, would make you unable to support the administration's biological opinion for Columbia River salmon. Now, my understanding is that you plan to address these concerns head-on by recusing yourself from matters involving the Columbia-Snake River dams.

Could you this morning confirm that that's the case and give us a little bit of an explanation on how you would be handling it?

Ms. WODDER. Yes, Senator Wyden. If confirmed, I will abide by the terms of my ethics agreement, including the applicable ethics rules and the administration's ethics pledge, and I will regularly seek the assistance and guidance of the department's ethics office. I have consulted with the department's ethics office and understand that, as provided by the terms of my ethics agreement and the administration's ethics pledge, I will not participate for 2 years in any particular matters involving specific parties in which American Rivers is a party or represents a party.

In addition, if confirmed, I will voluntarily recuse myself from participating in any Interior Department decisions regarding the Columbia-Snake River system for the full time that I am Assistant Secretary for Fish and Wildlife and Parks.

Senator WYDEN. Mr. Chairman, my time is up. I would just like to submit to Ms. Wodder for the record a couple of questions with respect to the park side of your mission. As you know from our visit, I care very much about the Oregon Caves Monument and expanding the boundary. We want you to work constructively on that with the Forest Service. As we talked about, I was able to get in the FAA legislation an amendment that would allow the Park Service to reject an application to have these fly over tours over our Special Gem, Crater Lake. The Park Service under the amendment could reject an application without first having to complete an air tour management plan.

I'm very interested in your using that authority, if you're confirmed. I'll pose that in writing. I was encouraged by the comments you gave in the office.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Murkowski, if you had additional questions, go right ahead.

Senator MURKOWSKI. Yes. Thank you, Mr. Chairman.

Ms. Wodder, I want to follow up with a comment that you just made in response to Senator Wyden about recusing yourself from the matter as it related to the Lower Snake River. As I heard, you said that you would recuse yourself from any matter that American Rivers had been involved in in litigation during your tenure at that time. Is that correct?

Ms. WODDER. As I understand the terms of the ethics agreement—and I have consulted with the department’s ethics office—I will not participate for 2 years in any particular matters involving specific parties in which American Rivers is a party or represents a party. As I mentioned to Senator Wyden, I would voluntarily recuse myself from participating in Interior’s decisions regarding the Columbia-Snake River system for the full time that I am Assistant Secretary for Fish and Wildlife—

Senator MURKOWSKI. Then let me ask this question, because it’s my understanding that American Rivers is an intervener in—I want to make sure that I get this right—but an intervener in every FERC application that is pending regarding a hydro—current hydro projects that are under consideration. Would that mean that you would recuse yourself from any oversight or any involvement with any of these hydro projects that are pending before the FERC?

Ms. WODDER. Senator Murkowski, I’m not an attorney, and so I will do my best to answer your question as fully as I can. I am not aware that American Rivers is an intervener in every FERC proceeding. American—

Senator MURKOWSKI. I’m told it’s nearly every—and I don’t know what “nearly” is. So I apologize for that vagueness. But it sounds like a lot.

Ms. WODDER. To my knowledge, I don’t know the numbers. So we’ll go with your understanding for the time being. Again, my understanding is that the pledge that I take as a non-attorney is that I would be not participating or recused from participating in any particular matters involving specific parties in which American Rivers is a party or represents a party for that 2-year period.

Senator MURKOWSKI. I am told—and this is from a letter that we received from nearly 40 members of the House that had expressed some concern about your nomination. According to that letter, American Rivers has either sued or been a party to 150 lawsuits against various parties, mostly the Federal Government, between 1988 and the year 2011. I understand that there’s some discrepancy in that number. But it would appear to me that if you stick to the commitment which you have just repeated several times—and I appreciate that—but that it would preclude you from involvement with a considerable number of activities that would be before you ordinarily in your capacity as—were this nomination to move forward.

I want to press a little bit more about the issue of hydroelectric and your specific positions on this. As I’ve indicated, this is particularly important to my State, where 24 percent of our electricity is generated from hydro.

Is it a blanket opposition to all hydro projects that you have? Do you oppose all new dams regardless of size or location? Do you oppose them even if the EIS will indicate that there’s no impact to the fisheries? Give me your perspective on hydroelectric power generation.

Ms. WODDER. I’d be glad to, Senator Murkowski. I believe hydro-power generation can be a very important part of the overall mix of meeting this country’s energy needs. In fact, my former organization, American Rivers, worked collaboratively with the National Hydropower Association on legislation that came before this com-

mittee to improve and increase the amount of hydropower generating capacity through various means, improving the turbines and the operating nature of the dams that already provide hydropower and adding turbines to dams that don't currently have that generating capacity, to the point that the amount of hydropower generating capacity in this country could be doubled.

So I believe that hydropower can be a very important and green source of energy when it's properly sited, operated, and mitigated. I believe that's a direction which the country can and should head.

Senator MURKOWSKI. So you would agree with Secretary Chu that we have the potential to generate between 20,000 and 60,000 megawatts of new electricity when we're talking about hydropower and our ability to electrify existing dams. You don't have concern with that. I'm going to press more in the next round here to understand exactly where your opposition to hydropower is, because it's been made clear previously that you've got some concerns with this, and I'm trying to ferret that out.

The CHAIRMAN. Senator Lee.

Senator LEE. Thank you both for joining us today. I'm sorry I couldn't be here for the first part of the hearing. I was detained in another committee where we had a roll call vote—ran up here as soon as that was over. But thank you for being here, and I apologize in advance if any of my questions cover ground that is duplicative of anything that might have been covered already.

I have a few questions for you, Ms. Wodder. It concerns me a little bit that you claim to be a strong supporter of a new economic model based on no economic growth and a huge fan of an organization that believes that economic growth in the United States is doing more harm than it is good. During the last 3 years, we've seen what an economy based on little or no economic growth looks like, and it's not pretty.

Are you still a strong supporter of a new economic model that's based on no economic growth?

Ms. WODDER. Senator Lee, I believe that we owe a duty to future generations to provide a sustainable approach to economic growth in this country. As I said in my opening statement, I think that being good stewards is part of what defines Americans and really makes all of us as Americans conservationists. So I believe that there are smart ways to proceed with providing the economic growth that this country needs in concert with good environmental protection.

Senator LEE. Sure, sure. But there is a difference, is there not, between no economic growth and sustainable policies and practices?

Ms. WODDER. I believe that sustainable approaches to economic growth—I'm not saying anything in a negative way about economic growth. I'm just suggesting that we can approach it in a good, sustainable manner that will provide for the needs of current generations and not diminish the needs of future generations.

Senator LEE. But you have described yourself as a huge fan of an organization that calls for no economic growth. Is that right? Is that still the case?

Ms. WODDER. Senator, I believe you're referring to an interview that I gave a number of years ago in a—when I complimented an-

other organization. I have some familiarity with that organization, but I can really speak to my own record and the organization that I have worked for. I'm not really prepared to support that particular organization or—one way or the other.

Senator LEE. OK. So you've changed since the interview you gave years ago?

Ms. WODDER. I believe my views have been consistent throughout my career that I—as I stated, I believe that we need to proceed with our economy in a way that supports the current needs of the population and in a way that doesn't harm the resources for future generations.

Senator LEE. OK. In an interview—it may have been the same interview with E Magazine a few years ago—you were asked whether you were a vegetarian. You replied, "I'm not a total vegetarian, but I make a point of eating low on the food chain as often as possible." In a 2007 interview, you stated, "I eat almost no beef or pork because of the amount of resources consumed in producing food via cattle or pigs because I object to factory farms."

But, Ms. Wodder, what concerns me a little bit is that what you call factory farms, we in Utah call family farms. In Utah, these farms contribute more than \$2 billion a year to our economy. We're a small State. We're a relatively poor State, and we need those family farms. Many of those farms and ranches are affected by BLM grazing policy. In fact, they're at the complete mercy of BLM grazing policy, and all of them could be affected by an endangered or threatened species habitat being declared anywhere close by.

So while your purview wouldn't cover the BLM, generally, you would have a powerful voice impacting decisions of BLM if Endangered Species Act consultation is required. The ESA can place severe restrictions on Americans' control—their ability to control their own private property.

In Iron County, for example, a corner of Utah's southwestern part of the State, Utah farmers and ranchers are restricted to what they can do on their land, because it's considered critical habitat to the questionably listed Utah prairie dog. So when a controversy like the Utah prairie dog comes before you, how are we to believe that these factory farms, as you describe them, or family farms, as we call them in Utah, will get a fair shake in the analysis under the Endangered Species Act?

Ms. WODDER. Senator, I appreciate your question. I, myself, am from a farming background in Nebraska. My husband is from Utah. I appreciate the resources that you're talking about and the importance of our farming community across this country. I would commit to you that I understand the job of the Assistant Secretary, should I be confirmed, is to impartially and fairly administer the laws and directives of Congress. I commit to you that I would approach that in an open-minded way and come up with a fair and transparent approach to decisionmaking.

Senator LEE. You wouldn't be biased based on your previous stated objections to factory farms or based on your previous stated objection to economic growth?

Ms. WODDER. As I mentioned, Senator, I'm from a farming background myself, and I believe in the value of the farming community in this country. I think farmers are some of the best conservation-

ists I know, and that's where my conservation background stems from.

Senator LEE. Thank you. I see my time has expired.

The CHAIRMAN. Senator Barrasso, I believe, is next.

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

Mr. McConnell, thanks so much for coming to the office and spending some time visiting yesterday. I enjoyed our discussion.

I want to follow up a little bit on the strategic petroleum reserve that was tapped. We mentioned that there were 30 million barrels released recently that was—there were other—2 instances where, to me, were clear emergencies—Operation Desert Storm and Hurricane Katrina. The recent release was equal to the total amount of the other 2 combined. It was 30 million last time. It was combined—of 31 million barrels.

The law says that we should release for a severe energy supply interruption, severe energy supply interruption. The president blamed the situation on Libya. So if I could ask for a little bit of a conversation—because I know you were involved, not in the final decision, but in somewhat of the implementation—that if the department really did recommend to the president that the United States faced a, quote, “severe energy supply interruption” and how that was thought through.

Mr. MCCONNELL. As we discussed, Senator, it was very important as we analyzed the entire aspect of what was going on that the international response to this was coordinated. It was something that international countries supported and called upon for us to support. Really, the conversations we were having internally, especially in Fossil Energy, were focused primarily around making certain that we had the readiness of the operation, the inventories in a good position, being able to conduct the supply logistics, et cetera. But it was and always was part of the conversation that it be an internationally deemed action, not something that was unilateral from the United States.

Senator BARRASSO. I appreciated the frankness of the discussion yesterday and want to thank you for your willingness to serve and congratulate you on this nomination.

Mr. MCCONNELL. Thank you, sir.

Senator BARRASSO. Ms. Wodder, we had a chance to visit last week when you testified at the Environment and Public Works Committee. I just wanted to follow up a couple of concerns I have, because I remain concerned about your statements opposing—what I view as opposing American energy exploration. You've opposed oil and gas exploration. You've opposed coal mining. You've opposed hydropower.

Based on your record, to me, there is no evidence that you could provide a reasonable perspective in this very important position, just based on your record up until now. On oil and natural gas exploration, you said, quote, “Fracking has a nasty track record of creating a toxic chemical soup that pollutes ground water and streams, threatening public health and wildlife.” You've also said, quote, “Unless we stop the threat of rampant shale fracking, the drinking water for 17 million people across the Northeast will be threatened by toxic pollution.”

Hydraulic fracturing has been around for about 60 years. About a million wells have been fracked. To me, it's going to play a critical and crucial role in American oil and gas exploration. Even Lisa Jackson said that there was no proven cases of water contamination from hydraulic fracturing.

So on coal mining, you said, quote, "Mountaintop removal mining causes irreparable damage to the environment and communities." You know, coal mining, oil and gas production—these are thousands of good-paying jobs in Wyoming. So I just wanted to give you a chance to kind of explain your positions and to—you know, those are positions that you took just because you were working for American Rivers and, you know, how you sit on these things like hydraulic fracturing, coal mining, because I think it's important for all of us to know exactly where you are and when you were a hired spokesman for an organization versus this new role that you've been nominated for.

Ms. WODDER. Thank you, Senator Barrasso. As you point out, the job that I had as President and CEO of American Rivers was to be an advocate for the mission of that organization on behalf of the board and the members of the organization, the mission being healthy rivers and clean waters to support the communities, both human and natural, that depend on them.

This position, should I be confirmed, is a very different one. The job is to implement the policies and positions of the administration as part of a team and also to impartially administer the laws and directives of Congress. I most certainly appreciate the difference and would be dedicated to fulfilling that responsibility.

In responding to the particulars of your question, I've already mentioned that I believe that hydropower can be a very important part of the energy mix of this country, and I feel the same way with respect to natural gas. I think, as the president has said, the important thing is to proceed carefully so that at the time that we're developing energy resources we don't, in an unintended way, harm other critical resources like clean water.

I think this country has been able to find a balance between energy production and environmental protection. In fact, I think the best examples are when both of those goals are enhanced and achieved at the same time. I mentioned the project, for example, of the Penobscot that I worked on when I was president of American Rivers, in which power generating capacity of a river was maintained at the same time that 1,000 miles of habitat was opened up. So I believe there are creative approaches that can achieve both of the goals of enhanced energy and environmental protection.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman. My time has expired.

The CHAIRMAN. All right. We're going to try to go back and forth here and somewhat in the order that people arrived and allow all the members that haven't asked questions to do so.

Senator MANCHIN, you'd be next.

Senator MANCHIN. Thank you, Mr. Chairman. I'm sorry that we got here late, and I'd like to—hopefully, I don't be redundant on some of the questions that have been asked.

But, Mr. McConnell, I appreciate very much you coming and visiting with me, and we had a nice conversation. I think we talked about carbon capture sequestration, the things that should be done in order to use the resources that we have to be less dependent on foreign oil, which I think really threatens the security of our nation more than anything that we have facing us.

On that, and that alone—you know, some of the decisions have been made on carbon capture sequestration in my state—Mountain Plant. You might want to, if you want to, comment on that and how you think that there might be a way for us to move forward.

Mr. McCONNELL. Senator Manchin, I, too, enjoyed the discussion. I think it's—first of all, first and foremost, it's important to recognize the commitment that not only the Department of Energy made for the past number of years at the AEP site in West Virginia, but also the learnings and the development that have gone on over those past 10 years advancing the science in both carbon capture as well as the geological understanding, the geological advancements.

That project will actually continue, and we will have a first phase series of results that will be a big part of the overall program in CCPI and a lot of the work that has gone on for a number of years and really continue to advance the mission. As we discussed in previous conversations here today as well, we're also seeing at current state, in the absence of a carbon signal in the marketplace, in the absence of anything that would be on the short-term clear horizon, for the utility industry to simply take CO₂ and sequester it certainly provides environmental benefit. But it's clearly a challenge in terms of marketplace conditions to spend money and invest money.

I think one of the things that we take pride in in Fossil is the fact that our research programs are heavily industry supported as well—cost shares typically as much as 50 percent. But, in fact, in many of the projects in our portfolio, we have as much as 10-to-1 industry participation versus government money.

But, more specifically, how do we advance projects such as the AEP project? I made mention earlier today of the nine other projects we have in our portfolio where carbon dioxide can go to utilization opportunities for enhanced oil recovery, enhanced gas recovery, but not just for economic benefit, but for the benefit of the environment as well.

So in Fossil, what you'll get from us is a commitment to advance the environmental footprint through the CCS program for sure, but to also weigh in hard with this economic advantage that has to be produced as well to utilize that CO₂ long term. So we're very encouraged with that, because these projects aren't just simply for research and development, but also will be a big part of our industry going forward.

There's a lot of oil in your State as well, in western Pennsylvania and Ohio, in places where enhanced oil recovery today does not exist. Big markets—there are some studies that would indicate there's as much as 85 billion barrels of unrecovered oil in this country that with carbon dioxide could be brought up. That's a significant amount of economic advantage.

Senator MANCHIN. Thank you.

Ms. Wodder, do you believe that there's a balance between the economy and the environment to be found and use all the resources we have in this Nation?

Ms. WODDER. Senator Manchin, I appreciate the question. I certainly agree with you that we need to find a balance. I often—as I said a moment ago, I often find that we can, in fact, enhance both environmental protection and our economic interest in finding creative solutions by bringing various parties together and having good collaborative discussions.

Senator MANCHIN. I appreciate—in the job that you had before—your commitment and convictions, and I respect that. But I think it would be very hard for you to have an unbiased position on trying to use the resources that we have in this nation and be less secure. I have deep concerns about that, ma'am. If you have any way to explain how I could get a comfort with your being confirmed to the position you're seeking, I would like to hear it from you.

Ms. WODDER. Certainly, Senator Manchin. I would point to the record that the organization I led previously, American Rivers, has compiled over the years and the many, many examples where American Rivers sat down at a table with other stakeholders and found consensus-based, collaborative solutions that enabled agricultural interests to irrigate, that enabled hydropower dams to continue to generate power, and at the same time were able to protect the environmental resources or restore environmental resources.

It's been a practice that I have long believed in, that the best solutions are the ones that are arrived at in that kind of a collaborative approach. Those are the solutions that last. I would dedicate myself to that work should I be confirmed as the Assistant Secretary, a collaborative approach.

Senator MANCHIN. Thank you so much. My time has expired.

The CHAIRMAN. Senator Risch.

Senator RISCH. Mr. Chairman, thank you very much.

Ms. Wodder, thank you for coming by my office and meeting with me. We had, I think, a frank and open discussion, and I find you a very nice person and deeply, deeply committed, personally, to the kinds of things that you've devoted your career to. Therein lies the problem.

I have real difficulty with this, and I don't want to make this a secret. It troubles me deeply to have someone who's represented a special interest group to come and try to do what you're going to be asked to do in leading this agency. You know, every one of us is a product of our own philosophy. I've read what you've written before. Some of it's been quoted here today. I appreciate you coming in and trying to move to the center. But I'll tell you I have real difficulty with that.

That's part of the problem today with what's happened with the advice and consent process. We're asked for consent but never asked for advice on this. I think if we were asked for advice on this, we'd say, "Look, there's 330 million people in this country, and we ought to have someone much more neutral in a position such as you're being ask to do."

I wouldn't want to ask you to abandon what you seem to have as deep, deep convictions and principles that you've expressed in

your previous writings and previous interviews. I don't think anybody would ask any one of us to do that. When we go to the voters and ask them to—it would be like me going to the voters and saying, "Oh, send me to the U.S. Senate. I'm going to be moderate." I'm not moderate. I'm conservative. I've demonstrated that over my life. That's the deep feeling that I have. I know you have deep feelings about some of these environmental things.

I think taking out dams is a good example. I've read your writings about the commitment that you have, as far as removing dams on the Snake River. I very much disagree with you on that. But, nonetheless, I admire the commitment that you've had over your lifetime to the principles that you feel are important to you.

I think it would be very difficult for you to lead this organization. You're going to be asked to promote people, to give people raises, to deal with people in the agency, and there's no possible way you can set aside the deep convictions that you have to the principles that you have expressed. I wouldn't ask you to do that, and I don't think anybody should ask you to do that.

Last, I would say that you've indicated you're going to recuse yourself from the items that you've been involved with since your agency is suing the organization to get certain things. You've said that you're going to recuse yourself from that. I don't know how that's possible. I understand that you can say that. But when you're standing at the water cooler or you're talking about raises for people or promotions for people, I don't see how that could help but be influenced by your involvement in those kinds of things.

So I wouldn't be telling you the truth if I didn't tell you I have deep, deep reservations about you being able to do the job that you're being asked to do.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

Mr. McConnell, as you can imagine, your job is really important to Ohio. This is, I think, a key job for a lot of reasons, but one is because EPA has gone so far in terms of the regulatory side that it's threatening coal-fired plants all over the country. In Ohio, where we get 86 percent of our electricity from coal, it's particularly disturbing.

We've had 2 utilities recently announce that they're going to close down plants because of what's happening—a huge job loss, a huge tax base loss in those communities. Higher electricity costs are projected for everybody at a time when our economy is struggling. So we want to be sure that somebody at DOE who is on the fossil fuel side—and you've got a good background—is providing a counterbalance, frankly.

So if you could, I want to ask you to give me answers to a couple of these questions. I saw in your testimony—you said you're committed to addressing one of our nation's most critical challenges, ensuring the competitive, sustainable, and environmentally responsible use of our fossil fuel resources. Again, 50 percent of electricity comes from burning coal nationally and in Ohio about 86 percent.

Let me just give you a list of some of these rules that are coming out that have a direct effect on what you talk about as our fossil fuel energy sources, given that dependence on coal: The Cross-State

Air Pollution Rule; of course, the Utility MACT Rule; the Section 316(b) Rule; the National Ambient Air Quality Standards coming out—reconsideration that's voluntary of the 2008 standards. When you look at the impact of all this, EPA has analyzed it, and they come out with an estimate of about 16.7 gigawatts of coal-fired power would retire by 2015.

Everybody on this committee would like to see continued progress on the environmental front and want to be sure we're breathing cleaner air. But we also want to be sure there's a balance. I think that's, you know, what we're not seeing right now, and I think we need somebody in your job who's going to fight for that.

By the way, 16.7 gigawatts is on the low end of all the other estimates that are out there. I've got a list of 6 or 7 other estimates: ICF's, FBR's, Energy Information Administration, North American Reality Corporation. If you add all those up, the average is about 50 to 60 gigawatts of power. That's about—that's over 20 percent, I think, of our coal-fired capacity.

So this is going on as we talk, and I guess I'd like to hear your comments on it. Secretary Chu has even said he expects a massive retirement within the next 5 to 8 years. Assistant Secretary Wood just gave an estimate recently. He said that he thinks it's going to result in the retirement of 35 to 70 gigawatts. This is frightening.

Can you give us your best estimate of it and tell us your perspective on it?

Mr. MCCONNELL. Senator Portman, I was born and raised in Steubenville over in the east part of the State, and I've got a home in Columbus today. Coal's been in my blood, I guess, from the day I was born. In terms of what it means and in terms of what it's meant over these years, it's undeniable. I think that's really the big challenge that we have at Fossil, in terms of continuing to have fossil play an important part of the mix going forward.

The research and the work that we're doing—it has actually done a phenomenal amount of good in the marketplace in terms of NO_x, SO_x, mercury removal over the past 40 years—all of it directly attributable to work that's gone on at the Department of Energy and the National Energy Technology Laboratory. We're continuing to keep fossil not just relevant, but continue to work toward making it that economically compelling choice, which doesn't make you tradeoff between environmental responsibility and economic viability, but, in fact, driving the technology forward to do both.

Specific to your question, there are a lot of studies that are out there with a lot of different assumptions that people make in terms of when rules will come in and when they won't come in and they're proposed but they're not sure when they're actually going to come in. I can assure you there's an active conversation that's ongoing daily at the Department of Energy in terms of looking at the impact of these regulations and the analysis that's been done, looking at it in terms of specifically regional impacts in terms of reliability, in terms of the closures that have been discussed and the ability to meet that demand so the lights don't go out and the economies of providing power don't change for the American consumer materially.

So you have my commitment from a fossil energy perspective that that conversation continues to be lively and it will be.

Senator PORTMAN. In the interagency discussions about this, do you commit that you will be an advocate for the balance? Given your Buckeye background and your Steubenville background, I think you understand that importance to our economy and to our jobs. As you say, there are ways to find balance. We've been doing it. I mean, we've made tremendous progress.

In my own hometown, Duke just announced a week or so ago they're going to shut down the Beckjord Plant. You probably know the Beckjord Plant. So, you know, we're—obviously, it hits the tax base hard. We lose—I don't know—120 jobs or so—the impact on, again, the electricity rates, which makes Ohio less competitive at a time when we're already struggling.

Can you commit today that you will be an advocate internally for that balance and to be sure that we can continue to use the fossil fuels that we have?

Mr. MCCONNELL. I would commit to that personally. I believe if you look at the DOE's strategic roadmap, what I believe and what the department believes is that fossil will continue to be an important part of the mix going forward, absolutely.

Senator PORTMAN. I look forward to working with you, and, you know, I think this is an urgent need. When you look at the options we have to get this economy moving again, energy has to be at the top of the list. It has to include, in my view, doing some more energy here, including in places like your home area, where the possibility now through fracking and horizontal drilling exists to be able to extract natural gas, and in parts of Utica—as you know, oil and wet gas that are going to be incredibly important for jobs and needs to be done in an appropriate way—can be, has been. But we need you in there as an advocate.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

We'll try to do a second round now to the extent folks have additional questions. I do not have, but I would yield to Senator Wyden for a question he wanted to have, and then to Senator Murkowski.

Senator WYDEN. Thank you, Mr. Chairman.

Ms. Wodder, like Senator Murkowski and Senator Risch and westerners, I am a very strong supporter of hydropower. It's enormously important in our region, and I want to see if I can clarify what you talked about—I believe it was with Senator Murkowski—and see if I can sort all this out.

I heard you to say that you had worked with policymakers on hydro issues. Now, we had a bill that came out of committee May 18th of this year. Senator Murkowski and Senator Risch and Senator Crapo on the Republican side, Senator Begich, Chairman Bingaman, myself on the Democratic side, had strong bipartisan support. I think that's the bill that you indicated you all had worked with us on. It's called the Hydropower Improvement Act of 2011—strong bipartisan support, the senators I mentioned from the committee.

Isn't that the bill—because I asked staff—I remember some discussions with a host of both power producers and environmental folks and—that's what we always do in trying to get a bill together.

Chairman Bingaman's counsel on these things is very valuable. I think you all were part of that and were supportive of that bill. Is that what you were talking about?

Ms. WODDER. Yes, Senator Wyden, that is. American Rivers worked collaboratively with the National Hydropower Association and with committee members and their staffs to make that legislation a success. We were very proud to be part of that effort.

Senator WYDEN. OK.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Let me follow on there because I want to get to some of the specifics. I asked you a pretty general question when it came to your support or opposition of hydro in general. In Alaska, we've got a lot of lake tap hydropower generation. Would you support providing tax credits and Federal incentives for lake tap hydro projects?

Ms. WODDER. Lake tap?

Senator MURKOWSKI. Yes.

Ms. WODDER. Senator Murkowski, I would begin by saying that as President and CEO of American Rivers, I covered a wide spectrum of issues. I'm not personally an expert in hydropower, although I have learned quite a bit about it over the many years that I was at American Rivers. So I can't comment on the particular question that you asked.

But I would say that this nation needs the power that hydro-power can provide. It should be determined on a case-by-case basis, oftentimes with proper siting, operations, and mitigation. We can have a complement of hydro—increased generating capacity along with good environmental protection, and that's what American Rivers has worked for during the time that I served as the president.

Senator MURKOWSKI. One of the great benefits from lake tap hydro and why it works so well in a State like mine—we've got very high alpine lakes. We tap the water flow from the bottom of the lake. It lets the water flow out to generate the power. There's no impact to our fisheries or our stream flows. We think it's a pretty magnificent way to provide for power generation.

We have not had the support of American Rivers when it comes to the tax credits, the Federal incentives that we were seeking to provide for a designation that hydropower be considered as a renewable energy source. I think it's something that, again, we look at. All hydropower does not look like the Hoover Dam. We've demonstrated that in Alaska.

Pump storage—again, this is an area where we believe that you can have considerable benefits to the environment as well as the consumer. But it is an area where American Rivers has opposed us on this power source generation. So I'm trying to determine, again, where you are coming from when it comes to hydroelectric generation.

You've been very general in your response, saying that we need greater commitment to hydro, and I would certainly endorse that. But I think it is going to be critically important, if you are to be confirmed to this position, that there be a recognition that all hydro is not—I guess it's not the same.

Have you formed a conclusion on Alaska's project that I mentioned, the Susitna Dam project, which would be new dam construction? It would be a large dam. Have you formed an opinion as to that specific project?

Ms. WODDER. Senator Murkowski, I do not have an opinion on the particular project that you raise. I would like to say that should I be confirmed in this position of Assistant Secretary for Fish and Wildlife and Parks, the decisions on hydroelectric power projects would not be under my jurisdiction. That would be under the jurisdiction of the Federal Energy Regulatory Commission.

Senator MURKOWSKI. That is correct. But the Fish and Wildlife Services absolutely do weigh in, and this is something that we see in our State on a considerable number of issues. It's not just the hydro projects. American Rivers has listed the Bristol Bay watershed as the No. 2 most endangered river system. This is going to have—potentially could have an impact on that project in Alaska.

Is it something that Fish and Wildlife is integral to? No. Is it something that they weigh in on? Absolutely, yes. So there are areas where, yes, you are not the—I guess, the primary agency that weighs in. But there is a great deal of influence that is generated through the various agencies, and you would be playing a role there.

Let me ask you about the Bristol Bay watershed. This is something, again, that while you were CEO at American Rivers, the watershed was named the No. 2 most endangered river system. Do you have any views that you could share with me on the Pebble Project? Or do you agree with American Rivers' position on this?

Ms. WODDER. As you point out, my former role at American Rivers—Bristol Bay was raised because of the Pebble mining project. If I were to be confirmed in this new role, of course, mining is under—not under the jurisdiction of the Fish and Wildlife and Parks section of the Department of Interior—

Senator MURKOWSKI. But, again, you do weigh in.

Ms. WODDER. The Fish and Wildlife Service, in particular, plays a consulting role, particularly if there are endangered species involved. I would commit to you that I understand the difference between the role I played previously as an advocate for healthy rivers and, if confirmed, the role I would play as an administrator of the laws and directives of this Congress, the policies and positions of the administration.

I believe myself to be an open-minded person, a good listener. I'm interested in the points of view of all of the stakeholders and would seek creative, collaborative, consensus solutions that would meet the needs of everyone involved, and I make that commitment to you.

Senator MURKOWSKI. It, I think, is important to recognize that in a State like Alaska or many of the western States, where so much of our lands are owned by the Federal Government, that the agencies that have any aspect of influence or are part of the decisionmaking process—we recognize that they can slow down, they can impede, they can kill opportunities, projects. So whether or not your agency, were you to be confirmed, would have, again, that primary oversight is not necessarily controlling, because what we're seeing, whether it is development on the National Petroleum Re-

serve or whether it is issues as they relate to navigability in our rivers—there are avenues where the Federal agencies weigh in, and the next thing you know, we have a project that is stalled for a period of years, opportunities that are foregone, and it causes a level of frustration within our State, in terms of our ability to access our resources, provide for jobs, and really to benefit the American economy.

Mr. Chairman, one last question, and I think it will be very quick.

This relates to the quote that Senator Barrasso made relating to hydraulic fracturing. This is your quote, that hydraulic fracturing has a nasty track record of creating a toxic chemical soup that pollutes ground water. Senator Barrasso also mentioned that Administrator Jackson has told Congress that there have been, quote, “no proven cases where the fracking process itself has affected water.”

Do you stand by your statement? If this is an opportunity to retract your statement, I’d like to give you that opportunity to do so.

Ms. WODDER. Thank you, Senator Murkowski. As I have said, I believe natural gas is an important part of the overall energy mix for this country. I think it needs to be approached in a careful way so that we don’t at the same time develop—as we are developing that resource, contaminate other important resources like clean water.

Senator MURKOWSKI. I agree with that. But do you agree, or do you stand by your statement that there is a nasty track record of creating a toxic chemical soup that pollutes ground water?

Ms. WODDER. I believe there have been any number of press reports and also academic studies that have found numerous instances of both accidental and intentional spills of fracking fluids into surface and ground water—

Senator MURKOWSKI. Even though the administrator has said that there are no proven cases where the fracking process itself has affected water?

Ms. WODDER. I think there is a distinction between the fracking process itself and activities surrounding hydraulic fracturing that have led to some contamination. Most companies operate responsibly and strive to avoid those sorts of accidental and occasionally intentional spills. But there certainly have been many records of fines that have been levied against a few companies that have had those sorts of problems.

Senator MURKOWSKI. I take it you don’t retract your statement.

Mr. Chairman, I appreciate the opportunity that you’ve given so many of us to ask multiple rounds. These are important questions, and I appreciate the witnesses today, and we will move forward.

The CHAIRMAN. Let me thank both of you for being here and I appreciate your testimony. The committee will undoubtedly move ahead on the nominations sometime in the reasonably near future.

Thank you. That will conclude our hearing.

Let me mention one other thing. We will advise members that if they have additional questions to submit for the record, they should have those to us by 5 tomorrow. We would, obviously, appreciate it if the witnesses could respond to those.

Thank you.

[Whereupon, at 11:24 a.m. the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF REBECCA WODDER TO QUESTIONS FROM SENATOR WYDEN

OREGON CAVES

Question 1. I have a bill to expand the Oregon Caves National Monument boundary by 4,084 acres to include the entire Cave Creek Watershed, by transferring that land from the United States Forest Service to the National Park Service. The Park Service has long supported expanding the Monument boundary—a position held since the 1930's and articulated in the Monument's 1998 General Management Plan. While legislation will be needed to complete that transfer, I have been disappointed that the Agency has supported deferring action on my legislation to see if more cooperative management approaches could be worked out with the Forest Service. My understanding is that such dialogue has been going on for several years but has failed to produce a result. I understand both Agencies will need to come to the table and that is not all within your control, but can I get your commitment that if confirmed you will look anew at my Oregon Caves legislation, and seek to work out a solution with the Forest Service to better protect this resource until my legislation passes and the transfer is completed?

Answer. I appreciate that you are very interested in the protection of the resources at Oregon Caves National Monument. If I am confirmed as Assistant Secretary, I commit that I will make this one of my top priorities for Oregon, and will seek to work toward an appropriate solution with the Forest Service.

CRATER LAKE OVERFLIGHTS

Question 2. I have been very alarmed by efforts of a helicopter company to seek to do air tours over Oregon's only National Park—Crater Lake. This park is absolutely a gem in our state and my constituents especially treasure the serenity and silence of the place. I managed to get an amendment in the Senate's Federal Aviation Administration (FAA) bill that would allow the Park Service to reject this application without first having to complete an air tour management plan. I hope that this is an authority the National Park Service would use if the final FAA bill is enacted with this provision. Can I get your assurance that if confirmed you would direct the National Park Service to utilize this new authority in determining whether an application to lead air tours over Crater Lake should be denied?

Answer. If confirmed, I will ensure that the National Park Service utilizes all available authorities to protect the resources and visitor experience at Crater Lake National Park.

EAGLES AND WIND TURBINES

Question 3. Oregon and other states have wind energy projects in the permitting process that are now being stopped by the Fish & Wildlife Service because of possible impact on Golden Eagles and other species. I understand that there are laws on the books that FWS is obligated to enforce governing eagles, but the guidance that FWS has released for developers is coming after some companies have spent years in development and is simply not practical—like requiring them to stop everything and collect 3 years worth of additional bird population data. Renewable energy development is critical to protecting the environment from climate change and other impacts from fossil fuel, if confirmed, what will your position be on development of regulations and permitting for wind turbines?

Answer. Investment in renewable energy is a priority for President Obama and Secretary Salazar. Although I am not yet familiar with the details of the Department of the Interior's work with the wind industry on its efforts to meet the requirements of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, I understand that both Secretary Salazar and Fish and Wildlife Service Director Dan Ashe are committed to facilitating wind development projects in ways that meet the Department's wildlife conservation responsibilities. I also understand that the reason the Fish and Wildlife Service is developing voluntary guidelines is to provide the industry and the agency with tools and guidance to get projects up and running. I understand that revised draft wind energy guidelines, which contain certain changes to address concerns of the wind industry, were recently published to allow for additional public review. I support a process that fully considers the input of the public, including the wind industry. If confirmed, I look forward to gaining a full understanding of this issue, and I will do all I can to support the Department's strong commitment to renewable energy in concert with its obligation to protect wildlife populations.

APPLEGATE DAM AND LOW-IMPACT HYDRO

Question 4. You can't live in the Northwest without having an opinion about the impact of dams on salmon and other endangered fish species, but there is a real opportunity to develop low-impact hydro projects at existing dams and irrigation canals. Some of these projects can help pay for fish passage and provide increased in-stream flow that can really benefit fish. The problem is that the regulatory hurdles are making the perfect the enemy of the good and making some of these projects too expensive to complete. For example, there is one project in Oregon at Applegate Dam that is for a small 10 MW turbine at an existing dam that doesn't have fish passage now that has already been in the permitting process for 10 years. The Fish and Wildlife Service has now taken the position that they want the developer to build an off-site prototype of the fish screens and passage system. That's not realistic. If confirmed, will you agree to work with FERC and developers of these low-impact projects to find a better way of getting them approved so that both the economic and fish benefits can be realized?

Answer. While I am not familiar with the specific issues associated with the Applegate Dam, if confirmed, I will work with the Fish and Wildlife Service, the Federal Energy Regulatory Commission, other federal agencies and developers to ensure permitting of projects that balance the needs of fish and wildlife conservation and promote new sources of renewable energy. I believe that finding common sense solutions involves collaborative discussions, appropriate involvement in project development, and timely permitting, and that these components are the best way to achieve environmentally sound projects.

RESPONSES OF REBECCA WODDER TO QUESTIONS FROM SENATOR CANTWELL

Question 1. Ms. Wodder, the Pacific Northwest relies on salmon and steelhead species that are vital to communities up and down the West Coast and depends on clean and affordable hydropower for the majority of electricity consumed in the region as the backbone for our economy. In the Northwest, federal agencies, state and tribal governments have been working for years on a new Biological Opinion to preserve Endangered Species Act listed salmon and steelhead populations in the Lower Snake and Columbia River Basin under a federal court order and protect the value of the Federal Columbia River Power System. The Northwest has been locked in litigation to achieve an appropriate balance between federal hydro power and federal salmon protections for almost 17 years. The current Court-ordered collaborative process on the 2008 Biological Opinion has generated unprecedented regional consensus. The Obama Administration supports the science that underpins the 2008 Biological Opinion and the bottom-up, collaborative, science-based approach it takes to protecting salmon. Your current employer, American Rivers, is a plaintiff in the court challenge to the current Federal Columbia River Power System Biological Opinion. Given the conflict that would arise if you are confirmed, will you commit to recusing yourself from any Endangered Species Act matter relating to the Federal Columbia River Power System and the 2008 Biological Opinion?

Answer. I am no longer employed at American Rivers, having resigned my position on July 15, 2011. As I stated at my hearing, if confirmed, I will voluntarily recuse myself from participating in any Interior Department decisions regarding the Columbia-Snake River System for the full time I serve as Assistant Secretary for Fish and Wildlife and Parks. I will abide by the terms of my ethics agreement, including the applicable ethics rules and the Administration's ethics pledge, and I will regularly seek the assistance and guidance of the Department's Ethics Office. I have

consulted with the Department's Ethics Office and understand that, as provided by the terms of my ethics agreement and the Administration's ethics pledge, I will not participate for two years in any particular matters involving specific parties in which American Rivers is a party or represents a party. It is important to note that, should I be confirmed as Assistant Secretary, federal management of the lower Snake River dams would not fall under my purview.

Question 2. Ms. Wodder, will you commit to recusing yourself from any meeting, correspondence, action or influence in any way, or agency decision that is directly or indirectly related to pending legal proceedings in which American Rivers is currently engaged?

Answer. As I stated at my hearing, if confirmed, I will voluntarily recuse myself from participating in any Interior Department decisions regarding the Columbia-Snake River System for the full time I serve as Assistant Secretary for Fish and Wildlife and Parks. I will abide by the terms of my ethics agreement, including the applicable ethics rules and the Administration's ethics pledge, and I will regularly seek the assistance and guidance of the Department's Ethics Office. I have consulted with the Department's Ethics Office and understand that, as provided by the terms of my ethics agreement and the Administration's ethics pledge, I will not participate for two years in any particular matters involving specific parties in which American Rivers is a party or represents a party. I also understand that the question of whether I would be recused from working on issues or matters "indirectly related to pending proceedings in which American Rivers is currently engaged" is important and complex and when such questions arise, I will seek the assistance and guidance of the Department's Ethics Office.

Question 3. Ms. Wodder, hydropower is the largest source of clean, renewable energy in the United States, and Washington state produces almost a third of the nation's total. This affordable, emissions-free, and renewable power source has helped attract new business investments to the Pacific Northwest, including BMW's selection of Moses Lake, WA, as the home of its only carbon fiber manufacturing facility in North America, and a host of new Internet data centers. Nearly 75 percent of Washington's electricity is generated from hydropower, and the same dams irrigate Eastern Washington's farms which produce top crops such as apples, cherries, hops, and wheat. One of the concerns I have heard raised about your nomination is that as President of American Rivers you proved to be hostile to hydropower and worked to reduce its use in any way possible. Is this indeed the case, and how do you think it would affect your decision making as Assistant Secretary if your nomination is approved by the U.S. Senate?

Answer. Throughout my tenure as President, American Rivers worked collaboratively with the hydropower industry to improve both energy generating capacity and environmental performance at the nation's hydropower dams. American Rivers recognizes that hydropower, properly sited, operated, maintained and mitigated, is an important part of our nation's energy mix. During my tenure, American Rivers and its partners worked through the Federal Energy Regulatory Commission's (FERC's) relicensing process provided by law to support the continued operation of hydropower dams with more than 16 thousand megawatts of capacity.

Under my leadership, the organization worked with FERC to facilitate and improve hydropower relicensing. In the early to mid 1990s, the licensing process was characterized by litigation and conflict. Shortly after my arrival, American Rivers opened a dialogue with members of the hydropower industry, as well as federal agencies and other stakeholders, to facilitate collaboration and settlement of hydropower conflicts. During that time, American Rivers also worked to negotiate new regulations for FERC known as the Integrated Licensing Process, which set up new timetables, cut down on process, improved permitting, and supported better, more integrated decisions among the various agencies with statutory responsibility. These regulations have been applauded by industry, agencies, and NGOs alike.

Domestic energy development is a top priority of both President Obama and Secretary Salazar. If confirmed, I would support the Administration's efforts in this regard and guide a safe and responsible approach to balancing energy and environmental needs.

Question 4. Ms. Wodder, last April the Senate Energy and Natural Resources passed a bipartisan bill I cosponsored called the Hydropower Improvement Act. The goal of the bill is to grow the domestic supply of hydropower and spur job creation in an industry that employs more than 300,000 people. Specifically, the Hydropower Improvement Act would improve the development timeline for conduit and small hydropower projects and explore a two-year process for hydropower development at non-powered dams and closed-loop pumped storage projects. Further, the Act establishes a competitive grants program and directs the Department of Energy to produce and implement a research, development, and deployment plan for increased

hydropower capacity. The bill also calls for studies on increased development at Bureau of Reclamation facilities and in-conduit projects, as well as suitable pumped storage locations. Can you explain why American Rivers opposed this legislation?

Answer. American Rivers did not oppose this legislation. In fact, American Rivers testified in support of S. 629, The Hydropower Improvement Act, on March 31, 2011. American Rivers' staff worked closely with the National Hydropower Association and the Senate Energy Committee staff to develop this legislation.

Question 5. Ms. Wodder, from the rainforests of the Olympic National Park, to the Icy Wilderness of the North Cascades National Park, to the iconic Mt. Rainier National Park, Washington state is home to three of the nation's crown jewels of the National Park System. Every year, over 7 million visitors come to our national parks which are the centerpiece for a \$200 million dollar per year outdoor recreation industry in Washington state and provide my constituents and visitors with a unique natural experience that can be difficult to find on multiple use lands. Unfortunately, however, devastating storms and tremendous funding shortfalls for a number of years is compromising the ability of the National Park Service to protect our park resources. We have an historic opportunity to turn this trend around with the one hundredth anniversary of the creation of the National Park System only five years away. Would you agree with me that when visiting the National Parks visitors expect a different quality of experience than they do when visiting other public lands? Can you provide your views about National Park System management and how National Parks might be different from other federal lands?

Answer. National parks have a special place in the hearts of many Americans and international visitors. I believe that visitors to our national parks expect, and receive, quality recreational and educational experiences. National parks are of intrinsic value to the public because of their scenic beauty and the recreational opportunities they provide, and to the scientific community because of their wealth of natural and cultural resources. As well as providing quality experiences for many millions of people, parks generate a great deal of economic activity in surrounding communities and are the primary source of revenue for some gateway communities. In terms of management, the National Park Service has a unique mission, that of preserving unimpaired the natural and cultural resources and values of the national park system for the enjoyment of this and future generations, when compared with other federal land management agencies, that have multiple-use missions.

Question 6. Ms. Wodder, as you know, the Land and Water Conservation Fund is a critical program that provides money for many of the Department's acquisitions of federal lands for public parks and outdoor recreational use. Since former Washington state Senator, and Chairman of this Committee, Scoop Jackson created the fund in 1965, the LWCF have been used to acquire more than 4.5 million acres of unique lands, an area roughly equal to the size of New Jersey. Money from the LWCF's Stateside Grants Program has been essential in helping states and municipalities secure parks and green space in the rapidly urbanizing west. I have heard from many of my municipalities that the small amounts of money awarded in the Stateside Grants Program go a long way in leveraging the purchase and permanent protection of a unique piece of property that can be enjoyed by the local citizens. We are very close to completing land acquisitions from willing sellers inside recent additions to Mt. Rainier National Park. Will you support efforts to prioritize LWCF funds directed towards completing land acquisitions at Mt. Rainier National Park?

Answer. I agree that the Land and Water Conservation Fund is a critical program to ensure access to public parks, conservation and recreational areas. These funds support State and local governments' efforts to establish urban parks and community green spaces; to restore and provide public access to rivers, lakes and other water resources; and to conserve natural landscapes for public outdoor recreation use and enjoyment. I have been advised that the National Park Service prepares an annual request for Federal land acquisition funding through the Federal budget process, including specific requests from each park unit that has land acquisition funding needs, regional ranking of these requests, and national ranking of all requests from all regions within the National Park Service. I understand that Mount Rainier National Park land acquisition has been both a regional and national priority for the past several years. If confirmed, I commit to working with you and other interested Members of Congress, the National Park Service, the Secretary and the Administration to ensure that Mount Rainier's resource protection needs are met.

RESPONSES OF REBECCA WODDER TO QUESTIONS FROM SENATOR MURKOWSKI

OIL AND GAS

ANWR

Question 1. One of the leading issues in Alaska is finding a way to generate more crude oil production to help keep the Trans-Alaska pipeline in operation in the future. One way for that to happen is to tap the oil under the Arctic coastal plain lying under the Arctic National Wildlife Refuge. I have introduced legislation to open ANWR while limiting surface development to no more than 2,000 acres; I have also introduced legislation to permit only subsurface exploration and development of ANWR, currently allowing only directional drilling of the refuge from state land and waters outside of the refuge. Eventually I would hope that surface oil technology would allow the refuge to be fully tapped underground without any impacts to the wildlife and environment on the surface. What, if confirmed, will be your position toward allowing subsurface development of the Arctic coastal plain?

Answer. Advancements in technology that make access to resources safer and reduce the environmental impacts of development represent significant and welcome progress. With this in mind, I share the Secretary's and the President's view that the Arctic National Wildlife Refuge is a very special place that must be protected. I am not familiar with the details of subsurface exploration and development of oil and gas resources, but if confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you personally to discuss it.

Question 2. Your resume includes work on the Alaska National Interests Lands Conservation Act, the Act which created millions of acres of new wilderness and wildlife refuge in my state. With regard to the 1002 area of the Coastal Plain, which was set aside expressly for oil and gas exploration and where we have allowed for some exploratory drilling, have you had a chance to view my bill, S. 351, which was introduced with bipartisan support?

Answer. I have not had the opportunity to review S. 351.

a. The Senate Committee on Energy and Natural Resources held a hearing about the technologies associated with new seismic techniques and extended reach drilling that showed great and really new possibilities for accessing the resource while eliminating any permanent surface presence on these areas which your work has sought to place off limits. Do you think that accessing resources with new technology represents an opportunity for more responsible development or is it a danger?

Answer. As I noted in the response to the previous question, advancements in technology that make access to resources safer and reduce the environmental impacts of development represent significant and welcome progress. With this in mind, I share the Secretary's and the President's view that the Arctic National Wildlife Refuge is a very special place that must be protected. I am not familiar with the details of subsurface exploration and development of oil and gas resources, but if confirmed, I commit to gaining a full understanding of this issue and would be happy to meet with you personally to discuss it.

HYDRO

Dam Construction

Question 1. As President of American Rivers, you opposed the construction of new dams. You have drawn a distinction between your views expressed as an officer of American Rivers and your personal views. As an individual, can you see any possible scenario in which you would support the construction of a structure that creates a new impoundment on an otherwise free-flowing river or stream? Please answer "yes" or "no." Are you familiar with Alaska's Susitna Dam project, and if so, do you believe it should move forward?

Answer. Yes, I believe decisions like this should be made on a case-by-case basis, and that with proper siting, operation and mitigation, new dams can be appropriate, provide economic benefits and support a healthy environment. No, I am not familiar with Alaska's Susitna Dam project.

a. What is your view of the rights and obligations of the Fish and Wildlife Service and State resource agencies with respect to hydroelectric licensing under the Federal Power Act?

Answer. If confirmed, I will faithfully implement all applicable laws, regulations and Administration policies. I do not have detailed knowledge of the specific responsibilities of the Fish and Wildlife Service under the Federal Power Act. I am aware from my experience that the Fish and Wildlife Service and States have a responsi-

bility and an opportunity to balance conservation with hydroelectric generation needs. The agencies' roles are to ensure that fish and wildlife, especially aquatic resources and habitats, are given full consideration in the licensing process. A primary role of the Fish and Wildlife Service under the Federal Power Act is that the agency may prescribe the construction and maintenance of fish passage structures necessary to ensure effective passage of fish. I am told that various authorities support these roles.

b. Are you committed to prompt interactions between the agencies? Can I count on you to intercede in cases where there has been delay, especially to the extent that the Department of Interior or any of its constituent agencies has failed to meet a legal or regulatory deadline?

Answer. Yes. If confirmed, I will work to ensure prompt, timely action and I will respect statutory and regulatory deadlines.

Question 2. Secretary Chu of DOE has said that hydro power can generate 20,000 to 60,000 megawatts of new electricity simply by electrifying existing dams. That doesn't even take into account what pumped storage or conduit projects might produce. What is your position toward allowing much less encouraging hydro power to produce far more than the 7 percent of U.S. electricity that it currently accounts for?

Answer. If confirmed, I commit to undertake efforts to evaluate current practices to ensure that they are consistent with the Administration's goal of promoting renewable energy sources, including hydroelectric power, while conserving fish and wildlife. I support efforts to create policies and incentives that could significantly increase hydropower generating capacity via efficiency improvements that enable more power to be generated from the same water, add new capacity to existing hydropower dams, and add turbines to non-powered dams.

Question 3. Please define "obsolete or unsafe dam" as it is used on any Form 990 filed by American Rivers and signed by you or referred to in any legal or administrative proceeding in which you were involved or that was pursued under your direction.

Answer. An unsafe dam is defined by the Association of State Dam Safety Officials (ASDSO) as a dam that is either structurally or hydraulically deficient, leaving it susceptible to failure. Also, a dam whose very existence represents a danger (threat of drowning or other serious injury) to swimmers, boaters and other recreational users of a river may be considered unsafe.

According to the Association of State Dam Safety Officials (ASDSO):

- There are more than 87,000 dams currently under state regulation
- 10,127 have been classified as high hazard, meaning they pose a serious threat to human life if they should fail
- Of those high hazard dams, 1,333 have been identified as structurally deficient or unsafe

In terms of obsolescence, The American Society of Civil Engineers (ASCE) estimates that the average life expectancy of a given dam is 50 years. In addition, dams may be considered obsolete if they no longer serve the functions they were designed to provide.

Question 4. Please list the collaborative efforts regarding hydro-electric facilities that you referenced in your testimony before the committee on July 28, 2011 and your involvement with each.

Answer. American Rivers consistently considered the cost to replace lost hydropower generating capacity and identified means of replacing that generating capacity as part of its advocacy efforts. For example, on the Penobscot River in Maine, a collaborative effort between a power company, state and federal agencies, tribes, fishermen and conservationists succeeded in maintaining all of the project's hydropower generating capacity while removing two dams to open nearly 1,000 miles of historic river habitat for endangered Atlantic salmon.

Since 1995, American Rivers has either signed agreements or provided technical and financial support to local conservation groups that signed numerous comprehensive settlement agreements for the relicensing of hydropower projects. By signing these agreements, American Rivers and its partners affirmatively supported the continued operation of hydropower dams with more than 16 thousand megawatts of capacity.

During my tenure at American Rivers, the organization worked with the Federal Energy Regulatory Commission (FERC) to facilitate and improve hydropower relicensing. In the early to mid 1990s, the licensing process was characterized by litigation and conflict. Shortly after my arrival, American Rivers opened a dialogue with members of the hydropower industry, as well as federal agencies and other stake-

holders, to facilitate collaboration and settlement of hydropower conflicts. During that time, American Rivers also worked to negotiate new regulations for FERC known as the Integrated Licensing Process, which set up new timetables, cut down on process, improved permitting, and supported better, more integrated decisions among the various agencies with statutory responsibility. These regulations have been applauded by industry, agencies, and NGOs alike.

Legal Matters and Lawsuits

Question 1. Please list all proceedings which you believe are covered by your recusal pledge as expressed before the Committee in testimony on July 28, 2011.

Answer. As I stated at my confirmation hearing, if confirmed, I will voluntarily recuse myself from participating in any Interior Department decisions regarding the Columbia-Snake River System for the full time I serve as Assistant Secretary for Fish and Wildlife and Parks. I will abide by the terms of my ethics agreement, including the applicable ethics rules and the Administration's ethics pledge, and I will regularly seek the assistance and guidance of the Department's Ethics Office.

I have consulted with the Department's Ethics Office and understand that, as provided by the terms of my ethics agreement and the Administration's ethics pledge, I will not participate for two years in any particular matters involving specific parties in which American Rivers is a party or represents a party.

I understand from the Department's Ethics Office that if American Rivers is a party or represents a party to a current proceeding involving specific parties (such as a lawsuit), I will be recused from that proceeding. I also understand that the phrase "particular matters involving specific parties" has a specific meaning as defined by the Office of Government Ethics, and that the specific cases from which I will be recused are based upon the facts and circumstances raised by the actual issue presented. I understand that the question of whether I will be recused from working on issues or matters raised in previous cases in which American Rivers was a party but where the cases are no longer pending, is important and complex and when such questions arise, as I noted above, I will seek the assistance and guidance of the Department's Ethics Office.

Finally, I have attached a spreadsheet provided by American Rivers that describes cases during my tenure at American Rivers in which American Rivers was plaintiff or co-plaintiff, cases in which American Rivers was a petitioner in Federal Energy Regulatory Commission (FERC) proceedings, cases in which American Rivers submitted an amicus brief, and cases in which American Rivers intervened primarily on behalf of the Federal government as an intervenor-defendant.

Question 2. With respect to all litigation and/or formal dispute resolution activities that were engaged in by you or under your ultimate direction by American Rivers, Inc. (or any affiliate of American Rivers, Inc. of which you were an officer or director) on the day you resigned as an officer or director of American Rivers, Inc. and any such affiliate and during the two year period prior to your resignation, please provide a complete list of the proceedings (including docket numbers or other identifiers). To the extent that you were a party to the proceeding or the participation of American Rivers in the proceeding was under your ultimate direction, please include,

a. All state and Federal court cases in which American Rivers was a party, intervenor or amicus curiae; or filed, prepared, advised on or counseled on any documents or testimony on behalf of such a party; including all actions that were settled, dismissed, dropped, stayed, arbitrated, or otherwise resolved.

b. All regulatory and administrative actions in which American Rivers was a party, intervenor or amicus curiae; or filed, prepared, advised on or counseled on any documents or testimony on behalf of such a party; including all actions that were settled, dismissed, dropped, stayed, arbitrated, or otherwise resolved.

c. All state and Federal court cases, and all regulatory and administrative actions, in which American Rivers provided or was providing financial, legal, technical, administrative, or any other kind of substantive support for any party as described in subpart a) or b).

Answer. Please see the response to the previous question. With respect to the additional information requested by this question, I no longer work at American Rivers and understand that American Rivers does not maintain a comprehensive record of the requested information.

Question 3. Please describe the procedures or practices you followed during your tenure as CEO to determine whether to engage in or report on the progress of any of the matters described in the foregoing question. Please include any written directives, policy guidelines or mission statement prepared or issued by you or under your ultimate direction regarding such matters.

Answer. I have attached a copy of the Litigation Approval Procedures for American Rivers. As provided in that document, decisions on whether to enter into litigation matters are made by the Litigation Review Committee of the Board of Directors and the General Counsel. Although I participated in discussions about major issues raised by such matters, as CEO of American Rivers, I had no formal role in this decision-making process.

Question 4. For the period of your tenure as CEO, please describe your responsibilities concerning and involvement with the organization's efforts in legal or regulatory cases, rulemakings, applications or other administrative proceedings that involved the activities described in Part III, subpart 4 of the Organization's IRS Form 990 (Return of Organization Exempt From Income Tax) for 2009 and prior years, including, for example, projects such as "logging, mining, drilling or damming near rivers," "removing obsolete or unsafe dams," or "protecting wetlands and other natural landscapes that provide clean water."

Answer. As President and CEO, I had overall responsibility for the organization's strategic, programmatic and financial operations. Being responsible for the overall strategic leadership of the organization, and not being an attorney, I was not directly involved in legal or regulatory cases, rulemakings, applications, or other administrative proceedings.

Question 5. During your nomination hearing before the Environment and Public Works Committee last week you responded that you were only a party to 16 lawsuits during your time at American Rivers; can you please address the discrepancy in the figures?

Answer. As I stated during my confirmation hearing before this Committee, it is my understanding that American Rivers was the plaintiff or co-plaintiff in 16 cases during my tenure. I have attached a spreadsheet provided by American Rivers that describes these cases. This spreadsheet also identifies cases in which American Rivers was a petitioner in Federal Energy Regulatory Commission (FERC) proceedings, cases in which American Rivers submitted an amicus brief, and cases in which American Rivers intervened primarily on behalf of the Federal government as an intervenor-defendant.

Question 6. What is your view of the impact of litigation upon the work of the Fish and Wildlife Service? Would you agree that litigation over listing petitions has interfered with the listing or effective protection of endangered species? What is your view of environmental organizations who repeatedly sue to prevent energy and economic development?

Answer. I understand that a high volume of listing petitions, together with litigation to enforce deadlines related to those petitions, has obliged the Fish and Wildlife Service (FWS) to divert substantial resources to making petition findings rather than listing proposals and final determinations. That has limited the FWS's ability to set and adhere to priorities in its listing program and has likely delayed protection of some high priority species. I believe strongly that a transparent, collaborative approach to problem-solving and looking for ways to resolve environmental concerns while balancing the need for development is more productive than costly, contentious and time-consuming litigation-driven decision making. I understand and appreciate the current context of limited budgets and the need to ensure that taxpayer dollars are being used efficiently to accomplish our common goals. I believe settlements negotiated between parties can accomplish these important objectives and is the interest of all stakeholders. In the context of the Endangered Species Act (ESA), effective implementation of the ESA must be responsive to both the needs of imperiled trust resources and the concerns of the public. I am aware that the FWS recently reached an agreement with a frequent plaintiff group on a multi-year work plan that, if approved by the courts, will enable the FWS to systematically review and address the needs of more than 250 candidate species over a period of six years to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants. If confirmed as Assistant Secretary, I commit to working with all of you on this Committee and my counterparts in the Administration to follow the Secretary's lead in making implementation of the ESA less complex, less contentious, and more effective.

Question 7. [No Question]

Question 8. Please provide copies of promotional and fundraising materials prepared over your signature or under your direction concerning the activities noted on Form 990 and in the prior questions.

Answer. Attached are photocopies of promotional and fundraising materials for fiscal years 2010 and 2011 that were provided by American Rivers.*

*Materials have been retained in committee files.

Public Lands

Question 1. Concerning the Arctic National Wildlife Refuge in Alaska, the 1980 Alaska National Interest Lands Conservation Act contains a provision, Section 1326, that bars the permanent withdrawal of more than 5,000 acres in Alaska, without specific approval of Congress. The Department earlier this year launched a new planning effort for ANWR where the department refused to rule out seeking the creation of additional wilderness on the coastal plain, in addition to the more than 8 million acres that is already wilderness in the refuge. What is your view of the Department's ability to create new wilderness areas in Alaska, on top of the 58 million acres already so designated in Alaska?

Answer. If confirmed, I will faithfully implement all applicable laws, regulations and Administration policies. I appreciate that Sec. 1326 of the Alaska National Interest Lands Conservation Act provides that Congressional approval is needed for permanent withdrawals in Alaska of more than 5,000 acres. Under the Wilderness Act, only Congress can add lands to the National Wilderness Preservation System.

Izembek Refuge

Question 2. The Congress in 2009 approved legislation to permit a land exchange where the State of Alaska and the King Cove Native Corporation would trade 61,000 acres to the federal government for inclusion in the Izembek National Wildlife Refuge, in return for the refuge giving up 206 acres to permit construction of a one-way road between King Cove and Cold Bay, plus a small tract in Kodiak. The road is dependent upon completion of an environmental impact statement on the effects of the road on waterfowl in the refuge. Do you have any views currently on the merits of the land exchange and will you commit to attempt to finish the EIS in a timely manner?

Answer. I am not familiar with the details of the land exchange issue and cannot provide any views on its merits at this time. I am told that there is an ongoing process under the National Environmental Policy Act to develop an environmental impact statement (EIS) to assess the environmental impacts of a land exchange and identify a preferred alternative. If confirmed, I commit to working with the Fish and Wildlife Service to ensure that the EIS is completed in as timely a manner as practicable, in light of competing priorities and funding constraints.

Question 3. While you were CEO at American Rivers, your former organization listed the Bristol Bay Watershed as the #2 Most Endangered River System, can you please tell me if your views are identical with American Rivers' view on this subject?

Answer. It is my view that Bristol Bay Watershed is one of America's most endangered river systems.

a. Can you please outline your views of the Pebble mine? Would you be able to separate your personal views on a controversial issue like this?

Answer. Although I am not yet fully informed of this issue, I agree with your assessment that the Pebble mine is controversial, with strong views on both sides of the issue. Should I be confirmed, my responsibility would be to faithfully implement the policies and positions of the Administration and administer all the applicable laws and regulations. It is my understanding that Environmental Protection Agency (EPA) is the lead agency on the watershed assessment, and that the Corps of Engineers (Corps) would likely be the lead agency for permitting. The Fish and Wildlife Service's role would be to provide technical support and advise EPA or the Corps on fish and wildlife concerns. If confirmed, I would work to ensure that the Fish and Wildlife Service has the scientific resources to provide a thorough and objective assessment of the potential impacts to fish and wildlife.

Question 4. Navigable Waterways/ANILCA: A particularly troubling issue many Alaskans are very concerned about is the jurisdiction over Navigable Waterways within the State of Alaska. Recently, there has been a number of high profile legal cases in which jurisdiction has been questioned. Can you please address your views regarding jurisdiction of navigable waterways within Alaska?

Answer. Although I am not a lawyer, my understanding is that there is a well-established body of law recognizing federal authority to regulate activities on waters, including navigable waters within national park units in Alaska.

LWCF/National Park Service

Question 5. In the President's proposed budget the Department of the Interior requested full funding for the Land and Water Conservation Fund of \$900 million. Roughly half of these funds were specified for Federal Land Acquisition. Do you believe that the Federal Government should be purchasing more land when each of the land management agencies has a sizeable maintenance backlog, led by the Na-

tional Park Service with a \$10 billion backlog? Shouldn't we take care of the lands that we own before we purchase new land?

Answer. I understand that the funding proposed for federal land acquisition in the FY 2012 budget request is part of a strategy that reflects the President's agenda to protect America's great outdoors and demonstrates a sustained commitment to a 21st Century conservation agenda. It reflects the strong support for land conservation and additional outdoor recreational opportunities that was voiced at the 51 America's Great Outdoors listening sessions held last summer.

I also understand that the lands identified for acquisition in the budget request address the most urgent needs for recreation; species and habitat conservation; and the preservation of landscapes, and historic and cultural resources. Such acquisition may also assist the government to achieve greater efficiencies that resolve management issues. In addition, increased federal land acquisition funding would provide more opportunities for landowners, if they wish, to sell their property yet ensure that it will be protected in perpetuity rather than developed in a way that threatens resources in national parks, wildlife refuges, forests, and other public lands.

Addressing the deferred maintenance backlog remains a critical priority as the Administration continues to protect and conserve our country's natural and cultural resources.

Wilderness Society

Question 6. According to your biography, you were the Director of Alaska Programs at the Wilderness Society, which gave you "responsibility for all conservation campaigns involving Alaska public lands."

a. Please describe the campaigns you were involved in, including the goals you hoped to accomplish.

Answer. I was the Alaska Director at The Wilderness Society over 25 years ago and my memory of specific campaigns is quite limited. I do recall one campaign which involved an effort to open national parks in Alaska to sport hunting; my goal in that campaign was to maintain the decisions on sport hunting made by Congress when it enacted the Alaska National Interest Lands Conservation Act (ANILCA).

b. Did you oppose any natural resource development in Alaska during your tenure at the Wilderness Society? If so, which resources, and where?

Answer. As stated above, I held this position over 25 years ago. I do not recall any specific situation responsive to your question.

Question 7. I am quite concerned by reports that the National Park Service is dragging its feet in responding to requests from electric utilities to be allowed to upgrade and assure the safety and reliability of electric transmission lines in park units, including lines crossing units that were established by Congress in areas already crossed by the power lines. For example, the National Park Service has delayed more than a year its scheduled completion of an environmental review of the proposed Susquehanna-Roseland transmission reliability project in Pennsylvania and New Jersey. It's an upgrade of an existing line that, for just four miles of its route, crosses the Appalachian Trail and Delaware Water Gap recreation area. The NPS study will now take, at a minimum, three years. Moreover, the Service has charged the proponents almost \$5 million dollars for the study. For each mile of upgrade, NPS is taking at least nine months and more than a million dollars? If this is representative of the Service's approach to fulfilling the Administration's pledge to upgrade America's infrastructure, it sends a horrible signal of absurd delay and out of control costs.

a. Do you endorse the way the NPS is performing its duties in relation to the Susquehanna-Roseland transmission reliability project? Are you comfortable with the time and expense imposed by the Service on the transmission owners and their ratepayers? Do you believe that a NPS NEPA review of a proposed reliability upgrade to an existing transmission line using existing easements and rights-of-way across NPS lands should cost more than a million dollars per mile, and consume more than three years?

Answer. I am not familiar with the specific work of the NPS on this project. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet you with you then to discuss this further.

b. Are you aware that Mid-Atlantic electricity customers, including numerous federal agencies, will pay at least \$200 million in extra grid congestion charges for each year of delay in completion of the NPS review of the Susquehanna-Roseland line? Do you believe that the NPS took these costs properly into consideration in managing its review of the proposed transmission upgrade?

Answer. I am not familiar with the specific work of the NPS on this project. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

c. Are you aware that the NPS, in performing its review of the Susquehanna-Roseland project, has publicly proposed re-routing the line through a national wildlife refuge, state park, heavily developed residential neighborhoods, and mature forest areas set aside for conservation purposes?

Answer. I am not familiar with the specific work of the NPS on this project. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

d. If you were confirmed, would you encourage or discourage the NPS from attempting to engineer changes in the Northeastern regional power grid, or other transmission grid areas? Is high voltage transmission grid planning an institutional competence of the National Park Service? If not, do you think it should be, or are you comfortable with the Service's current mission as a land and resource stewardship agency?

Answer. Again, I am not familiar with the specific work of the NPS on this project. My understanding is that NPS' direct role in siting powerlines is primarily to consider applications to locate power lines in parks when a utility applies for such a use.

e. You have years of experience working with the Department of the Interior, including the National Park Service, on hydropower and other development and resource use matters. You surely have some knowledge of the department's and agency's energy infrastructure-related capacities and policies. Please provide a written description, in detail, of what you understand to be the National Park Service's current expertise in electric transmission system planning. Please identify the agency officials with training in and responsibility for high voltage transmission system planning.

Answer. While I appreciate your confidence in my knowledge of the department and agency's energy infrastructure, my experience has not provided me with this level of knowledge. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

f. Please identify the provisions of the NPS Organic Act, as amended, or other statutes that grant the National Park Service or other Interior Department agency, authority and responsibility to site, evaluate, or otherwise administer any aspect of the nation's high voltage electric transmission grid.

Answer. My experience has not provided me with this level of knowledge. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

g. Please describe what law would authorize the National Park Service to propose or make a decision to authorize placement of a new high voltage electric transmission line in a unit of the National Wildlife Refuge System, on a state park, on private residential property, or on any land not under the direct jurisdiction of the National Park Service.

Answer. I am not familiar with the specific work of the NPS on this project. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

h. Given that the Interior Department has made it a high priority to collaborate with other federal agencies and the President in facilitating investments in energy and other infrastructure across the country, and given the National Park Service's large and strategically placed land holdings in the East, Alaska, and other parts of the country, do you think the NPS is helping or hurting the Department fulfill its commitments? Do you think the Service's track record on Susquehanna-Roseland reflects well on Secretary Salazar and President Obama's ability to fulfill their promises or does it make the President and Secretary look ineffectual?

Answer. I am not familiar with the specific work of the NPS on this project. If confirmed, I commit to gaining a fuller understanding of this issue and would be happy to meet with you then to discuss this further.

i. Is the NPS's approach to the Susquehanna-Roseland reliability project representative of how you would like to see the agency handle requests for agency

approvals by public and private utilities to upgrade energy, communications, transportation and other infrastructure that was in place on lands before those lands were included in the national park system? If not, why not? If so, why?

Answer. Although I am not familiar with the specific work of the NPS on this project, I believe the National Park Service has a responsibility to examine applications made by utilities for permission to use park lands for power line construction.

j. If confirmed, would you cooperate with Congress in performing a comprehensive, public analysis of the decision making process followed by the National Park Service in connection with the NEPA analysis of the proposed Susquehanna-Roseland transmission reliability project? Would you support and cooperate in making available to Congress all records associated with the agency's activities, and agree to allow the relevant superintendents to testify before Congress, including testimony under oath?

Answer. If confirmed, I would commit to learning more about this project and would be happy to meet you with you then to discuss these matters further.

Question 8. Let me say that to the organization's credit and, I assume, to your credit, that tax return is easily accessible on its website. The tax return lists as "exempt purpose achievements" for two out of three of American Rivers' "largest program services," removing dams and—and this is a direct quote— "preventing harmful and destructive projects such as logging, mining, drilling or damming near rivers." Now all of us are for conservation and responsible environmental protection, but I think most Americans would agree that equating "logging, mining, drilling or damming near rivers" with "harmful projects" is an overreach. I know Alaskans do not view "logging, mining, drilling or damming near rivers to be "harmful projects."

a. Do you believe that logging, mining, drilling or damming near rivers is harmful?

Answer. Some aspects of these operations on or near rivers can cause significant environmental harm to rivers. For this reason, Congress provided in the National Wild and Scenic Rivers Act protection to the river corridor extending for an average of a quarter mile on both sides of the river.

b. Please name damming, drilling, mining or logging projects you've supported and helped move to fruition.

Answer. American Rivers' mission is to protect healthy rivers and clean water for people, wildlife and nature so that local communities can thrive. The organization has supported development activities, such as efforts to improve operations of dams, levees and other river infrastructure, in concert with mitigation measures to enhance environmental performance of development activities and to promote economic growth. For example, American Rivers worked with Alcoa Power Generating, Inc., the Tennessee Clean Water Network, local communities and property owners, the States of Tennessee and North Carolina, the National Park Service, the US Fish and Wildlife Service, the Bureau of Indian Affairs, and the US Forest Service on a hydropower dam relicensing for Alcoa's Tapoco hydropower project. Conservation interests and resource agencies agreed to support the continued operation of four hydropower dams on the Little Tennessee and Cheoah rivers for the next 40 years. Alcoa agreed to restore flows to two dewatered reaches, including a nine-mile section of the Cheoah River that had been virtually dry for more than 50 years, to recover native species and enable recreational activities from fishing to whitewater boating, enhancing the local economy with tourist revenue. Alcoa also approved a plan that preserves 10,000 acres of pristine lands adjacent to Great Smoky Mountains National Park, ensures passage for four endangered fish species, and provides more than \$12 million for conservation projects and enhanced recreational facilities.

c. With respect to dams—please provide an example of a dam that is not, in the sense intended on the tax return of American Rivers, "obsolete or unsafe."

Answer. According to the American Society of Civil Engineers, there are approximately 80,000 large dams in the United States. Most of these dams are safe and serving useful purposes. During my tenure, American Rivers did not advocate the removal of safe and useful dams, with the exception of four dams on the lower Snake River, due to the need to recover endangered salmon.

RESPONSES OF REBECCA WODDER TO QUESTIONS FROM SENATOR BARRASSO

Question 1a. Please provide a list of all policy positions, legal actions or threats of legal action, press releases, policy analysis, or public statements made by Amer-

ican Rivers or officials with American Rivers during the time you served as CEO with which you disagreed or took an opposing view.

Answer. I do not recall any instances. I stand by the work I did in my capacity as President and CEO of American Rivers. Throughout my career, my philosophy toward problem-solving has been an open, transparent and collaborative approach that includes a robust analysis of all alternatives. I believe this approach produces lasting solutions that best meet the needs of all stakeholders. As President and CEO of American Rivers, I had overall responsibility for the organization's strategic, programmatic and financial operations. In this capacity, I embraced and encouraged points of view that were different from my own as sources for new ideas, consensus and ultimately better decisions.

Question 1b. Please provide a short explanation of what action you took as CEO, if any, to articulate your disagreement with the policy positions, legal actions, press releases, policy analysis, or public statements by American Rivers or officials with American Rivers.

Answer. See answer to 1.a.

Question 1c. Please provide a list of all policy positions, legal actions or threats of legal action, press releases, policy analysis or public statements made by American Rivers or officials with American Rivers during the time you served as CEO with which you now disagree or oppose.

Answer. I do not recall any instances. I stand by the work I did in my capacity as President and CEO of American Rivers. Throughout my career, my philosophy toward problem-solving has been an open, transparent and collaborative approach that includes a robust analysis of all alternatives. I believe this approach produces lasting solutions that best meet the needs of all stakeholders. As President and CEO of American Rivers, I had overall responsibility for the organization's strategic, programmatic and financial operations. In this capacity, I embraced and encouraged points of view that were different from my own as sources for new ideas, consensus and ultimately better decisions.

Question 2. When asked on August 5, 2007, "what environmental group do you most admire and why?" you stated:

I am a huge fan of the work of Center for the New American Dream, which is offering practical choices for living a more sustainable and high quality of life in the U.S.

When you made that statement, were you speaking as President of American Rivers, or as yourself?

Answer. I was being interviewed as the President of American Rivers, but this was a personal opinion.

Question 3. Do you agree with this statement from the Center for a New American Dream?

But even if GDP growth could solve the unemployment problem, it shouldn't, because the cost in greenhouse gas emissions is prohibitive.

If so, please explain why. If not, please explain why.

Answer. First, I would like to clarify that I have no contact with this organization, do not follow their work, and have not for many years, so I do not have the context by which to make any judgment or statement on what they mean by this statement. Let me make it clear however that I believe that the United States must continue to grow to ensure a healthy and strong future for our country and our children. I hope that the decisions we, as a country, make will put us on a path of sustainable growth where we can achieve long-term opportunities for all Americans and at the same time use our resources in the most effective way possible.

Question 4. Do you agree with the following statement below on page 3 from the U.S. Fish and Wildlife Service report entitled, "Rising to the Urgent Challenge: Strategic Plan for Responding to Accelerating Climate Change"? If not, please explain why not.

As a Service, we are committed to examining everything we do, every decision we make, and every dollar we spend through the lens of climate change.

Answer. I am familiar with the views of Dan Ashe, Director of the Fish and Wildlife Service (FWS), on this statement, and my views are similar to his. He has said that he agrees with the statement within its context as part of a larger strategic plan. The FWS's Climate Change Strategic Plan is aspirational, and not a mandatory requirement. The plan is not a regulation, a budget directive, or a policy requirement.

Climate change is one of several factors the FWS considers in assessing the well-being of species, and fulfilling its mission to work with others in conserving fish, wildlife, plants and their habitats. The FWS is not responsible for the regulation of greenhouse gases, nor is it the FWS's role to address these causative factors through any of its statutory or regulatory authorities. Indeed, none of its statutory or regulatory authorities, including the Endangered Species Act, provide an appropriate mechanism to regulate greenhouse gases.

The FWS is authorized and obligated, by statute, to conserve fish and wildlife resources, and therefore has an obligation to consider climate change, like other stressors on fish and wildlife and their habitat, in order to make responsible and fully-informed management decisions that make the best use of taxpayer dollars.

If I am confirmed, it will be my responsibility and commitment to ensure that decisions will be made considering the full breadth of the best available science, and will be firmly based on the applicable statutory, regulatory, and policy frameworks.

Question 5. You have made a number statements supporting taking action to address climate change in your career at American Rivers. If confirmed, do you believe your agency, in conjunction with other agencies, can predict with certainty what the weather, and the subsequent impact on the landscape, will be like in Wyoming in 5 years, 10 years, or 50 years from now?

Answer. No, it is not yet possible to predict with certainty the weather for any part of the Earth years into the future. While there is very broad agreement among a wide range of scientists, specializing in relevant fields, about the fact that the climate is changing, there is less understanding about precisely how this will affect the Earth's natural systems, including the weather in any given part of the world. For instance, although the Earth's surface is warming, it is possible that parts of the Earth will actually become cooler as a result. Questions about how climate change will affect the weather and other natural systems are the subject of on-going scientific investigation that is of great importance to land and wildlife managers. If confirmed, I will rely on the best available science on this issue to guide decisions in the future.

Question 6. Can you predict, with certainty, how the Greater Yellowstone grizzly bear population will respond to environmental changes 5, or 10, or 50 years from now?

Answer. No, I personally cannot predict with certainty how the grizzly bear will respond to environmental changes over the long term. The Fish and Wildlife Service has biologists and scientists who have made projections regarding how the population will respond, but I am not familiar with that research or its findings. If confirmed, I would be happy to meet with you to discuss this issue further.

Question 7. Do you believe that computer predictive models today can accurately predict the weather, and the subsequent impact on the landscape, in Wyoming in 5 years, 10 years, or 50 years from now? If not, if confirmed, will you rely on such computer models to make decisions to commit taxpayer dollars to protect species based in whole or in part on predictive computer models that can not accurately predict the weather?

Answer. I am not a meteorologist or climatologist, so I am not an expert in the accuracy of weather modeling. However, I think decisions regarding the effects of future weather and climate conditions should be made using the best available science.

RESPONSES OF REBECCA WODDER TO QUESTIONS FROM SENATOR LEE

Question 1. Ms. Wodder, over the last 25 years American Rivers has filed or been a party to more than 140 lawsuits, many involving the federal government as an adverse party. If confirmed, you or someone under your direct authority will be on the opposite side of the negotiating table from American Rivers or a similar organization trying to settle disputes. What can you point to in your professional life that would assure us that you would represent the American people's best interests and not that of the environmental lobby?

Answer. First, I can only speak to the 16.5 years that I served as CEO of American Rivers. I have attached a spreadsheet provided by American Rivers that describes the cases in which American Rivers was a plaintiff or co-plaintiff, cases in which American Rivers was a petitioner in Federal Energy Regulatory Commission (FERC) proceedings, cases in which American Rivers submitted an amicus brief, and cases in which American Rivers intervened primarily on behalf of the Federal government as an intervenor-defendant. I am not a lawyer and did not participate directly in legal negotiations on these cases.

Importantly, I fully appreciate the difference between my former role as an advocate and, should I be confirmed, my future role as an administrator of the laws and

directives of Congress. This understanding derives from more than 30 years of working with federal public servants and working as a legislative aide to Senator Gaylord Nelson from Wisconsin.

Should I be confirmed, my approach to resolving controversial natural resource issues will be to reach out proactively, especially to those whose livelihoods are at stake, and listen carefully to their concerns and ideas. I will seek balanced approaches that take the needs of all stakeholders into account. I believe that lasting conservation solutions are best achieved through an open and transparent collaborative process that includes a robust analysis of all alternatives.

Consistent with this approach, during my tenure at American Rivers, the organization worked with the Federal Energy Regulatory Commission (FERC) to facilitate and improve hydropower relicensing. In the early to mid 1990s, the licensing process was characterized by litigation and conflict. Shortly after my arrival, American Rivers opened a dialogue with members of the hydropower industry, as well as federal agencies and other stakeholders, to facilitate collaboration and settlement of hydropower conflicts. During that time, American Rivers also worked to negotiate new regulations for FERC known as the Integrated Licensing Process, which set up new timetables, cut down on process, improved permitting, and supported better, more integrated decisions among the various agencies with statutory responsibility. These regulations have been applauded by industry, agencies, and NGOs alike.

Question 2. Please provide the Committee the year-by-year total of any sums that American Rivers received during your tenure from the federal government in grants, attorney fees, or through any other program.

Answer. While I no longer work at American Rivers, I have asked them if they can provide me with the requested information. Attached is a list of the year-by-year total of moneys that American Rivers received during my tenure from the Federal government in grants and through other programs. I am not aware of any moneys that American Rivers received in attorneys fees from the Federal government.

RESPONSE OF CHARLES D. MCCONNELL TO QUESTION FROM SENATOR WYDEN

LNG EXPORTS

Question 1. Your office is responsible for LNG export permits and recently approved a permit for an LNG terminal on the Gulf coast to be allowed to export U.S. gas. Dow Chemical testified before the Energy Committee just last week that tying U.S. natural gas prices to a global natural gas market would only raise U.S. prices and curtail one of the few competitive advantages that U.S. manufacturers are expected to have—low natural gas prices. I want to know what you think the U.S. policy on natural gas exports should be and whether your office is going to consider the overall impact on US consumers and competitiveness when considering export permits, not just the benefits to U.S. gas producers and terminal owners?

Answer. Under Section 3 of the Natural Gas Act, anyone who wishes to export natural gas from the United States to a foreign country, or import natural gas to the United States from a foreign country, must first secure an order from the Secretary of Energy authorizing it to do so. This authority has been delegated to the Under Secretary under Delegation Order No. 00-002.00L (April 29, 2011), and further redelegated from the Under Secretary to the Assistant Secretary for Fossil Energy under Redelegation Order No. 00-002.04E (April 29, 2011). The importation and/or exportation of natural gas from/to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, and the importation of liquefied natural gas, is deemed by law to be consistent with the public interest, and applications for such importation or exportation must be granted without modification or delay. In the case of a proposed export to a non-free trade agreement country, the Assistant Secretary for Fossil Energy, pursuant to redelegation authority, is required to issue such order, unless after opportunity for hearing, he finds the proposed export will not be consistent with the public interest.

In evaluating an export application to non free trade agreement countries, the Assistant Secretary considers any issues required by law or policy, and to the extent determined to be necessary or appropriate takes into account numerous factors in making this public interest determination, including the domestic need for the natural gas proposed for export; adequacy of domestic natural gas supply; U.S. energy security; the impact on the U.S. gross domestic product, including the impact on consumers, industry, and domestic natural gas prices; jobs creation; U.S. balance of trade; international considerations; environmental considerations; consistency with the DOE policy of promoting competition in the marketplace through free negotiation of trade arrangements; and other issues raised in public comments and by

interveners deemed relevant to the proceedings. I believe the provisions set forth in the Natural Gas Act represent an appropriate balance for considering factors related to LNG export application approvals.

RESPONSES OF CHARLES D. MCCONNELL TO QUESTIONS FROM SENATOR MURKOWSKI
RELIABILITY AND AFFORDABILITY IMPACTS OF EPA RULEMAKING

Question 1a. The EPA is aggressively promulgating a series of new rules and regulations on everything from greenhouse gas emissions to cooling water intakes. Much of these efforts would have a direct impact on the use of coal—our most abundant, affordable fossil fuel—to generate power in the United States. My primary concern about these rules, aside from the at-times questionable manner in which they're being pursued, is the impact they could have on the reliability and affordability of electric supplies. Affordable and secure sources of energy are key to American competitiveness.

Do you share any of these concerns?

Answer. Yes, I share your concern and desire to understand the potential impacts pending EPA regulations may have on the reliability and affordability of electric supplies. Sound Federal governance demands prudent evaluation of all benefits and costs associated with potential Federal regulations.

Question 1b. The EPA is aggressively promulgating a series of new rules and regulations on everything from greenhouse gas emissions to cooling water intakes. Much of these efforts would have a direct impact on the use of coal—our most abundant, affordable fossil fuel—to generate power in the United States. My primary concern about these rules, aside from the at-times questionable manner in which they're being pursued, is the impact they could have on the reliability and affordability of electric supplies. Affordable and secure sources of energy are key to American competitiveness.

If confirmed, how do you plan to interact with the EPA in the interagency process on these matters?

Answer. The Office of Fossil Energy, in collaboration and coordination with other DOE offices, interacts with EPA through the formal interagency review process coordinated by the Office of Information and Regulatory Affairs within the Office of Management and Budget on pending EPA regulations impacting Fossil Energy concerns. In addition, technical staff at DOE are working with EPA technical staff to help ensure that all current technical and scientific data is available for consideration. If confirmed, I will take an active role in the interagency review process and work to make the analyses and reviews efficient and effective, in line with the President's Executive Order.

Question 1c. The EPA is aggressively promulgating a series of new rules and regulations on everything from greenhouse gas emissions to cooling water intakes. Much of these efforts would have a direct impact on the use of coal—our most abundant, affordable fossil fuel—to generate power in the United States. My primary concern about these rules, aside from the at-times questionable manner in which they're being pursued, is the impact they could have on the reliability and affordability of electric supplies. Affordable and secure sources of energy are key to American competitiveness.

Are you aware of the 'Statements of Energy Impacts' that agencies complete in conjunction with major rulemakings (as defined by Executive Order 12866), and do you believe that those analyses could be made more useful for both the Office of Management and Budget as well as elected representatives in Congress who must decide if agency actions are reasonable and consistent with Congressional intent?

Answer. Earlier this year President Obama reaffirmed the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866 almost two decades ago. Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. And it must take into account benefits and costs, both quantitative and qualitative. If confirmed, I will take an active role in the interagency review process and work to make the analyses and reviews efficient and effective, in line with the President's Executive Order.

CLEAN COAL FUNDING

The FY 2012 Budget Request sought no funding at all for clean coal demonstration projects because, “these projects are already strongly supported through the 2009 American Recovery and Reinvestment Act.” Indeed, the Department received \$3.4 billion for carbon sequestration work under the Stimulus. Deploying the next generation of coal-fired technologies is vitally important, given the affordability and domestic availability of coal as an energy resource. But this is a lot of money, and we need to be certain that it is being leveraged in the most efficient way possible. I am concerned that the Department might be overemphasizing the longer-term goal of deploying carbon sequestration technologies at the expense of more attainable improvements in efficiency and diversified utilization.

Question 2. Do you believe that the Department’s coal-related spending is sufficiently diversified, to include not only work on carbon sequestration, but also work on improvements at existing plants; progress on the efficiency of more conventional, new electric-generating units that may be deployed in the near-term; and gasification technologies for use in the production of plastics, synthetic natural gas, liquid fuels, fertilizer, and other products?

Answer. DOE has supported the development of technologies applicable to several of the areas identified, including efficiency improvement, fuels, gasification technologies, and utilization of coal and CO₂ for chemical production. The development of technologies for carbon capture and sequestration (CCS) has become a priority to ensure that technologies are available for the power and other industry sectors to deploy at scale, and to meet the recent EPA regulations for CCS. The DOE stands ready to continue and expand work in the other areas of research, which have complementary benefits for CCS and the reduction of greenhouse emissions to the atmosphere, to meet the evolving needs of industry and the Nation.

LOAN GUARANTEE PROGRAM SUPPORT FOR CLEAN COAL

The Loan Guarantee Program, despite some growing pains, has remained a relatively well-supported program in Congress. I am concerned, however, that the Loan Guarantee Program’s utility for clean coal and other fossil-based energy resources has not been as robust as it could be. While you would not be administering the Loan Guarantee Program as an Assistant Secretary for Fossil Energy, if confirmed you would certainly be in a position to explain the importance of supporting everything from efficiency improvements, to gasification, liquefaction, and carbon sequestration using the tools available at the Loan Guarantee Program office. I am concerned that if this program does not re-establish its broad applicability to a wider variety of energy sectors, it could lose much of the support it has enjoyed in recent years.

Question 3a. If confirmed, how do you anticipate interacting with the Loan Guarantee Program Office, not only as a resource on technical matters but as an advocate for deploying the next generation of clean coal technologies using all tools available to the Department?

Answer. If confirmed, I will work very closely with the Loan Programs Office to ensure the Department takes full advantage of the synergy inherent in combining the results of our fossil energy research, development, and demonstration work with the financial support afforded by loan guarantees. Loan guarantees mitigate financial risk for first movers willing to invest in clean energy technologies, including advanced coal facilities and therefore will accelerate market penetration of clean coal facilities, allowing the production of electricity, fuels, and chemicals in the most environmentally-friendly manner practicable.

Question 3b. The Loan Guarantee Program, despite some growing pains, has remained a relatively well-supported program in Congress. I am concerned, however, that the Loan Guarantee Program’s utility for clean coal and other fossil-based energy resources has not been as robust as it could be. While you would not be administering the Loan Guarantee Program as an Assistant Secretary for Fossil Energy, if confirmed you would certainly be in a position to explain the importance of supporting everything from efficiency improvements, to gasification, liquefaction, and carbon sequestration using the tools available at the Loan Guarantee Program office. I am concerned that if this program does not re-establish its broad applicability to a wider variety of energy sectors, it could lose much of the support it has enjoyed in recent years.

Do you share my concern that narrowing the utility of the Loan Guarantee Program to certain technologies could harm the prospects for ongoing support from Congress?

Answer. I fully recognize the important contribution that government-sponsored financial support under the Loan Guarantee Program, covering the many eligible

energy technology sectors, has played in the advancement of complex, large-scale, clean power and alternative-fuel projects. If confirmed, I will work diligently with the Secretary to ensure that the resources at my disposal are fully used in conjunction with DOE programs to further our Nation's energy independence and environmental objectives.

ALASKA ENERGY SOURCES

Question 4. The Arctic Energy Office is under NETL's umbrella and is situated in Fairbanks. Do you view Arctic energy sources as an important part of your (potential) office's portfolio? Will you commit to keeping the Arctic Energy Office active and engaged? Do you have thoughts on replacement after Brent Sheets' retirement?

Answer. I believe Arctic energy sources would be an important part of my portfolio should I be confirmed. The Office of Fossil Energy is actively working to keep the Arctic Energy Office staffed; NETL assigned a staff member to the Office in early August to maintain continuity in the relationships with important stakeholders in the region like the University of Alaska and the industrial community.

In the current fiscal year, we are coordinating with the Office of Science to continue a CO₂ injection field test with ConocoPhillips to explore novel methods of producing methane hydrates while storing carbon dioxide. This will be a critical test for the characterization of hydrate deposits as well as identifying an important method for producing methane from hydrates.

CLEAN ENERGY IN ALASKA

Question 5. Can you talk about your commitment to exploring methane hydrates—as I understand it, there are literally thousands of years worth of clean energy supply if we can figure out how to commercialize our offshore and onshore methane hydrate resource?

Answer. While global estimates of the methane hydrate resource vary considerably, the energy content of methane occurring in hydrate form is immense. However, future production volumes are speculative because methane production from hydrate has not been documented beyond small-scale field experiments. Methane hydrate research within the Office of Fossil Energy aims to develop the tools and technologies to allow environmentally safe methane production from arctic and other domestic offshore hydrates.

In the current fiscal year, we will continue a CO₂ injection field test with ConocoPhillips to explore novel methods of producing methane hydrates while storing carbon dioxide. This will be a critical test for the characterization of hydrate deposits as well as identifying an important method for producing methane from hydrates. It is being conducted in coordination with the Office of Science, whose interest lies in the fundamental geochemistry associated with the carbon-dioxide /methane exchange process.

UNDERGROUND COAL GASIFICATION

There has been some demonstrated interest in the potential of Underground Coal Gasification in the Beluga Coal Field near Cook Inlet. This is very interesting to South Central Alaska since the Cook Inlet area is running low of its lowest cost natural gas resources. Underground or in-situ gasification may have potential in producing synthetic natural gas, power, or feedstocks for liquid fuels and chemicals. There may also be opportunities to perform underground coal gasification in concert with carbon capture and sequestration (CCS) at comparatively low cost. And this is not just a potential technology for Alaska as there are sites in Wyoming and elsewhere in the U.S. that may be good candidates for Underground Coal Gasification.

Question 6a. What is your view of the prospects for underground coal gasification?

Answer. Over the past several years, Underground Coal Gasification (UCG) has regained worldwide interest with many projects being developed or in operation in several countries including Australia, South Africa, China, and Canada. UCG has the potential to add to our recoverable reserves that are not currently economically recoverable because they are of too low heating value, too deep, or even too thin. In a recent report to the DOE, the National Coal Council concluded that UCG has the potential to increase recoverable coal reserves by 300 percent to 400 percent and appears to be cost-competitive with other coal-based technologies. This technology requires RD&D to ensure safety of environment and to fully understand the economics before being deployed wide-scale in the U.S.

Question 6b. Does the Department have or do they plan a research and development program centered on underground coal gasification? If not, why not?

Answer. The DOE does not currently have a program that directly supports the development or deployment of Underground Coal Gasification (UCG) technology due

to funding constraints. DOE together with Lawrence Livermore National Laboratory (LLNL) conducted research tests at Hoe Creek and Rocky Mountain in Wyoming in the 1970s and 1980s. Several additional tests were also conducted in the United States during the period. Since those tests, work on UCG within the U.S. all but disappeared until the mid-2000s when some small studies were conducted to explore possible synergies of UCG with Carbon Sequestration, whereby the CO₂ can be placed back in the seam to avoid greenhouse gas emissions. However, the more recent improvements in Carbon Sequestration technology can be directly applied to research needs of UCG.

CCS R&D AFTER MOUNTAINEER PROJECT SUSPENSION

Thinking long-term, carbon capture and sequestration could be tremendously important to the future of coal. While there are some encouraging activities underway, American Electric Power recently decided against moving forward with its Mountaineer CCS project, despite \$334 million in support from the Stimulus bill.

Question 7a. Could you put the suspension of the Mountaineer Project in context for us? Where does this leave the clean coal program and DOE's work on CCS?

Answer. AEP has notified NETL's Contracting Officer of its decision to dissolve the current Cooperative Agreement following the completion of Phase 1 activities scheduled for September 30, 2011. While this dissolution will end DOE's involvement in the project, AEP has said it will place their proposed 235 MWe demonstration of the Chilled Ammonia Process (CAP) on hold until such time that there is a regulatory framework for CCS that will allow AEP to recover their investment through the Public Utility Commission's rate recovery process.

DOE still has three other active CCS projects within the Clean Coal Power Initiative (CCPI) program, including Southern Company's IGCC/CCS project in Mississippi, NRG's post-combustion/CCS project in Texas, and Summit's IGCC polygen/CCS project in Texas. In addition to these three projects, DOE is currently renegotiating the Cooperative Agreement for the HECA IGCC project in California in light of that project's planned sale to SCS Energy. The major impacts of AEP's decision on the CCPI program are two-fold: 1) Only one project will remain that addresses CCS from the existing fleet of coal-fired power plants; and 2) None of the remaining clean coal projects, other than FutureGen 2.0, will address CO₂ storage in saline formations. While utilizing CO₂ for Enhanced Oil Recovery significantly improves the economic viability of CCS projects and will provide useful information for CO₂ in geologic formations, the data obtained is not always directly applicable to storage in the vast saline aquifer formations that exist in the U.S.

Question 7b. In February 2010, the President asked a federal task force led by DOE and EPA to propose a plan to overcome the barriers to the widespread, cost-effective deployment of carbon capture and storage within 10 years, with a goal of bringing five to 10 commercial demonstration projects online by 2016. Last August the task force issued its report. Where do we stand on that "plan," and what are the prospects for achieving that goal?

Answer. The DOE plans to meet the goal of having at least five demonstration projects operational by 2016. Of the seven projects included in the Clean Coal Power Initiative (CCPI) and Industrial Carbon Capture and Storage (ICCS) programs, five are on track to be in operation by 2016. Three of those projects are already undergoing construction including Southern Company's IGCC project, ADM's Biofuels project, and Air Products' steam-methane reformer project. Also awarded under the ARRA-funded ICCS program, RTI and Tampa Electric plan to commence a large scale demonstration of CCS in a saline aquifer before 2016. In addition, several large-scale injection projects planned through the Regional Carbon Sequestration Partnerships will be operational by 2016.

Question 7c. The odds of getting five to 10 commercial scale demonstration projects online by 2016 seem low. Is this still an Administration goal, as far as you know? If yes, please describe your vision and strategy for getting the CCS activities back on track toward achieving that goal.

Answer. The goal of having five to ten commercial-scale demonstration projects in operation by 2016 remains the goal of the Administration and is a high priority within the DOE. The DOE is working diligently to manage the regulatory processes, design, construction, and implementation of its portfolio of projects to offer the highest probability that the Administration's goals will be achieved. As stated above, the DOE is currently on track to have at least five such projects in operation by 2016.

RESEARCH AND DEVELOPMENT

Question 8. Do you have thoughts on soliciting and getting the successful proposals such as the RPSEA program to receive funding in a way for them to build

upon their successes? What are the plans for reinforcing this model and possibly applying it toward other technical challenges within your purview? Do you plan to request an extension of this successful program which expires in 2014?

Answer. Within the research portfolio administered by the Research Partnership to Secure Energy for America (RPSEA), every opportunity for selected technologies to be fully evaluated is sought. Requests for Proposals with emphasis on technologies that address environmental sustainability and enhanced safety are issued by RPSEA under the guidance of the Office of Fossil Energy consistent with the research program called for pursuant to the Energy Policy Act of 2005, Title IX, Subtitle J also referred to as "Section 999".

The Section 999 program has a sunset date of September 2014. Current and future research efforts by the Office of Fossil Energy related to this program focus on environmental sustainability and enhanced safety, including risk assessment and mitigation. Going forward, the Office of Fossil Energy will continually evaluate the research portfolio and match it against outstanding R&D needs.

UNCONVENTIONAL FOSSIL FUELS

We routinely hear claims that America is running out of oil and other natural resources, but a report from CRS that Senator Inhofe and I requested tells a much different story. According to it, we have tremendous unconventional resources: an estimated 100 billion barrels of heavy oil, at least 800 billion barrels of oil shale, and perhaps as much as 320,000 trillion cubic feet of methane hydrates.

Question 9a. Do you think it's important that the United States try to commercialize those resources?

Answer. I agree that heavy oil, oil shale, and methane hydrate are very significant domestic resources. Tied to these hydrocarbon resources are energy security, economic development, and environmental sustainability considerations. As we move towards a clean energy future, these resources may play a critical role in the transition. The U.S. will continue to use petroleum products, primarily for transportation, for some time and the majority of these refined products are imported. Natural gas, primarily methane, is integral to the development of renewable energy resources; methane hydrate, if it can be developed into a reliable supply source can add tremendously to our energy portfolio—domestically and globally.

Question 9b. As Assistant Secretary, what will you do, specifically, to promote the development of heavy oil, oil shale, and methane hydrates? What will you say to administration officials who strongly oppose and seek to block their development?

Answer. Within the Office of Fossil Energy, we are conducting research focused on all three of these resources and view our research as necessary underpinnings for their future development. During FY 2011, we've coordinated with the Office of Science and are planning to move forward this coming field season on the next phase of a methane hydrate test in Alaska—a field test designed to evaluate a carbon dioxide/methane exchange concept.

Domestic oil production is an important part of our overall strategy for energy security, but it must be done responsibly for the safety of our workers and our environment. Domestic production can also play a role in helping to achieve the President's goal of reducing our oil imports by one-third in a decade.

RESPONSE OF CHARLES D. MCCONNELL TO QUESTION FROM SENATOR BARRASSO

Rocky Mountain Oilfield Testing Center (RMOTC) in Wyoming provides small businesses and inventors excellent facilities to test and develop new technologies. Last year the Administration required the facility to operate as a user facility without providing the roadmap or tools to implement that requirement.

RMOTC has testing potential for a number of different applications, ranging from geothermal to carbon sequestration to oil and natural gas to environmental safety. Without a strategic plan in place, the Department risks wasting this valuable asset.

Question 1a. What is your plan for RMOTC over the next two years?

Answer. RMOTC testing activities in FY 2011 and FY 2012 will be comprised of projects that are funded through 100 percent fully reimbursable (funds-in) arrangements or fully funded by the Office of Energy Efficiency and Renewable Energy's (EERE) Geothermal Technology Program to validate co-produced and low-temperature geothermal technologies. Some technology development companies will pay to test their technologies at RMOTC while other inventors and technology developers may strike strategic partnerships with end-users to fund their testing at RMOTC. RMOTC will continue its collaboration with EERE to provide a testing center in support of the Low-Temperature and Co-Produced Geothermal activities.

Question 1b. What is the Department's plan for supporting the testing mission while RMOTC transitions to a self-sustaining facility?

Answer. The Department's plans for RMOTC include the preparation of a disposition plan for the facility. This plan for disposition will include analyzing a potential transfer to the Department of the Interior, transfer to an academic institution or other organization that will maintain the RMOTC testing facility, and working with GSA for possible sale or other disposition. Transferring the technology testing portion of RMOTC to new ownership may provide the best opportunity to be self-sustaining. While the disposition plan is prepared and implemented over the next several years, the Department plans on continuing to make the facility available for developers to conduct testing through 100 percent fully reimbursable (funds-in) arrangements, continuing production operations at NPR-3 as long as it remains economic to do so, and continuing with environmental remediation of those facilities that are no longer of value to NPR-3 production operations, RMOTC testing operations, or the prospective new ownership.

RESPONSE OF CHARLES D. MCCONNELL TO QUESTION FROM SENATOR HOEVEN

The model developed under Section 999 of the Energy Policy Act of 2005 has been used to create an industry-directed public/private/academia partnership focused on research and development to address the safety, environmental and technical challenges associated with the development of important new domestic energy resources. This is the only federal program that currently addresses the safety, environmental and technical challenges of the ultra-deepwater.

Yet in the wake of the DeepWater Horizon, DOE has slowed the review and approval process for the program, potentially delaying important federal investment in vital R&D to avoid similar incidents in the future.

Question 1a. Can you please speak to how you will ensure timely review and approval of plans and programs under your management—including the 999 program—should you be confirmed?

Answer. The Deepwater Horizon Disaster and the growing public concern with shale gas development continue to be significant drivers for the Department's research program. DOE has refocused these research programs on risk assessment and mitigation, enhanced safety, and environmental sustainability. This focus has been presented to myriad stakeholders and has been widely accepted as warranting Federal investment.

In order to best address the research needs concerning offshore development and hydraulic fracturing of shale wells, planning and review processes have been deliberate during FY 2011. The Secretary has asked both the Ultra-Deepwater Advisory Committee and the Natural Gas Subcommittee of the Secretary of Energy Advisory Board (SEAB) to review and submit their recommendations on this new emphasis. The SEAB delivered its Shale Gas Production 90-day report to the Secretary on August 18, 2011.

Given this clear vision, planning and key document review milestones have been established, and professional staff in both the Office of Oil and Natural Gas and at the National Energy Technology Laboratory will be attentive to work products and schedules so that actions are completed in a timely manner.

APPENDIX II

Additional Material Submitted for the Record

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 2011.

Hon. BARBARA BOXER,
Chair, Senate Environment and Public Works Committee, SD-410, Washington, DC.

Hon. JEFF BINGAMAN,
Chair, Senate Energy and Natural Resources Committee, SD-304, Washington, DC.

Hon. JAMES INHOFE,
Ranking Member, Senate Environment and Public Works Committee, 5D-410, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Senate Energy and Natural Resources Committee, SD-304 Washington, DC.

DEAR SENATORS:

As you consider President Obama's nomination of Ms. Rebecca Wodder as Assistant Secretary for Fish, Wildlife and Parks at the Department of the Interior, we respectfully write to let you know of our serious concerns with her record as the head of American Rivers, a single-purpose interest group focused on litigating against the federal government and removing economically important infrastructure. We seriously question whether she could adequately represent broader and more balanced interests at the federal level, especially at a fragile economic time with national unemployment exceeding nine percent.

The position for which Ms. Wodder has been nominated oversees the management of at least 180 million federal acres and would have a direct influence on current and potential federal regulations impacting private lands, water rights, energy projects and other infrastructure. This is troubling given her past activities at the Wilderness Society and American Rivers, a non-governmental organization with a long record of receiving American taxpayer dollars while actively litigating against the federal government on multiple fronts. Between 1988 and 2011, American Rivers has either sued or been a party to 150 lawsuits against various parties, mostly the federal government. In fact, American Rivers is currently party to seven lawsuits against American taxpayers and the federal government.

One illuminating piece of litigation revolves around American Rivers' long-standing lawsuit against the federal government's operation of four multi-purpose dams in the Pacific Northwest. These dams, located on the lower Snake River in Washington state, provide multiple benefits including emissions-free, renewable hydroelectricity (enough power to serve a city the size of Seattle), navigation to deliver agricultural products to market, recreation and the good-paying jobs associated with these benefits. Writing in the August 25, 2003 edition of *The Dissident Voice*, Ms. Wodder wrote that "Breaching the four dams on the lower Snake River would be the single most effective way to bring back wild salmon." This is a completely unproven statement and the reality is breaching these dams is an extreme action that would have devastating economic impacts across an entire region while not actually assisting fish recovery. Despite broad agreement, including from the Obama Administration, on a biological opinion for Columbia Basin salmon recovery, Ms. Wodder's organization continues an over decade long lawsuit campaign against the federal government in an effort to demolish these dams.

There are numerous examples of how the policies advocated by Ms. Wodder at American Rivers will have serious impacts throughout the country. First, she effectively advocated for federal regulations that caused up to 40 percent unemployment in parts of the San Joaquin Valley, California by diverting farm water under the guise of protecting the Delta smelt, a three-inch fish. Second, she endorsed last Con-

gress' controversial legislation (H.R. 5088 and S. 787) that many argued could allow the EPA to regulate street and gutter water run-off and man-made ditches. This could cause significant job loss throughout rural America and the National Association of Counties, a non-partisan entity composed of locally elected officials, was concerned that this legislation could lead to "more court cases" and federal groundwater regulation. Third, by naming the Susquehanna River as one of "America's most endangered rivers," her organization attempted to stifle the domestic production of affordable natural gas through hydraulic fracturing.

Furthermore, we are also concerned that this appointment may run afoul of President Obama's own goal of ensuring that political appointees would not work on regulations or contracts directly and substantially related to their prior employer. Ms. Wodder has received significant, long-term compensation during her tenure at American Rivers. As previously noted, the organization currently has numerous pending lawsuits against the very agencies over which she would have regulatory authority and for others that directly or indirectly have been involved in litigation with the Interior Department. This creates a very real and serious conflict of interest.

As Members of the House of Representatives, we appreciate the unique role of the Senate in the confirmation process. Nonetheless, the policies advocated by this nominee would be so detrimental to jobs, our economy and the livelihood of rural Americans that we felt compelled to make our views known and ask that you take them into consideration.

Sincerely,

Doc Hastings, *Member of Congress*; Raúl Labrador, *Member of Congress*; Cathy McMorris Rodgers, *Member of Congress*; Chip Cravaack, *Member of Congress*; Dan Benishek, *Member of Congress*; Glenn Thompson, *Member of Congress*; Jeff Landry, *Member of Congress*; John Fleming, *Member of Congress*; Blaine Luetkemeyer, *Member of Congress*; Bob Gibbs, *Member of Congress*; Denny Rehberg, *Member of Congress*; Louie Gohmert, *Member of Congress*; Sam Graves, *Member of Congress*; Tom McClintock, *Member of Congress*; Devin Nunes, *Member of Congress*; Doug Lamborn, *Member of Congress*; Jeff Flake, *Member of Congress*; Kristi Noem, *Member of Congress*; Rob Bishop, *Member of Congress*; Jason Chaffetz, *Member of Congress*; Don Young, *Member of Congress*; Bill Johnson, *Member of Congress*; Stevan Pearce, *Member of Congress*; Scott Tipton, *Member of Congress*; Ben Quayle, *Member of Congress*; Cynthia Lummis, *Member of Congress*; Paul Gosar, *Member of Congress*; Bill Flores, *Member of Congress*; Mike Coffman, *Member of Congress*; Cory Gardner, *Member of Congress*; Ken Calvert, *Member of Congress*; Trent Franks, *Member of Congress*; Wally Herger, *Member of Congress*; Howard P. "Buck" McKeon, *Member of Congress*; Paul Broun, *Member of Congress*; Vicky Hartzler, *Member of Congress*; Jo Ann Emerson, *Member of Congress*; Jeff Denham, *Member of Congress*; Steve Southerland, II, *Member of Congress*.

July 25, 2011.

Hon. JEFF BINGAMAN,
Chairman of the U.S. Senate Energy and Natural Resources Committee, 703 Hart
Senate Office Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN:

I want to endorse the nomination of Rebecca Wodder as Assistant Secretary of Interior for Fish and Wildlife and National Parks. I have known Rebecca Wodder since my time as Interior Secretary and find her to be competent, fair and diligent. While I may have disagreed with some policy positions she backed during her tenure at the helm of American Rivers, I respect her desire to find solutions to difficult problems. In tile West, dealing with water scarcity and water allocation may be the most difficult problem of all. Wodder's work in Washington State to help find consensus between conservation interests and water users in the Yakima Basin has shown her to be talented leader. The Interior Department will benefit from Rebecca Wodder's

experience bringing opposing interests together and forging important compromises among difficult constituencies.

Sincerely,

CECIL D. ANDRUS,
Governor of Idaho, 1971-1977, 1987-1995,
U.S. Secretary of the Interior, 1977-1981.

ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.,
Madison, WI, July 17, 2011.

Senate Committee on Environment and Public Works,
Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
RE: Nomination of Rebecca Wodder to be Assistant Secretary for Fish, Wildlife and Parks for the Department of the Interior

DEAR SENATORS,

We are writing to convey our support for confirmation of Rebecca Wodder to be Assistant Secretary for Fish, Wildlife and Parks for the Department of the Interior. ASFPM's 14,000 members are the federal government's partners in efforts to identify and reduce the risk of loss of life and property in floods. Ms. Wodder has demonstrated her commitment to this effort, and will bring a diverse and valuable background to her new role in the Department of the Interior. In addition to her clear commitment to reducing the nation's vulnerability to flooding, Ms. Wodder brings critical skills and expertise in the natural resources and functions of floodplains. Importantly, her background in public engagement and commitment to transparent and inclusive public processes will also serve her well.

Please feel free to contact me with any questions about our support for Ms. Wodder's confirmation, or any time we can be of assistance.

Sincerely,

LARRY LARSON, P.E., CFM.

BROOKFIELD,
Marlborough, MA, July 21, 2011.

Hon. JEFF BINGAMAN,
U.S. Senate, 703 Hart Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN BINGAMAN:

In June, President Obama nominated Rebecca Wodder, former president and chief executive officer of American Rivers, for the position of Assistant Secretary for Fish, Wildlife and Parks for the Department of the Interior. This is a position for which Ms. Wodder will need confirmation from the Energy and Natural Resources Committee. Brookfield supports Ms. Wodder's nomination.

Brookfield Renewable Power Inc., wholly-owned by Brookfield Asset Management Inc., has more than 100 years of experience as an owner, operator and developer of hydroelectric power facilities. Its total portfolio includes more than 170 generating facilities with over 4,300 megawatts of capacity. It also has a significant hydroelectric and wind project pipeline. Brookfield Renewable Power's operations are primarily located in North America and Brazil. Brookfield Asset Management Inc., focused on property, power and infrastructure assets, has over US\$150 billion of assets under management and is listed on the New York and Toronto Stock Exchanges under the symbols BAM and BAM.A, respectively, and on Euronext Amsterdam under the symbol BAMA. For more information, please visit Brookfield Renewable Power's website at www.brookfieldpower.com and Brookfield Asset Management's website at www.brookfield.com.

Of Brookfield's 101 hydropower facilities in the United States, 42 are certified by the Low Impact Hydropower Institute (LIHI). For more information on LIHI's certification criteria, please visit www.lowimpacthydro.org.

Through our work with LIHI, advocating for the use of LIHI certification for hydropower's inclusion in state and national renewable standards, multiple re-licensing efforts for our hydropower facilities, and other projects where we have a shared interest, Brookfield has developed a positive working relationship with American Rivers under the leadership of Ms. Wodder. We have found American Rivers to be a dedicated advocate for environmental issues but one that is reasonable. While supporting its positions, American Rivers is driven by scientific data and the common good which allows them the flexibility to compromise when an agreement with multiple stakeholders can be reached.

Brookfield supports the nomination of Ms. Wodder and encourages the Committee to hold a hearing on her nomination as soon as possible.

Sincerely,

DANIEL WHYTE,
Vice President.

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Arlington, VA, July 25, 2011.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, 304 Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy & Natural Resources, 304 Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATORS:

On behalf of America's electric cooperatives, I am writing today opposing the nomination of Rebecca Wodder for Assistant Secretary for Fish, Wildlife and Parks.

The National Rural Electric Cooperative Association (NRECA) represents more than 900 not-for-profit electric cooperatives providing retail electric service to more than 42 million consumers in 47 states. Millions of electric cooperative consumers rely on the affordable, renewable hydropower marketed by the federal Power Marketing Administrations (PMAs). The PMA hydropower projects serve multiple purposes that help drive the economies of many states. As Assistant Secretary for Fish, Wildlife and Parks, Ms. Wodder would have great influence over the positions taken by the Department of the Interior, which has broad jurisdiction over many areas impacting dam operations.

Because of the importance of the Power Marketing Administrations to our economy, we are strongly opposed to the nomination of Ms. Wodder. Since 1995, Ms. Wodder has served as President of American Rivers, an organization that has made dam removal a central part of its mission. During her tenure, she led efforts to remove the Lower Snake River dams in the Pacific Northwest and opposed the Obama Administration's Biological Opinion for salmon recovery in the Columbia and Snake Rivers. Given her long tenure at an organization with a strong bias for dam removal, her objectivity on issues affecting federal hydropower facilities is questionable.

NRECA has long opposed misguided efforts to dismantle our federal hydropower resource. Unfortunately, Ms. Wodder has spent her professional career attempting to eliminate this reliable, affordable, renewable resource from our energy portfolio.

Accordingly, we urge you to oppose the nomination of Ms. Wodder for Assistant Secretary for Fish, Wildlife and Parks. Thank you for your consideration.

Sincerely,

GLENN ENGLISH,
Chief Executive Officer.

THE HEARTLAND INSTITUTE,
Washington, DC, July 19, 2011.

DEAR MEMBER:

My name is Eli Lehrer and I am a Vice President of the Heartland Institute for Washington, D.C. Operations. The Heartland Institute is a national free-market think tank devoted to free markets, limited government, and sensible regulatory policy. I am writing to you in support of the nomination of Rebecca Wodder as the Assistant Secretary of Interior for Fish, Wildlife and Parks. Prior to assuming my current position, I served as a speechwriter to Senate Majority Leader Bill Frist, a magazine editor at The American Enterprise Institute, and fellow at the Heritage Foundation. The comments that follow are my personal opinions and do not necessarily represent the opinions of The Heartland Institute, its trustees, or its other staff members.

I first became familiar with Ms. Wodder's organization in the context of the debate over The National Flood Insurance Program and proposals to engineer a partial federal takeover of windstorm insurance markets insurance. In the context of this debate, American Rivers partnered with organizations including my own employer, Americans for Tax Reform, Americans for Prosperity to oppose proposals that would expand the size and scope of government while damaging the natural environment.

At all times, I found American Rivers' staff willing to work with right-of-center organizations like my own, open to new ideas, and supportive of many free market values.

In the context of my knowledge of Ms. Wodder's organization, I would also like to address the criticism that American Rivers has received from some members of the Congress for its opposition to a larger flood insurance program, more spending by Army Corps of Engineers and its support for efforts to decommission environmentally destructive, dangerous, poorly maintained dams. Although it is neither possible nor desirable to remove all structural means of water control, I see no reason why those who claim to favor smaller government should support government spending on dubious "economic development" priorities that have the invariable side effect of damaging scenic historic, and useful rivers. Certainly, reasonable people can differ on the wisdom of removing any given dam or carrying out any major hydrological project. But those who support smaller, less intrusive government should cheer any organization calling for less government spending and a smaller government footprint in the natural environment. On the issue of water subsidies, I again see much that conservatives should like in the positions that American Rivers has taken. Like Ms. Wodder's group, I am opposed to government subsidies for the commercial use of water for agricultural or other uses. Quite simply, Ms. Wodder's views on a large number of issues are, in my judgment, exactly those that conservatives concerned about our natural environment should endorse.

I should also add that I am impressed with the way that American Rivers, unlike some other environmental groups, has realized that conservation of the natural environment is important insofar as it benefits human beings. It is a mass membership organization with enormous numbers outdoors enthusiasts amongst its membership and I believe that, if confirmed to the position for which she was nominated, she will work to make America's open spaces and scenic waterways available and accessible to hunters, anglers, paddlers and other outdoor recreation enthusiasts.

Let me close on a final note: like most conservatives, I have a number of policy differences with Ms. Wodder. In particular, I strongly disagree with positions she has expressed about the appropriate response to climate change and with the climate-change related legislation that American Rivers has supported. Her opinions, however, are consistent with the opinions expressed by the President himself and, to my knowledge, every other person he has appointed to a similar position in his administration. While I disagree with them, I do not believe they should disqualify her. In short, while my core beliefs are different from Ms. Wodder's I believe that she deserves to be confirmed.

Yours truly,

ELI LEHRER,
Vice President.

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