

S. HRG. 119–279

HEARING ON THE NOMINATIONS OF BRIAN
NESVIK TO BE DIRECTOR OF THE UNITED
STATES FISH AND WILDLIFE SERVICE, JESSICA
KRAMER TO BE AN ASSISTANT ADMINIS-
TRATOR OF THE ENVIRONMENTAL PROTEC-
TION AGENCY, AND SEAN DONAHUE TO BE
AN ASSISTANT ADMINISTRATOR OF THE ENVI-
RONMENTAL PROTECTION AGENCY

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

MARCH 26, 2025

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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C O N T E N T S

Page

MARCH 26, 2025

OPENING STATEMENTS

Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia	1
Whitehouse, Hon. Sheldon, U.S. Senator from the State of Rhode Island	3
Lummis, Hon. Cynthia, U.S. Senator from the State of Wyoming	16

WITNESSES

Gordon, Hon. Mark, Governor from the State of Wyoming	5
Prepared statement	8
Barrasso, Hon. John, U.S. Senator from the State of Wyoming	12
Prepared statement	13
Nesvik, Brian, Nominee to be Director of the United States Fish and Wildlife Service	17
Prepared statement	20
Responses to additional questions from:	
Senator Cramer	23
Senator Husted	23
Senator Whitehouse	24
Senator Merkley	30
Senator Markey	30
Senator Schiff	33
Senator Blunt Rochester	37
Kramer, Jessica, Nominee to be an Assistant Administrator of the Environmental Protection Agency	38
Prepared statement	40
Responses to additional questions from:	
Senator Cramer	42
Senator Husted	43
Senator Whitehouse	43
Senator Merkley	46
Senator Markey	48
Senator Blunt Rochester	49
Donahue, Sean, Nominee to be an Assistant Administrator of the Environmental Protection Agency	51
Prepared statement	53
Responses to additional questions from:	
Senator Wicker	58
Senator Whitehouse	59
Senator Merkley	62
Senator Schiff	64

ADDITIONAL MATERIAL

Letter of support for Brian Nesvik to Senator Capito, Senator Whitehouse, Senator Ricketts, and Senator Schiff from National Audubon Society	92
Letters of support for Brian Nesvik to Senator Capito and Senator Whitehouse from:	
Association of Fish & Wildlife Agencies	93
Boone and Crockett Club	94
Ducks Unlimited	95
American Sportfishing Association and multiple other organizations	97

IV

	Page
Letters of support for Brian Nesvik to Senator Capito and Senator Whitehouse from—Continued	
National Alliance of Forest Owners	99
National Association for Biomedical Research	101
National Stone, Sand & Gravel Association	102
National Cattlemen's Beef Association and Public Lands Council and two other organizations	103
Letters of support for Brian Nesvik to Senator Capito from:	
Wyoming Wildlife Federation	105
National Association of Conservation Law Enforcement Chiefs	107
Wyoming Outfitters & Guide Association	109
Wyoming Stock Growers Association	111
Wyoming Wildlife & Natural Resource Trust	112
Letters of support for Jessica Kramer to Senator Capito and Senator Whitehouse from:	
American Water Works Association	114
Association of Metropolitan Water Agencies	115
Coalition of Recyclers of Residual Organics by Practitioner of Sustainability	117
Dave Ross, former assistant administrator, Office of Water, EPA	119
National Association of Clean Water Agencies	121
National Rural Water Association	124
National Stone, Sand & Gravel Association	126
National Water Resources Association	127
Northwest Biosolids Association	129
Xylem, Inc.	130
Letters of Public Financial Disclosure from nominees:	
Jessica Kramer	132
Brian R. Nesvik	133
Sean Donahue	136

HEARING ON THE NOMINATIONS OF BRIAN NESVIK TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, JESSICA KRAMER TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, AND SEAN DONAHUE TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WEDNESDAY, MARCH 26, 2025

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. Shelley Moore Capito (chairman of the committee) presiding.

Present: Senators Capito, Whitehouse, Cramer, Lummis, Sullivan, Ricketts, Wicker, Boozman, Husted, Merkley, Kelly, Padilla, Schiff, Blunt Rochester, Alsobrooks.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Good morning, and thank you for everybody who is here today. I am pleased to welcome everyone to today's hearing where we will consider the nominations of Brigadier General Brian Nesvik to serve as Director of the U.S. Fish and Wildlife Service, Jessica Kramer to serve as Assistant Administrator for the Office of Water, and Sean Donahue to serve as General Counsel at the EPA.

General Nesvik has more than 29 years of experience with the Wyoming Game and Fish Department prior to his retirement last September, where he was going to go ranching permanently, until he told me when he came to see. He has a little peek in the system here, and we are glad he does.

During his tenure with the Department, he served in various roles including Chief Game Warden and Wildlife Division Chief, until ultimately being appointed the Director in 2019.

Wyoming is a world-renowned destination for hunters and anglers and General Nesvik led the State's wildlife management programs ensuring that the conservation of species and recreational existence can coexist for generations to come.

Simultaneously to his full-time job with the Wyoming Game and Fish, General Nesvik served in the Wyoming Army National Guard. His service included deployments to Kuwait and Iraq in progressively more senior leaderships, culminating in his final posting as the commander the Wyoming Army National Guard. After 35 years of service, General Nesvik retired from the National Guard in 2021 at the rank of Brigadier General. Thank you, General Nesvik, for your service to our Country.

The U.S. Fish and Wildlife Service, or the Service, needs greater structure and efficiency. It will benefit to have a former general as its Director.

As the director of the Service, General Nesvik will be tasked with overseeing the operations of the agency, to conserve and manage our Nation's wildlife and natural habitats. Under the Biden Administration, the Endangered Species Act was leveraged to slow down and sometimes even halt infrastructure projects going through the Federal permitting process. We must be able to efficiently permit projects while protecting wildlife and natural habitats at the same time.

General Nesvik will oversee many other issues, such as the management of the 570 national wildlife refuges and implementation of congressionally authorized conservation programs. I trust that his background will offer him a unique perspective on how the Service can better manage wildlife programs and protect species without hindering critical infrastructure projects. I look forward to hearing his testimony.

This morning we will also hear from Jess Kramer. We call her Jess, Jessica, Jess, President Trump's nominee to serve as the Assistant Administrator for the Office of Water. This committee has a long tradition of working in a bipartisan manner to strengthen environmental policies, improve water infrastructure and ensure Federal regulations are effective, not unnecessarily burdensome. Clean water is not a partisan issue. it is essential to the health, safety and economic well-being of every American.

The Office of Water plays a critical role in ensuring access to safe and reliable water for all Americans. That means ensuring Federal programs like the State Revolving Funds are effective, addressing Perfluoroalkyl carboxylic acids, PFAS, contamination without undue burdens on ratepayers, and working with State and local governments to streamline permitting.

Jess is well-qualified to lead the EPA's Water Office. She has built a career crafting practical, bipartisan solutions to improve water policy and ensure communities, regardless of their size and geography. She has also worked to have access to safe and reliable drinking water and wastewater infrastructure.

During Jess's time working with me on the Environment and Public Works, EPW, committee, she played a key role in shaping the water provisions in the Infrastructure Investment and Jobs Act, IIJA, securing historic investments to modernize drinking water and wastewater systems, remove lead service lines, and address emerging contaminants.

Beyond her experience on Capitol Hill, she has served in both State and Federal roles, most recently as the Deputy Secretary of Regulatory Programs at the Florida Department of Environmental

Protection, where she oversaw critical programs related to water quality, permitting, and enforcement. Jess understands that environmental protection and economic growth can go hand in hand, and she knows how to ensure regulations are clear, fair, and based on sound science.

This morning, we will also hear from Sean Donahue, the nominee to serve as General Counsel at the EPA. The EPA's Office of General Counsel serves as the chief legal advisor to the agency, providing critical guidance on implementing environmental laws like the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Superfund.

The General Counsel plays a central role in shaping EPA's policies, ensuring legal compliance, defending the agency from legal challenges, and advising on matters that impact communities nationwide. The office also works closely with Congress, EPA regional offices, and enforcement teams to provide the legal foundation for strong environmental protections.

Mr. Donahue has served for three years in the prior Trump Administration at the EPA as a Special Advisor, including working in the agency's Office of Land and Emergency Management. After working at the agency, Mr. Donahue joined a law firm in Buffalo, New York where he practiced environmental law. In 2024, he served as a counsel for a solar energy development company in New York State.

In 2025, Mr. Donahue was appointed Principal Deputy General Counsel at the EPA. He currently serves as a Special Advisor in the EPA Administrator's Office. With his experience in both private practice and at the agency, I look forward to hearing more about Sean Donahue's qualifications and vision for this important role.

With that, I now recognize my Ranking Member, Senator Whitehouse. I would like to welcome Senator Barrasso, and we will give him a chance here to introduce the General shortly.

Thank you.

**OPENING STATEMENT OF HON. SHELDON WHITEHOUSE,
U.S. SENATOR FROM THE STATE OF RHODE ISLAND**

Senator WHITEHOUSE. Thanks very much.

I would like to take my time this morning to discuss something that is going on with the Greenhouse Gas Reduction Fund, which is a fund that was appropriated by Congress, obligated and the funds disbursed to a private fiscal agent, Citibank. It relates to climate and because the President insists falsely that climate change is a hoax, people who are subordinate to him feel obligated to go after this Greenhouse Gas Reduction Fund.

The problem is that the manner in which they have gone after it reflects the actual weaponization of the Department of Justice in ways that the prosecutions of President Trump never saw. It begins with the interim United States Attorney saying publicly, before he is even in office, that this fund is total graft and needs to be stopped. He has already announced his predilections about that. This fund includes nefarious actors like Habitat for Humanity.

The veto clock had run, so there was no role to undo the funding. It was even disbursed, as I mentioned. What they had to do was to try to cook up a way to freeze the fund. The way they tried to

cook up to freeze the fund was to create a pretend criminal investigation, and then they could point to the criminal investigation and tell Citibank to freeze the funds pending the criminal investigation.

The problem was, there was no evidence of any crime. That became apparent when the ask went from interim U.S. Attorney Martin to the Chief of the Criminal Division in the U.S. Attorney's Office for the District of Columbia and was told by the Chief, there is no crime here, I cannot do that.

Rather than stop, what he did was force the resignation, fired, the career criminal chief. This is a guy who has never been a prosecutor before, and he is firing the criminal chief.

That is a pretty big red flag, when you get an answer from the career staff saying, boss, there is no crime here, and then you fire them for telling you that.

Then he tried to shop this notion around the office, and no career U.S. Attorney would sign. I have been a U.S. Attorney. It is almost unfathomable for a U.S. Attorney's office to send out a pleading without a career attorney being involved.

He could not get a career attorney, another big red flag. Then he went forward himself. Again, this is not an experienced prosecutor, this is not somebody who brings a lot of game with him. He just wanted to do it.

With no support from the career people in the office, he went forward alone. The alone bid is another very strong signal that something is very badly amiss in what is going on.

Then, going ahead solo, as the interim U.S. Attorney, he went before a magistrate judge who said, no dice, you have nothing here. He shot him down. For a U.S. Attorney's office to be shot down over a warrant application is like a hospital never event. If that ever happened in Rhode Island when I was a U.S. Attorney, there would be after-action investigations, reports, what the hell went on here, because you never want to put your Federal judges in a position where they have to shoot down a warrant application of yours. You want to make sure that they are iron-clad.

This failure by the U.S. Attorney to get the magistrate judge to go along with him, that is yet another red flag flying. Then after that, they started shopping it around other U.S. Attorneys' offices. That is also pretty much unheard of.

What resulted was something I have never seen before, which is a letter out of the FBI recommending a temporary freeze. I do not know any procedure for doing that. It had no sign-off from anybody in any U.S. Attorney's office. Again, it is just bizarre incident after bizarre incident after bizarre incident after bizarre incident.

In the backdrop to this are out of court statements made by Lee Zeldin, our EPA guy, and Ed Martin, this interim U.S. Attorney, derogatory, about the bank and the recipients of the program. It started with graft, but they went on to make allegations of fraud and criminality.

Well, there are a number of things that are wrong with that. First is, allegations of fraud and criminality are defamatory per se. It is not the kind of stuff anybody should be saying about anybody else falsely.

It is particularly bad when it is the prosecutive branch that is saying things falsely about people that they are either seeking to investigate or are investigating or are prosecuting. The U.S. Attorney's Manual, now call the Justice Manual, is rife with warnings, not only to the Department of Justice employees, but to the agencies working together on investigations, that you do not say derogatory things about people while you are investigating them. You let your pleadings do the talking. That is Federal prosecution 101.

All of these false statements that are being made, they had the chance to try to prove their false statements, by the way, and a Federal judge took a look at the best they could do and said, there is no evidence here of any criminality, period. You have the magistrate judge who shot down the warrant, and you have the Federal judge who shot down the argument that there was fraud or criminality here. Yet they persist.

The aberration here from proper prosecutive process is really telling, and both in this committee and the Judiciary Committee, I am going to keep digging at this. Over and over and over again, there are multiple red flags flying of prosecutorial misconduct, of legal violations, and ultimately probably you will find out from civil litigation, either under 42 U.S. Code Section 1983, or in a straight defamation case, what the heck went on.

I can tell you, Madam Chair, as somebody who has had to sit in that seat as a U.S. Attorney, everything about this stinks to high heaven and we need to get to the bottom of it.

Thanks for letting me take the time to discuss this when we have the witnesses here today, and we have my beloved friend, Senator Barrasso, and Governor Gordon here.

Senator CAPITO. All right, well, thank you, Senator Whitehouse.

We will now turn to introductions of the nominees. This morning we have the pleasure of being joined by Governor Mark Gordon and Senator John Barrasso from the great State of Wyoming, which Senator Lummis, also here, as we are privileged to have her on the committee.

Governor, thank you so much for being here, and I will recognize you for your introductory remarks.

STATEMENT OF HON. MARK GORDON, GOVERNOR FROM THE STATE OF WYOMING

Governor GORDON. Thank you, Madam Chairman Capito, Ranking Member Whitehouse, distinguished members of the committee. My friends Cynthia, John, great to see you. I am Mark Gordon, 33d Governor of the 44th State. I want to thank you for this opportunity to be here to provide a brief introduction to Brian Nesvik, President Trump's nominee to become the 19th Director of the U.S. Fish and Wildlife Service.

Before I do that, though, I want to say how nice it is to see my friend Cynthia here, and to know that there are other Senators here like Senator Ricketts that I have served with before.

It is a particular pleasure to be able to introduce my former director of Wyoming's Game and Fish Agency, retired National Guard Brigadier General, and most importantly, close friend. Brian could not be more qualified and suited to serve in this important and pivotal role.

Before I highlight his impressive career, I want to acknowledge Brian's remarkable family and especially his wife, Penny, to whom I owe an enormous apology. I really did not think Brian would ever consider this position, having just retired from the Game and Fish, but I knew he was the right person for the job, and I knew how much he was looking forward to getting back to the ranch and spending more time with his family.

Then I am not sure why any of us, that any of us had any idea where we might be in 6 months after we packed up camp last September in four inches of freshly fallen snow. For that matter, I do not think any of us expected to see a young grizzly forced so close to the trail 60 minutes into our ride out from the Absarokas on a very sloppy, cold, wet, snowy, lightning and thunder filled day.

One thing I do know is that Brian has an abiding commitment to his family, to this Nation, and to service. Members of the committee, it is my honor to introduce Brian Nesvik, a man for whom I have the upmost respect. I have known and worked with Brian for many years. I asked him to be director of our Game and Fish six years ago when I became Governor.

Though I could just as easily asked him to become my adjutant general for Wyoming's National Guard, where he served 35 years, retiring as a Brigadier General in 2021. We share a friend, who neighbored my ranch and served with Brian in Iraq. Terry told me stories of a game warden who could rope, ride, shoe a horse and lead men. He told me this fellow had a good sense of humor and an unparalleled ability to find solutions to difficult circumstances. Brian also has 29 years of experience with the Wyoming Game and Fish, our Nation's first such agency.

Wyoming understood how critical it was to preserve and recover wildlife at the turn of the last century, when Wyoming people came to realize, if we were not careful about our wildlife management, we would lose one of the most precious assets in what made our State the place where the deer and the antelope play.

Wyoming is home to the Nation's first national park, first national forest, first national monument. Our conservation ethic runs deep in our DNA. It is an ethic spoken of in Teddy Roosevelt's New Nationalism speech, which I know you all know: "Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob by wasteful use the generations that come after us."

As ranchers, my wife and I are committed to stewardship. We were proud to partner with our neighbors and the Game and Fish to conserve sage grouse habitat in one of Wyoming's core areas. Brian exemplifies Wyoming's approach to fostering stewardship, working with stakeholders across all interest groups. He recognized what Aldo Leopold articulated in his opus *Game Management*: "The central thesis of game management is this. Game can be restored by the creative use of the same tools which have heretofore destroyed it, the axe, plow, cow, fire, and gun."

Brian's real world, on the ground experience, managing Wyoming's 800 species of fish and wildlife, made him an outstanding director of our Game and Fish, and will be a tremendous asset to the Trump Administration and our Country. Brian has taken part

in and led Wyoming's efforts to successfully recover some of the world's most charismatic megafauna. In Wyoming, that is grizzly bears, gray wolves, as well as some of our treasured species that were declared extinct like the black footed ferret, which our Game and Fish recovered.

His leadership continued to keep Wyoming free of destructive zebra and quagga mussels, especially with interstate transport concerns and new vectors, such as aquarium plants. He is a strong leader, a humble leader, who brings a sense of mission and professionalism to any critical conversation.

For example, Brian oversaw the development of the State's chronic wasting disease management plan, one of the most challenging wildlife diseases impacting deer, elk, and moose, on the landscape today. He has been a leader for the Nation and worked to prevent wildlife vehicle collisions, ensure wildlife can move freely through wildlife crossing and preserving migration routes for big game.

Alongside the Wyoming legislature, Brian led in efforts to reform the State's most challenging wildlife management issues under the Wyoming Wildlife Task Force. With a background in law enforcement and as a game warden, he has enforced and overseen game laws, ensuring the value of North America's wildlife remains intact.

Brian is truly masterful in developing bipartisan relationships at all levels, in bringing together sportsmen, outfitters, conservationists, and those who enjoy the outdoors, for sound, durable policy-making.

Brian's leadership on behalf of the State of Wyoming has been exemplary, while it has not been easy. As I mentioned, Brian has had to wrestle with some of the most challenging issues facing wildlife today, from our work to recognize our State's primary role in managing grizzly bears to recovering the black footed ferret from extinction.

Brian understands these issues. He knows the science and he knows who to call.

He can be assiduous. Brian and I were discussing outlaw horses on our previous pack trip to the most remote part of the lower 48, Cynthia, you know that place, and the injuries we have received because of their behaviors. I told him about a flashy little gray that had dumped me on my head in front of my eight-year-old daughter years ago, and he told me about a roan that had bucked him off and broken his wrist after a day working cattle. He told me he was going to sell that roan to someone, so nobody would get hurt. There the roan was at our camp on the Wood River last fall, bucking panniers off on day five.

I thought he was gone, I said, though I know he was an optimist at heart. He replied, well, I thought he'd pack all right. Brian ought to know. I can think of no one who has spent more time outdoors or knows more about the outdoors than Brian.

Chairman Capito, Ranking Member Whitehouse, and members of the committee, thank you for this opportunity and for your forbearance on my overtime. It is an honor to be here.

[The prepared statement of Governor Gordon follows:]



TESTIMONY OF MARK GORDON
GOVERNOR OF WYOMING

BEFORE THE U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS
HEARING ON THE NOMINATION OF BRIAN NESVIK TO BE DIRECTOR OF THE
UNITED STATES FISH AND WILDLIFE SERVICE

MARCH 26, 2025

Good morning Chairman Capito, Ranking Member Whitehouse, Distinguished Members of the Committee. I am Mark Gordon, 33rd Governor of the 44th State and I want to thank you for the opportunity to be here this morning to provide you a brief introduction to Brian Nesvik, President Trump's nominee to become the 19th Director of the US Fish and Wildlife Service. Before I do that though, I want to say how nice it is to see two Committee members I have enjoyed working with over the years both with ties to Wyoming. Senator Lummis, I have always enjoyed standing shoulder to shoulder as we have worked to put Wyoming first. And Senator Ricketts, it is good to see you too. It was great to serve with you when you were Governor of Nebraska.

It is a particular pleasure this morning to be able to introduce the former Director of Wyoming's Game and Fish Agency, retired National Guard Brigadier General, and, most importantly, close friend. Brian could not be more qualified and suited to serve in this important role; but before I highlight his impressive career, I want to acknowledge Brian's remarkable family: and especially his wife Penny to whom I owe an apology. I really didn't think Brian would consider this position having just retired from the Game and Fish, but I knew he was the right person for the job. I knew how much he was looking forward to getting back to the ranch and spending more time with family.

But then, I am not sure any of us had any idea where we might be 6 months after we packed up camp last September in four inches of freshly fallen snow. For that matter, I don't think any of us expected to see a young Grizzly bear so close to the trail 60 minutes into our ride out of the Absarokas on a very sloppy, cold, snowy, lightning and thunder filled day. One thing I do know is that Brian has an abiding commitment to his family, to this nation and to service.

March 26, 2025
 Testimony of Mark Gordon
 Re: Hearing on the Nomination of Brian Nesvik to be Director of the US Fish and Wildlife Service
 Page 2

Members of the Committee, it is my honor to introduce Brian Nesvik, a man for whom I have the utmost respect. I have known and worked with Brian for many years. I asked him to be Director of our Game and Fish 6 years ago when I became Governor though I could just as easily have asked him to become my Adjutant General for Wyoming's National Guard, where he served for 35 years retiring as a brigadier general in 2021.

We share a friend who neighbored my ranch and served with Brian in Iraq. Terry told me stories of a Game Warden, who could rope, ride, shoe a horse, and lead men. He told me this fellow had a good sense of humor and an unparalleled ability to find solutions in difficult circumstances.

Brian also had 29 years of experience in the Wyoming Game and Fish – our nation's first such agency. Wyoming understood how critical it was to preserve and recover wildlife at the turn of the last century when Wyoming people came to realize if we weren't careful about wildlife management, we would lose one of our most precious assets and what made our state the place "where the deer and the antelope play."

Wyoming is home to the nation's first National Park, first National Forest, and first National Monument. Our conservation ethic runs deep in our DNA. It is the ethic spoken of in Teddy Roosevelt's New Nationalism Speech, "Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

As ranchers, my wife Jennie and I are committed to stewardship. We were proud to partner with neighbors and the Game and Fish to conserve sage grouse habitat in one of Wyoming's core areas. Brian exemplifies Wyoming's approach to fostering stewardship working with stakeholders across all interest groups. He recognizes what Aldo Leopold articulated in his opus Game Management, "The central thesis of game management is this: game can be restored by the creative use of the same tools which have heretofore destroyed it -- axe, plow, cow, fire, and gun."

Brian's real-world and on-the-ground experience managing Wyoming's 800 species of fish and wildlife made him an outstanding Director of our Game and Fish and will be a tremendous asset to the Trump Administration and our country. Brian has taken part in and led Wyoming in efforts to successfully recover the world's most charismatic megafauna in Wyoming – grizzly bears and gray wolves, as well as treasured species that were declared extinct like the black-footed ferret. His leadership continued to keep Wyoming free of destructive zebra and quagga mussels, especially with interstate transport concerns and new vectors, such as aquarium plants.

He is a strong leader, and humble leader, who brings a sense of mission, and a professionalism to any critical conversation. For example, Brian oversaw the development of the state's Chronic

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 Testimony of Mark Gordon
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 Page 3

Wasting Disease management plan, one of the most challenging wildlife diseases impacting deer, elk and moose on the landscape today. He's been a leader for the nation in work to prevent wildlife-vehicle collisions and ensure wildlife can move freely through wildlife crossings and preserving migration routes for big game. Alongside the Wyoming Legislature, Brian led in efforts to reform the state's most challenging wildlife management issues under the Wyoming Wildlife Taskforce. With a background in law enforcement as a game warden, he's enforced and overseen game laws, ensuring the value of North America's wildlife remains intact.

Brian's truly masterful in developing bipartisan relationships at all levels and bringing together sportsmen, outfitters, conservationists, and those who enjoy the outdoors for sound, durable policymaking. This is demonstrated both within Wyoming as well as nationally – especially evident in his chairmanship of the Western Association of Fish and Wildlife Agencies.

Brian's leadership on behalf of the State of Wyoming has been exemplary while it hasn't been easy. As I mentioned, Brian has had to wrestle with some of the most challenging issues facing wildlife today: from our work to recognize our state's primary role in managing Grizzly bears (even as he and I learned last year, their recovery was so successful (The bears have moved the goal posts!")), to rescuing the Black Footed Ferret from extinction, to navigating wolf reintroduction and recovery, to establishing migration corridors across private, public, tribal, and state lands from the ground up with stakeholder support, to protecting our aquatic and terrestrial habitats from invasive species, Brian understands the issues. He knows who to reach out to for the best science, and he respects it as well as the experience that gained it.

Wyoming people have a passion for wildlife. I have sat alongside Brian in town halls following one of the most devastating winters in Wyoming's history where we listened to folk's worries about deer mortality and recovery. I have seen him listen carefully and respond respectfully explaining science and policy in a way people appreciated even if they didn't always agree. Brian always came away with insights and practical ways to go forward whether it be with energy companies, ranchers, townsfolk, wildlife enthusiasts or conservationists. One old rancher put it best when Brian retired, (Senator Lummis, you know Juan Reyas). Juan called me and said, "Mark, you're going to have to look hard for someone who can fill Brian's shoes. He's a good one."

He can be assiduous though. Brian and I were discussing outlaw horses on a previous pack trip through the most remote part of the lower 48, and the injuries we had received because of their behaviors. I told him about a flashy little gray that had dumped me on my head in front of my 8 year old daughter, years ago, and he told me about a roan that bucked him off and breaking his wrist after a day working cattle. He told me he was going to sell the roan so someone wouldn't get hurt. But there the roan was at our camp on the Wood River last fall, bucking the panniers off on day 5. "I thought he was gone from your remuda," I said though I know he is an optimist at

March 26, 2025
Testimony of Mark Gordon
Re: Hearing on the Nomination of Brian Nesvik to be Director of the US Fish and Wildlife Service
Page 4

heart. He replied, "Well, I thought he would pack alright." Brian ought to know - he has spent more time outdoors close to what he loves wildlife and wilderness than almost anyone else I know.

Put simply, Brian has a great appreciation and respect for wildlife, the people who manage our fish and game and those private landowners who provide habitat crucial to our flora and fauna.

His confirmation will be the nation's gain and a win for all states, and he will serve the Trump Administration well in this critical role.

Chairman Capito, Ranking Member Whitehouse, and Members of the Committee, thank you for this opportunity to introduce my friend, Brian Nevik. I cannot imagine a better suited potential Director of the US Fish and Wildlife Service than Brian.

Senator CAPITO. Thank you, Governor. Thank you for being here.
 Senator Barrasso, former Chair.

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

Senator BARRASSO. Thank you, Madam Chairman, thank you, Ranking Member Whitehouse, members of the committee. Thank you for allowing me to take just a few moments to help in joining in the introduction of Brian Nesvik. He has been nominated to be the head of the U.S. Fish and Wildlife Service. It is critical to Wyoming and the Nation. It is an agency that plays a crucial role in the conservation and management of our Nation's natural resources.

This agency serves as the cornerstone of our efforts to protect wildlife while following the best available science. From managing national wildlife refuges to implementing programs that enhance habitat restoration, the U.S. Fish and Wildlife Service are the front lines preserving our Nation's resources.

Over the last four years, politics has driven much of the agency's decisions rather than following the science. For example, the Greater Yellowstone ecosystem population of grizzly bears has been fully recovered for 20 years. Republican Administrations, Democrat Administrations, all agreed for 20 years. Grizzly bear, fully recovered.

In my home State of Wyoming, we are proud of its lead role in leading this recovery and investing over \$50 million to this end. Brian Nesvik played a large role in advocating for Wyoming and advancing these policies.

He served as the Wyoming Game and Fish Director since 2019 until his retirement in September. He grew up in Cheyenne, graduated from Cheyenne East High School, went on to earn a Bachelor of Science degree in wildlife and fisheries biology and management from the University of Wyoming. He was selected by the Wyoming Game and Fish Department to serve as a wildlife law enforcement technician in 1995. He has dealt with significant endangered species issues all the way throughout, involving both grizzly bears and wolves.

He dealt with complex elk management challenges in herds of the elk around Yellowstone National Park. In March 2019, he was appointed to be the Director of Wyoming Game and Fish, but additionally, I actually first met him when he served in the Wyoming Army National Guard. He has been in the Guard since 1986. Currently serves as the Commanding General for the Wyoming National Guard and Assistant Adjutant General, holding the rank of Brigadier General. I visited with him when he was leading troops in Kuwait, and Cynthia was there with me on that trip. We were there for Thanksgiving with him, where we saw that he was a respected and admired leader of the troops.

He served as a commander of two deployments to Operational Iraqi Freedom in Baghdad and southern Iraq and in Kuwait. In 2005, he was awarded the Bronze Star medal by the U.S. Army for his service. He is a graduate of the Army War College, holds a Master of Science degree in strategic studies. He is smart, he is capable, he is strategic.

I want to congratulate him on his nomination. I look forward to working with him on all of these important issues, and what are the very best for Wyoming and for the Nation.

Once again, thank the committee for the opportunity to be here today.

[The prepared statement of Senator Barrasso follows:]

**U.S. Senator John Barrasso
Environment & Public Works Nomination Hearing
Wednesday, March 26, 2025
406 Dirksen Senate Office Building
10:00 a.m.**

Introduction

Chairman Capito, Ranking Member Whitehouse,
members of the Committee.

Thank you for allowing me to be here today
to introduce Brian Nesvik,
who has been nominated to be
the next U.S. Fish and Wildlife Service Director.

The U.S. Fish and Wildlife Service is critical to Wyoming and to the
nation.

It is an agency that plays a crucial role in the conservation and
management of our nation's natural resources.

This agency serves as a cornerstone of our efforts to protect wildlife
while following the best available science.

From managing national wildlife refuges to implementing programs that
enhance habitat restoration,

The U.S. Fish and Wildlife are on the front lines preserving our nation's
resources.

Over the last four years, politics has driven much of the agency's decisions, rather than following the science.

For example, The Greater Yellowstone Ecosystem population of grizzly bear has been fully recovered for 20 years.

The Bush, Obama, and Trump Administrations all agreed.

In my home state of Wyoming, we are proud of its lead role in leading this recovery and investing over \$50 million to this end.

Brian Nesvik played a large role in advocating for Wyoming.

He served as the Wyoming Game and Fish Director since 2019 until his retirement last September.

Brian Nesvik grew up in Cheyenne, Wyoming and graduated from Cheyenne East High School.

He went on to earn a Bachelor of Science degree in Wildlife and Fisheries Biology and Management from the University of Wyoming.

In 1995, he was selected by the Wyoming Game and Fish Department to serve as a wildlife law enforcement technician.

Nesvik gained experience with private land issues, wildlife management and law enforcement in one of Wyoming's most utilized forests.

He served in Elk Mountain,

While patrolling remote wilderness areas in the summer and fall

And protecting one of Wyoming's most coveted mule deer herds in the winter.

He dealt with significant endangered species issues involving grizzly bears and wolves.

Along with complex elk management challenges for Yellowstone Park border herds.

In March of 2019, Wyoming Governor Mark Gordon appointed Nesvik as the Director of the Wyoming Game and Fish Department.

Additionally, Brian has served in the Wyoming Army National Guard since 1986.

He currently serves as the Commanding General of the Wyoming Army National Guard and the Assistant Adjutant General holding the rank of Brigadier General.

I visited with him in Kuwait where he was respected and admired by his troops.

Brian Nesvik served as a commander on two deployments to Operation Iraqi Freedom in Baghdad, Southern Iraq and Kuwait.

In 2005 he was awarded the Bronze Star Medal by the U.S. Army for his service.

He is a graduate of the Army War College and holds a Master of Science degree in Strategic Studies.

Brian, congratulations on your nomination.

I look forward to working with you on these important issues.

You are the very best of Wyoming.

I once again thank the Committee for letting me join you today.

Senator CAPITO. Thank you for being here. Do not be a stranger. Thank you.

Senator Lummis, I know you wanted to say some words.

**OPENING STATEMENT OF HON. CYNTHIA LUMMIS,
U.S. SENATOR FROM THE STATE OF WYOMING**

Senator LUMMIS. Thank you so much, Madam Chairman. I want to pile on when it comes to Brian Nesvik.

In Wyoming, we have a highly respected author, C.J. Box, who has created a series of books, national bestseller, always on the New York Times bestseller list, where the protagonist is a guy named Joe Pickett. Joe Pickett is a game warden in the series. It is as if he styled, Chuck Box styled his Joe Pickett series after Brian Nesvik. Brian is Wyoming's real life Joe Pickett.

Here is what I love about Brian and this job. He was first a game warden, then regional wildlife supervisor, then chief game warden, then wildlife division chief and finally, director of the Wyoming Game and Fish Department. As John says, Wyoming Game and Fish Department was the first of its kind in America. This is a State that loves and respects and nurtures its wildlife and Brian Nesvik has been a true leader in that regard.

Of course, as John mentioned, if that was not enough, he also served the Wyoming Army National Guard for 35 years, retiring as Brigadier General. Now, being a rancher myself and knowing that is where I want to retire, the fact that you would retire from the Wyoming Game and Fish and allow us to recruit you to come back and do the U.S. Fish and Wildlife Service job is a testament to, Brian, to your willingness as a public servant to serve this Nation.

You know it from the ground up. You were a boots on the ground game warden. That is the kind of person I want in the U.S. Fish and Wildlife Service, someone who has held every aspect of the game and wildlife management close to his vest.

He has also worked closely with Federal, State and local partners. I know he was the head of the Organization of Western Wildlife Managers. He was on the board of the National Organization of State Wildlife Managers. He has worked with every State and particularly with the western States, where the issues are somewhat similar with regard to wildlife. He knows the players. He knows who to call. He knows the people who are trying to manage wildlife and do it well. He is the right guy for this job at the right time.

Wyoming has led the way in species protection. Especially with sage grouse, we have the most sage grouse of any State in the Country, and our efforts to be forward looking about sage grouse management have allowed us to continue to keep that species at the forefront in Wyoming, in spite of the fact that it has created real challenges for Wyoming's development.

Brian has been involved in those efforts as well. I know he will bring this approach to the U.S. Fish and Wildlife Service. He will work on cooperative federalism, that is the way these agencies were designed. Wildlife and fish are primarily managed by our States. The U.S. Fish and Wildlife Service plays a collaborative, supporting role, not the primary role. Brian Nesvik understands the difference. He is the right guy at the right time.

I want to thank you, Brian, for accepting this call to service. I look forward to working with you in your new role, to make sure that our Country appropriately nurtures this great resources, this wonderful blessing we have. I say it as an angler more than as a hunter. Like you, Governor, I have been to Hawk's Rest, the most remote place in the lower 48. When I got there, after riding 26 miles on a horse, I looked at the ground and thought, I am never going to be able to get off this horse, because my knees are going to buckle and I am going to fall flat on my rear end.

It is the amazing blessing of being raised in the west, that we have places like that that are so remote that you just feel grateful that you had a chance in your life to be there and see these things. That is the kind of person I want in this job. Brian is the right person, and I strongly, highly endorse his nomination.

Thank you, Madam Chairman. I yield back.

Senator CAPITO. Thank you.

I will excuse the Senator and the Governor and ask the witnesses to move forward. I will introduce the other two.

I do not think I can say anything more about Brian.

[Laughter.]

Senator CAPITO. I am just saying.

Our next nominee is Jess Kramer. She is a former staffer of mine, as I mentioned earlier, and I could not be happier to introduce her this morning. She brings a wealth of experience working on water policy. She has worked for the Wisconsin and Florida State governments previously, and previously served at the EPA, worked on Capitol Hill, and advocated for private entities.

In these positions, she combined her diligence and charisma to support policies to improve our Nation's water quality and the development of water infrastructure. Welcome, Jess.

Our final nominee this morning is Sean Donahue. Mr. Donahue currently serves as the Special Advisor to Administrator Zeldin at the EPA. Prior to that position, Mr. Donahue worked as a counsel for a solar energy company, and as an associate at a Buffalo, New York law firm, where he practiced environmental law.

Mr. Donahue has also served three years at the EPA during the Trump Administration. He is a graduate of the University of Central Florida and Florida State University College of Law. Welcome.

Before we go to opening statements from our nominees, I will ask you all to rise and I am going to swear you in. If you would raise your right hand. Answer the following questions.

Do you swear that the testimony you are about to give to this committee is the truth, the whole truth, and nothing but the truth, so help you, God? I will just go down the line. Brian?

Mr. NESVIK. I do, Madam Chairman.

Ms. KRAMER. I do.

Mr. DONAHUE. I do.

Senator CAPITO. Let the record show that the witnesses have answered in the affirmative. We will now proceed to their opening statements. Thank you. Be seated.

General Nesvik, we will start with you.

**STATEMENT OF BRIAN NESVIK, NOMINEE TO BE DIRECTOR
OF THE UNITED STATES FISH AND WILDLIFE SERVICE**

Mr. NESVIK. Thank you. Good morning, Madam Chairman, Ranking Member Whitehouse, and members of the committee. I am honored to be here today to discuss my nomination by President Trump to serve as the 19th Director of the United States Fish and Wildlife Service.

Senator Barrasso, Governor Gordon, Senator Lummis, I really appreciate your support, your gracious comments here today. I thank all of you who are just incredible public servants for our home State of Wyoming, but also for our Country. Thank you for that, and your willingness to serve as well.

I am joined here today in person by my wife Penny, my son Rudy and my daughter Aspen, and virtually by my daughter Brittany. I am also joined here in person and virtually by many friends and family and supporters from across the Country.

I spent the last 38 plus years serving my State and Country in a variety of roles. I grew up in Wyoming and was blessed by my parents who provided me outdoor experiences at a very young age. I developed an early interest and love for wildlife and the wild places that they lived, and it would shape my life's work. I worked as game warden and a wildlife manager in the field, interacting directly with wildlife and the people who entrusted me to manage their natural resources and trust.

I know how to put tire chains on a four-wheel drive pickup in a snowstorm, how to classify deer from a helicopter, and how to patrol some of America's most remote and wild country from a horse. I know how to lead. I served in the military and began my career as an enlisted man, starting as a private, training to defend our great Nation with my boots muddy and my face dirty.

Serving in uniform is a strong part of our family culture and history. My father served, my brother served and two of my grandfathers fought in World War II.

In my dual careers both as a wildlife manager and a soldier, I earned the privilege to lead and embraced the responsibility that came with that honor. Ultimately, I served as my State's chief game warden and then its Game and Fish Director. In my military career, I had the incredible opportunity to lead our Nation's best and brightest in a variety of roles, including on two combat deployments.

My military career culminated with my promotion to Brigadier General and the opportunity to command Army National Guard for almost four years.

These experiences and opportunities, starting in the field and working my way up, have prepared me well to work complex, convoluted problems and to take decisive action in uncertain environments. I am proud of my work on big game migration corridors, protecting my State from the scourge of invasive species, and working with the public and talented wildlife managers to recover species listed under the Endangered Species Act, ESA.

I am grateful for the people who worked with me toward these ends. I cherish the opportunity to build a strong track record working with ranchers, farmers, sportsmen and women, tribes, and all people who care about natural resources. These people, citizens of

our great Nation, are the ground level of our government and the foundation of the mission of the Service and my personal leadership mission.

Respecting values, building effective teams, communicating candidly and transparently, leading by example, and treating all people with dignity and respect are the core tenets of my leadership commitment. If confirmed, I will bring these attributes and my continuing dedication to a wider array of Americans and international partners.

Foremost, I will serve the American people and their natural resources, specifically wildlife, fish and plants. I will serve with honor and integrity. Every day I will lead the employees of the Fish and Wildlife Service. I know firsthand the dedication of these incredible people to their profession and their Country.

If confirmed, I will execute my charge decisively, and work every day to provide the men and women of the Service with the leadership that they deserve and the American people expect. I look forward to working with the team to deliver and achieve together and in the best interest of America.

When this committee, its members, other Senators, other members of the House, need my attention to requests or initiative and informing you, I will be available and prompt. President Trump's America First agenda includes building a government that better serves the citizens of our Country, and there are immediate and transformational opportunities to demonstrate that. Improving the Service's interactions with the public, simplifying regulations, accelerating permitting with technology, and relying more on education, voluntary compliance and verification.

I share Secretary Burgum's vision that innovation outperforms regulation. Creative, innovative, purposeful action is a proven hallmark of American success.

President Teddy Roosevelt personified such action as America's earliest and most influential conservationist. His leadership and achievements have long influenced my career in wildlife conservation. His oft-quoted arena metaphor combines thoughtfulness, pragmatism, and courage.

If confirmed to enter this arena, I will dare greatly. I am honored by President Trump's nomination and Secretary Burgum's support, and thankful to all of those who have supported my potential appointment.

Thank you again, Chairman Capito, Ranking Member Whitehouse, members of the committee. I look forward to answering your questions here today and then any that you may submit for the record.

[The prepared statement of Mr. Nesvik follows:]

Hearing in Front of the United States Senate Committee on Environment
and Public Works

*Considering the Presidential Nomination of Brian R. Nesvik to serve as the
Director of the United States Fish and Wildlife Service*

March 26th, 2025

Opening Statement

Good morning Chairman Capito and Ranking Member Whitehouse and members of the committee. I am honored to join you today to discuss my nomination by President Trump to serve as the 19th Director of the United States Fish and Wildlife Service.

I am joined here in person today by my wife Penny, Son Rudy and daughter Aspen and virtually by my daughter Brittany. Additionally, I am joined here in person and virtually by many friends, family and supporters from my home state and across the country.

I have spent the last 38+ years serving my state and country in a variety of roles. I grew up in Wyoming and was blessed by my parents who provided me outdoor experiences at a very young age. I developed an early interest and love for wildlife and the wild places they lived which shaped my life's work. I have worked as a game warden and wildlife manager in the field interacting directly with wildlife and the people who entrusted me to manage their wildlife resources in trust.

I know how to put tire chains on a 4 wheel drive pick up in a snow storm, how to classify mule deer from a helicopter and how to patrol some of America's most remote and wild country on a horse.

And I know how to lead.

I served in the military beginning my career as an enlisted man, starting as a private, training to defend our great nation with my boots muddy and my face

dirty. Serving in uniform is a strong part of our family history. My father and brother both served. Two of my grandfathers fought in World War II.

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I'm proud of my work on big game migration corridors, protecting my state from the scourge of invasive species and working with the public and talented wildlife managers to recover species listed under the ESA.

I am grateful for the people who worked with me toward these ends. I cherished the opportunity to build a strong track record working with ranchers, farmers, sportsmen and women, tribes and all people who care about our natural resources. These people - citizens of our great country – are the ground level of our government and the foundation of the mission of the Service and my personal leadership mission.

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Every day, I will lead the employees of the Fish and Wildlife Service. I know firsthand the dedication of these incredible people to their profession and their country. If confirmed, I will execute my charge decisively and work every day to provide the men and women of the Service with the leadership they deserve and the American people expect. I look forward to working with the team to deliver and achieve together and in the best interests of America.

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I am honored by President Trump's nomination and Secretary Burgum's support and am thankful to all of those who have supported my potential appointment.

Thank you again Chairman Capito and Ranking Member Whitehouse. I look forward to answering your questions here today and any you or the members of this committee may submit for the record.

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

Senator Cramer:

1. General Nesvik, North Dakota is situated within the Prairie Pothole Region containing thousands of wetlands. Many of the wetlands are often shallow, many are deep, and many more were shallow and have grown quite large and deep in recent decades. Not only has once productive farm land now succumbed to saturation or salinization, but numerous roads and highways have been under constant reconstruction or closure. Landowners, farmers, businesses, and state and local governments want to responsibly manage changing water levels, but the U.S. Fish and Wildlife Service (Service) has largely been intransigent, focused more on their own portfolio of easements than private property rights or working lands.

a. If confirmed as Director, will you commit to taking North Dakota's wetland concerns seriously and work with me to provide relief for our infrastructure and regulatory certainty and consistency for landowners and farmers as it relates to the wetland conservation easements managed by the Service?

Response: I know this is an important issue for you and the landowners and farmers in your state. As Director of the Wyoming Game and Fish Department, I have worked with private landowners, and as a rancher, I understand the importance of certainty and consistency in regulatory frameworks. As we discussed in your office, I know there are some particularly contentious aspects of wetland easements in North Dakota. If confirmed, I look forward to getting up to speed on this issue and commit to working with you to achieve successful outcomes.

Senator Husted:

1. Mr. Nesvik, Lake Erie, in particular, is a major driver of sport fishing revenue generating over \$1 billion annually and supporting thousands of jobs. How will FWS work to ensure that invasive species control efforts support the continued success of this iconic part of Ohio?

Response: As the former Wyoming Game and Fish Director, I'm proud of my work to combat the scourge of invasive species that may cause significant harm to critical ecosystems when introduced. If confirmed, I look forward to learning more about the FWS's efforts to control these invasive species in the Great Lakes and to working with you on this matter.

2. Mr. Nesvik, lampricide treatments have been an important tool in controlling sea lamprey populations. Are there any new technologies or research developments that could further improve invasive species control in the Great Lakes?

Response: I am not aware of any new technologies or research developments that could further improve invasive species control. If confirmed, I look forward to learning more

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

about the FWS's current strategies for addressing invasive species controls and any new techniques that may be effective and to working with you on this issue.

3. Mr. Nesvik, the Great Lakes Fishery Commission is a key player in these conservation efforts, and it receives funding through the Department of State. How will the FWS coordinate with the Department of the Interior and other agencies to ensure continued support for these initiatives?

Response: Throughout my career, I have been privileged to have had the opportunity to work on some of the most difficult and publicly contentious wildlife management challenges in the country, and I have worked collaboratively with other states, tribes and the federal government to develop good public policy specific to those issues. If confirmed, I look forward to building upon my strong track record of working with stakeholders who care about our natural resources.

4. Mr. Nesvik, given the ongoing challenges of invasive species, how can FWS continue to improve collaboration with state, tribal, and Canadian partners in managing threats to the Great Lakes fishery?

Response: As I stated at my hearing, the scourge of invasive species across the country is a significant challenge. If I am confirmed, I will bring my leadership skills to FWS to ensure that we work together, both domestically and internationally, to address issues of shared importance.

Ranking Member Whitehouse:

1. As you are aware from your position at Wyoming Fish and Game Department, the presence of Fish and Wildlife staff is essential for many conservation and wildlife management projects around the country. The Northeast Regional Headquarters for the Fish and Wildlife Service, located in Hadley, Massachusetts, is proposed to be closed on August 31, 2025, as part of the initiative to end leases for federal office spaces nationwide. There are around 200 employees at that office.

- a. Do you support the closure of that office?
- b. If that office were to close, what would happen to those employees and what would happen to the projects in the Northeast region?
- c. Will you advocate for the reopening of any Service regional offices that have already been closed and oppose the closure of any additional regional offices?

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

Response to a, b, and c: While I am not yet at the Department, I am aware of the Administration's commitment to ensuring the government works efficiently for the American people. If confirmed, I look forward to learning more about these and other initiatives underway at the FWS and to help deliver the excellent service and efficient Federal workforce Americans deserve.

2. The Fish and Wildlife Service has an important role to play in coastal ecosystem and wildlife protection via the Coastal Program. These programs are essential for our coastal states. Can you guarantee to me that under your leadership the Coastal Program will not suffer any funding or personnel losses?

Response: Although Wyoming does not have direct access to the ocean or any coastal lands, I have worked with many coastal fish and wildlife agencies through my work with the Association of Fish and Wildlife Agencies and understand the importance of coastal ecosystems and watersheds. If confirmed, I commit to learning more about the FWS' Coastal Program and ensuring the programs within the FWS have the resources needed to effectively implement the law consistent with the Administration's priorities.

3. In our meeting before your hearing you called yourself a "science guy." As a science guy, you should understand the importance of scientific expertise in decision making and that the agency you are about to lead is full of employees with expertise. If confirmed, will you advocate for the staff the Service needs to fulfill its mission to conserve our nation's fish and wildlife? Will you support rehiring staff and the experts the Service wrongly let go?

Response: I have spent my career working closely with scientists on issues regarding wildlife and habitat and deeply value their expertise, commitment, and contributions. And I have worked with employees of the FWS and know their dedication to their profession and their country. If confirmed, I commit to working to ensure the Service has the resources needed to effectively implement the law consistent with the Administration's priorities.

4. In your testimony, you say you have a love for wildlife and wild places. Would it weigh heavily on you if, during your time leading this agency, a species went extinct?

Response: A major element of the FWS' mission is implementation of the Endangered Species Act. The ESA's overarching goal is to conserve and protect endangered and threatened species. If confirmed as Director, I would take this mandate seriously and work diligently within the bounds of the law to prevent species extinction.

5. If the Administration asks you to allow an action that would push a species closer to extinction or damage/destroy habitat that species rely on, what would you do?

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

Response: If confirmed as Director of the Fish and Wildlife Service I would comply with the law, working diligently within the framework of the Endangered Species Act to prevent species from extinction.

6. In our meeting we discussed the importance of FWS knowledge on oceans and coasts. You admitted that this is not your realm of expertise. Do you commit to hiring someone to work for you that has experience on oceans and coasts? Do you also commit to informing me when you have hired that individual(s)?

Response: I have developed strong leadership skills through my experiences at the Wyoming Game and Fish Department and in the Army National Guard. I recognized the important missions of the FWS related to species and habitat. If I am confirmed as Director, I look forward to working closely with the experts and professionals in the FWS to efficiently and effectively implement the law consistent with the Administration's priorities. I commit to evaluating the current coastal and ocean expertise within the Service and addressing any knowledge gaps.

7. As you know, the National Wildlife Refuge System includes more than 570 refuges across every state in the country, including some iconic and popular refuges in Wyoming. The National Wildlife Refuge System is an economic engine for many rural areas, as they attract more than 67 million visitors every year, provide essential habitat to birds and other wildlife, and serve people who engage in outdoor recreation. However, maintaining and restoring them requires investment and long-term support. As you know, budgets are being reduced across all federal agencies, and the Department of the Interior is no exception.

a. Do you commit to supporting the National Wildlife Refuge System given the importance of these public lands for local economies, urban and rural communities, and healthy wildlife?

b. Do you commit to working with Congress to raise awareness of the funding shortages the NWRS is facing prioritize working with us to address the funding crisis?

Response to a and b: The National Wildlife Refuge System is a national treasure for our country. I strongly believe that the Wildlife Refuge System is very important, and, if confirmed, it will have my focus. I see the Refuge system as an effective opportunity for the Service to interact with the American people and to provide a venue for people to experience the outdoors.

8. A recent survey found that 96 million Americans, or more than a third of all adults, participate in birdwatching, and the significant economic impact of this activity supports 1.4 million jobs. Millions of Americans also participate in hunting activities that rely on healthy populations of migratory birds. However, studies have shown that bird populations are facing long-term declines. Since 1970, North America's bird population has declined by 3 billion birds—more than a quarter of the bird population has vanished in just fifty years—and the new

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

2025 State of the Birds report has found that these losses are continuing. As Director of the U.S. Fish and Wildlife Service, you would oversee management of America's migratory birds and their habitats, and you would carry out the laws that guide their management.

- a. Do you commit to helping conserve and recover our migratory bird populations?
How? Please explain.
- b. Do you commit to ensuring that the FWS Migratory Bird Program will have sufficient resources to meet its responsibilities?

Response to a and b: The FWS has an important role in managing migratory waterfowl. As I said at the hearing, I think there is a lot of opportunity to evaluate the priorities for the FWS and where resources are allocated. The National Wildlife Refuge System provides some important habitat for a diversity of migratory waterfowl and neotropical migrants. I look forward to learning more if confirmed.

9. Much of the Service's work is guided by the standard of the best available science. If confirmed, will you uphold the standard of best available science in the execution of all relevant Service obligations?

Response: Yes.

10. The Service is, by law, obligated to conserve and recover all species that meet the definition of an endangered or threatened species under the Endangered Species Act. If confirmed, will you impartially implement all the Service's statutory and regulatory duties under the Endangered Species Act and base them on the best available science?

Response: Yes.

11. It is evident that climate change is a huge threat to wildlife. In your confirmation hearing, you brought up your commitment to "cooperative federalism" with state-implemented wildlife plans. State Wildlife Action Plans (SWAPs) frequently mention climate change adaptation as it pertains to wildlife conservation and management into the future.

- a. Can you guarantee that SWAPs including climate change as a threat to wildlife will be approved by USFWS and will receive federal funding accordingly?
- b. Do you pledge that states that acknowledge the impacts of climate change on wildlife and their habitats will not be penalized for acknowledging the scientific reality of climate change?

Response to a and b: If confirmed as Director, I commit to learning more about the FWS's procedures for review and approval of SWAPs, but I cannot make pre-decisional, outcome-specific commitments. I will manage the Service in a way that respects the role of states, with an emphasis on cooperative federalism and use of the best available data.

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

12. During our meeting, we briefly discussed the issues surrounding Chronic Wasting Disease (CWD). As you mentioned, CWD is spread through a variety of ways including saliva, urine, and feces, and can remain in the environment for years. Wyoming, including under your leadership, has operated feedgrounds for elk and deer.

- a. Do you agree with scientists that these feedgrounds perpetuate the spread of CWD?
- b. Do you agree that continuing to operate feedgrounds put wildlife, including elk, in harm's way in terms of the spread of CWD?
- c. Who stands to benefit most from the continued operation of the feedgrounds? Please consider both wildlife, livestock, and sportsmen in your response.

Response to a, b, and c: The issues surrounding the supplemental feeding of elk are some of the most complex wildlife management challenges in the country. Elk have been fed on the National Elk Refuge and many state feedgrounds for over 100 years. As the Director of the Wyoming Game and Fish Department, I led the agency's efforts to conduct a robust effort to include scientists, sportsmen, ranchers, conservation groups and diverse public stakeholders to develop a long-term elk feedground management plan. The final plan directed the state agency to apply appropriate strategies identified in the plan to site specific feedground management plans. If confirmed, I commit to working with the states and tribes to play an appropriate role in the implementation of their feedground management plans and to the extent possible, align management on the National Elk Refuge with state and tribal plans within the law.

13. In your home state of Wyoming, the Lander Fish and Wildlife Service office is on the General Services Administration's list of offices slated for closure.

- a. Do you support the closure of that office? Will you advocate, if confirmed, that the office not be closed?
- b. Knowing the close relationship between that office and the Eastern Shoshone and Northern Arapaho Tribes on protecting fish and wildlife, how will you ensure Tribes like those at Wind River Reservation would get the collaboration and support they need from the FWS if that office is to close?

Response to a and b: While I am not yet at the Department, I am aware of the Administration's commitment to ensuring the government works efficiently for the American people. If confirmed, I look forward to learning more about these and other initiatives underway at the FWS, and to helping deliver the excellent service and efficient Federal workforce Americans deserve.

14. If confirmed as director of the FWS service, how will you approach the FWS relationship with Tribes under your leadership?

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

- a. How will you fulfill your federal trust responsibility to Tribes and support Tribal Sovereignty and self-determination?
- b. Tribal nations are not classified as “DEI” and are not subject to the Administration’s “DEI” orders. Do you commit to upholding trust responsibilities and opposing any misguided efforts to categorize programs that support Tribal nations as “DEI”?

Response to a and b: I look forward to working with Tribes and believe tribal input is incredibly important. I look forward engaging with Tribes to meet the trust responsibilities of the Department consistent with applicable laws, treaties and court decisions.

15. Do you think there is a value to having apex carnivore species in the environment? Do you feel that wolves, mountain lions, and bears contribute to a healthy ecosystem?

Response: Yes, I believe apex large carnivores play an important role in ecosystems. I spent my entire career managing and recovering large carnivores, namely, black bears, mountain lions, gray wolves and grizzly bears. Our work resulted in a fully recovered and delisted gray wolf population, a fully recovered grizzly bear population and robust and viable populations of mountain lions and black bears. If confirmed as Director of the U.S. Fish and Wildlife Service, I commit to follow the law, including the Endangered Species Act, which affords protection to threatened and endangered species regardless of their role as predator or prey.

16. Wildlife trafficking has become increasingly organized, lucrative, widespread, and dangerous, rivaled in scope only by trade in illegal arms and drugs. It impacts not only the survival of species but also U.S. national security interests, as this trade is often facilitated by sophisticated criminal networks. The FWS’s International Affairs program and the Office of Law Enforcement do critical and life-saving work to combat wildlife trafficking. Do you commit to spending funds appropriated by Congress for FWS’s wildlife trafficking programs and for its law enforcement efforts?

Response: While I am not yet at the Department, I am aware of the Administration’s commitment to ensuring the government works efficiently for the American people. Throughout my career, I have worked with the Service on wildlife trafficking enforcement. If confirmed, I look forward to learning more about these and other initiatives underway at the FWS and to helping deliver the excellent service and efficient Federal workforce Americans deserve.

17. FWS has seen grants allocated to wildlife and ecosystem projects across the country frozen due to the so-called Department of Government Efficiency (“DOGE”). Do you commit to working to ensure that all Congressionally appropriated and obligated funds will be unfrozen and will remain accessible to grantees?

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

Response: While I am not yet at the Department, if confirmed I look forward to learning more about this issue and about funding generally across the FWS.

Senator Merkley:

1. Oregon is home to nine federally recognized tribes. Wildlife and the environment are intertwined with the way of life and traditions of tribal communities. If confirmed, will you commit to engage regularly with tribal governments to better understand their relationship to wildlife and the environment?

Response: If confirmed, I will follow the Department's applicable regulations on tribal consultation. I am committed to enhancing the Services' tribal relationships in places where it can be improved.

2. If confirmed, will you commit to upholding the federal trust responsibility to all federally recognized Tribes?

Response: If confirmed, I commit to respecting Tribal sovereignty and will engage in consultation with Tribes.

3. If confirmed, will you commit to engaging in meaningful and frequent tribal consultation prior to any agency action that will impact or involve the management of any Tribes first foods?

Response: If confirmed, I will follow the Department's applicable regulations on Tribal consultation.

4. If confirmed, will you commit to engaging in meaningful and frequent tribal consultation prior to any agency action that will impact or involve the management of culturally significant wildlife to any Tribe?

Response: If confirmed, I will follow the Department's applicable regulations on Tribal consultation. I look forward to working with Tribes and believe tribal input is incredibly important.

Senator Markey:

1. You are nominated to lead an agency that oversees hundreds of species and millions of acres of federal lands, and the statutes you will be charged with implementing place a premium on science—both continuing to gather science and using the best available science in agency decisions. When we spoke, you committed to using the best available science in agency

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

decisions, particularly those involving the Endangered Species Act and National Wildlife Refuge System Administration Act. Will you reaffirm that commitment for the record?

Response: If confirmed, I commit to following the law and the science.

2. When we spoke, you acknowledged that the Wyoming Fish and Game Department was understaffed and underfunded throughout your tenure in a way that affected your ability to perform your duties. You also agreed that this was also the case for the U.S. Fish and Wildlife Service (FWS). Given your firsthand perspective of the challenges that stem from understaffing and underfunding, will you ensure that FWS has adequate staff and resources to fulfill its obligations under the law if confirmed as Director?

a. There are currently plans to end the lease for the FWS office located in Hadley, Massachusetts. This office employs 200 FWS employees whose responsibilities stretch far beyond Massachusetts—they oversee 79 wildlife refuges in 13 states up and down the East Coast. This is just one of more than 40 FWS offices slated to close under this administration. Please describe your plan to ensure that FWS fulfills its mission without dedicated regional staff to carry out the Service's main functions.

Response: While I am not yet at the Department, I am aware of the Administration's commitment to ensuring the government works efficiently for the American people. If confirmed, I look forward to learning more about these and other initiatives underway at the U.S. Fish and Wildlife Service, and to helping deliver the excellent service and efficient Federal workforce Americans deserve.

3. When we spoke, you agreed that the Endangered Species Act (ESA) is not only good law, but integral to the conservation of our nation's flora and fauna. Will you commit to protecting the Endangered Species Act from attempts to weaken its breadth and scope?

a. Do you agree that while state input is important in consideration of status of species listed as threatened or endangered, ensuring responsible conservation of our shared natural heritage can only be accomplished through federal management criteria facilitated by the FWS?

Response: If confirmed as Director, I will follow the law, including the Endangered Species Act. I will manage the FWS in a way that respects the role of states, with an emphasis on cooperative federalism and the use of the best available data.

4. When we spoke, you agreed that section 10(j) of the ESA allows for reintroduction of experimental populations into areas where they have been extirpated as part "recovery" aspect of the law and that it was integral to the recovery of many species across the nation. Please explain why you believe in ESA section 10(j) and why it is important.

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

a. Will you commit to defending section 10(j) against attempts to remove it from the ESA?

Response: Section 10(j) of the ESA allows the FWS to designate a population of a listed species as experimental, which can help conserve the species while affording more flexible management. In my experience, 10(j) rules have provided necessary assurances for private landowners which allowed for species to inhabit new suitable areas. Revisions to the ESA are squarely within the prerogative of Congress, and I commit to comply with the law and any revisions to the law.

5. If confirmed as Director, how will you manage differing priorities between states in your decision making?

Response: As mentioned above, if confirmed as Director I will follow the law, and I will manage the FWS in a way that respects the role of states, with an emphasis on cooperative federalism. I respect the rights of states to manage species within their boundaries in trust for the citizens of their states. I also respect federal law, like the ESA, Migratory Bird Treaty Act and the Marine Mammal Protection Act, which provides management authority and responsibility for the federal government.

6. The Arctic National Wildlife Refuge is one of our most iconic landscapes and home to one of the most threatened populations of polar bears in the world: the Southern Beaufort Sea population. If confirmed, you would be charged with overseeing the protection of this species and its designated Critical Habitat in the Refuge. Two weeks ago, the Department of the Interior announced its plans to open up the entire Coastal Plain, for oil and gas exploration, imperiling that same critical habitat. Additionally, a federal court decision overturned a ban on oil and gas leases within the Refuge. Polar bear experts—including those within FWS—have said that oil and gas leasing, exploration, and development on the Coastal Plain would irreversibly and significantly harm the Coastal Plain’s polar bear population. The disturbances caused by oil and gas exploration cause mothers to abandon their cubs, who then die alone, to the tune of more than one in five bears. Please explain how you would defend and fulfill the USFWS mission in the face of the Department of Interior’s stated intent to open up all critical polar bear denning habitat to oil and gas exploration.

Response: If confirmed, I commit to developing a deeper understanding of the laws enacted by Congress that govern the Arctic National Wildlife Refuge with respect to the FWS and faithfully implementing those laws consistent with the Administration’s priorities.

7. Four of the seven species of the world’s sea turtles visit Massachusetts waters: the Kemp’s Ridley turtle, the green turtle, the loggerhead turtle, and the leatherback turtle. These species swim thousands of miles on transatlantic migrations. The U.S. Fish and Wildlife Service oversees protections for sea turtle nesting habitats, and the Endangered Species Act has enabled cooperation across states and countries while avoiding an ineffective state-by-state patchwork of

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

regulations. Will you support effective, science-based Endangered Species Act regulations for sea turtles?

Response: If confirmed, I will ensure that ESA decisions with respect to sea turtles and all species under the jurisdiction of the FWS will be supported by the best available data.

8. As an official for Wyoming Game and Fish Director, you allowed fossil fuel industry interests to get in the way of effective protections for pronghorn migration, despite the evidence that fossil fuel developments were the biggest driver of pronghorn population decline. As director of the Fish and Wildlife Service, will you defend our nation's wildlife heritage and natural climate resilience despite calls from the fossil fuel industry?

Response: The Wyoming Game and Fish Department doesn't have authority to regulate the fossil fuel industry. The Department has the responsibility to provide biological recommendations regarding all types of development. As its Director, I worked closely with the Governor of Wyoming and diverse stakeholders to develop science based big game migration policy that ensured the most important portions of corridors were protected from surface disturbance and to ensure functionality of the corridors. As Director, I oversaw the formal designation of 3 big game migration corridors and the identification of two others. If confirmed as Director of the U.S. Fish and Wildlife Service, I commit to follow the law, including the Endangered Species Act, which affords protection to threatened and endangered species.

Senator Schiff:

1. Wyoming Tribes have at times expressed concerns with your approach to predator management and other policy issues. For example, during a May 2019 legislative hearing before the House Natural Resources Committee, a witness who was a spokesperson for the Northern Arapaho Elders Society of the Wind River Indian Reservation stated that you "provided testimony that simply ignored all the documentation submitted in opposition to delisting and trophy hunting the grizzly bear in the [Greater Yellowstone Ecosystem]..." California alone has 109 federally recognized Tribes that are important stakeholders in California. Can we trust you to respect these tribal relationships and tribal treaty obligations in California and beyond?

Response: I share Secretary Burgum's view that tribal engagement is critically important. As Director of Wyoming Game and Fish Department I understand first-hand the importance of respecting tribal sovereignty in the management of natural resources. If confirmed, I commit to honoring our government-to-government relationship and consulting with Tribes.

2. The Department of the Interior recently suspended and put under legal review the Biden Administration's legal opinion that companies should be held liable to bird-killing incidents, such

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

as oil spills, under the Migratory Bird Treaty Act. This is important to California, which hosts the Pacific Flyway. Do you intend to support the rescission of this legal opinion or allow incidental take of MBTA-protected species if you are confirmed?

Response: I am not privy to details of the actions outlined in your question as I am not currently at the Department. I look forward to learning more about this issue if confirmed as Director.

3. I am concerned about some of the management practices you have undertaken that were not informed by the most up-to-date science. For example, you continue to advocate for the delisting of grizzly bears even though research done by FWS has shown that grizzly bears are not ready to be delisted. As director of FWS, will you uphold science-based decision making and listen to the agency's career scientists?

a. Do you support congressional delisting of species?

Response: The best available data has demonstrated the Greater Yellowstone Ecosystem Population of Grizzly Bear is fully recovered and has been for 20 years. Delisting of this population has been supported previously by three presidential administrations (Bush, Obama, Trump). I have worked with grizzly bear scientists including the top federal scientist who leads the Interagency Grizzly Bear Study Team who has stated on the record multiple times that this population is recovered and has reached density dependence. For these reasons, I have supported delisting publicly for many years. After I left the Wyoming Game and Fish Department, the Service issued its most recent decision and I have not reviewed their rationale or the data behind this decision but intend to if I am confirmed. If confirmed, I will implement the law as directed by Congress.

4. During our meeting you indicated that the practice of 'coyote whacking' is rare, but social media and the press have documented repeated instances of this practice. Do you believe running over animals with snowmobiles is humane?

Response: I do not condone the use of snowmobiles to run over wildlife.

5. Your previous actions indicate that you were a strong proponent of elk feedgrounds; however, during our meeting, you expressed concerns with them. Can you please provide a clear statement of your position on feedgrounds?

Response: The issues surrounding the supplemental feeding of elk is one of the most complex wildlife management challenges in the country. Elk have been fed on the National Elk Refuge and many state feedgrounds for over 100 years. As the Director of the Wyoming Game and Fish Department, I led the agency's efforts to conduct a robust effort to include scientists, sportsmen, ranchers, conservation groups and diverse public stakeholders to develop a long-term elk feedground management plan. The final plan directed the state agency to apply appropriate strategies identified in the plan to site

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

specific feedground management plans. If confirmed, I commit to working with the states and tribes to play an appropriate role in the implementation of their feedground management plans and to the extent possible, align management on the National Elk Refuge with state and tribal plans within the law.

6. In his first day back in office, President Trump issued an executive memo which, among other directives, called for an immediate review of all federal wind leasing and permitting practices and temporarily paused all federal approvals for wind energy projects until a review of permitting requirements has been completed. If you are confirmed, what will be the role of the U.S. Fish and Wildlife Service's (FWS) in that review?

- a. In your view, what role should the FWS play in that review, especially for projects located on private lands?
- b. What opportunities, if any, do you see with the review of all federal wind leasing and permitting practices?
- c. What changes would you like to see in FWS's permitting practices for wind projects?

Response to a, b, and c: I am not privy to details of any review that may be underway as I am not currently at the Department. I understand that the Service plays a role in permitting all types of infrastructure projects when the project may affect listed species. If confirmed as Director, I look forward to learning more about this issue and to supporting the effort in any way the FWS can be helpful.

7. Obtaining incidental take permits through Section 10 of the *Endangered Species Act* can often take several years to complete. Do you anticipate any changes to this process that would provide greater certainty to applicants?

Response: While I am not yet at the Department, I am aware of the Administration's commitment to ensuring the government works efficiently for the American people. In my experience, process improvements can contribute to increased efficiency, and if confirmed I look forward to helping deliver the excellent service and efficient Federal workforce Americans deserve.

8. In 2024, FWS issued a new general permit program for eagles that allowed for an expedited permit, providing more certainty for utilities and developers. Do you anticipate making any changes to this general permit program?

Response: The FWS is the Federal agency with primary responsibility for bald and golden eagle management under the Bald and Golden Eagle Protection Act. If confirmed I look forward to learning more about the permitting established under the 2024 regulations and ensuring that the FWS works to efficiently and effectively implement the law consistent with the Administration's priorities.

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

9. California has spectacular National Wildlife Refuges, including Don Edwards San Francisco Bay Refuge, Sacramento Refuge Complex, and Sonny Bono Salton Sea Refuge. These lands are open to the public and must be protected. Yet DOGE's recent assault on public lands agencies has decimated the Refuge System, which was already understaffed and backlogged with deferred maintenance. Because of DOGE, my office has been told that some Refuge Managers are overseeing multiple wildlife refuges. Do you support these staffing cuts?

a. How will you ensure the Refuge System has the resources it needs to take care of maintenance backlogs, protect wildlife, and conduct law enforcement activities?

Response: The National Wildlife Refuge System is a national treasure for our country. I strongly believe that the Wildlife Refuge System is very important, and, if confirmed, it will have my focus. I see the Refuge system as an effective opportunity for the Service to interact with the American people and to provide a venue for people to experience the outdoors. I intend to conduct a thorough analysis to identify deferred maintenance needs and resourcing gaps.

10. California condors are particularly susceptible to lead poisoning through the consumption of prey that contains lead fragments. Between 1992 and 2021, 120 condors died from lead poisoning and the recovery of the population largely depends on the elimination or reduction of lead poisoning rates. What are your thoughts on allowing lead in ammunition and how will you approach analyzing this serious issue?

Response: The use of lead in ammunition and tackle is an important issue with significant interest from sportsmen and women, partners, and stakeholders. In 2024, I was appointed to serve on a federal advisory committee that took this issue up and made several recommendations to the Service. If confirmed, I will build upon my knowledge gained on the committee and continue to work on this issue and seek input from scientists and stakeholders to seek ways to address lead impacts on wildlife in those areas where it is appropriate.

11. FWS issued an award to the Tahoma County Resource Conservation District in August 2023 for the Dye Creek Fish Passage Improvement Project. This project is crucial for improving and restoring the passage, habitat, and lifecycle for several keystone anadromous fish species by improving upstream and downstream fish passage conditions. The project needs to be implemented this summer in order to avoid fish windows. However, the grant remains frozen by FWS. Will you commit to un-freezing this grant and allowing the Tahoma County RCD to access the funding they were awarded?

Response: While I am not currently at the Department, I would be happy to look into this issue should I be confirmed.

Questions for the Record
Senate Committee on Environment and Public Works
Hearing on Nomination of Brian Nesvik to be Director
of the U.S. Fish and Wildlife Service
March 26, 2025

Senator Blunt Rochester:

1. If confirmed, how will you ensure the U.S. Fish and Wildlife Service continues to prioritize coastal states like Delaware when it comes to restoring wetlands, managing wildlife refuges, and investing in nature-based solutions that protect both ecosystems and communities?

Response: I recognize the challenges facing coastal states can be different than those in the West or other parts of the country and this is why I believe it is critical that the FWS work closely with individual states to find workable solutions tailored to their needs. With respect to management of the National Wildlife Refuge System, I believe the wildlife refuge system is a national treasure for our country and will be an important focus of mine as Director, if confirmed.

2. As state director and leader of the Association of Fish and Wildlife agencies you were a supporter of the Recovering America's Wildlife Act. This bill will ensure states have the resources they need to implement their state wildlife action plans and recover species through collaboration and partnerships. Will you work with this committee to help pass this critical bipartisan legislation?

Response: As I stated during the hearing, I look forward to working with you and Congress on this and any other potential legislation.

Senator CAPITO. Thank you.
Ms. Kramer?

STATEMENT OF JESSICA KRAMER, NOMINEE TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Ms. KRAMER. Good morning, Chairman Capito, Ranking Member Whitehouse, and distinguished members of this committee. My name is Jessica Kramer and I am honored to have the opportunity to appear before you today.

It is my privilege to come before this committee as President Trump's nominee for the Assistant Administrator for the Office of Water at the Environmental Protection Agency. I want to thank President Trump for the confidence instilled in me through this nomination and Administrator Zeldin for his support in this nomination as well.

If confirmed, it will be the highest honor of my career to work every day with the dedicated career staff in the Office of Water to protect human health and the environment, and to support Administrator Zeldin as he does the same.

I want to thank my family, my husband Tony Frye, who is here with me today, my parents Deb and Dennis Kramer, my sister and brother-in-law Christy and Ben Cupps, my 2-year-old daughter Daphne, and the little boy my husband and I will welcome this summer, for providing unwavering support through this process, every step of the way.

Anyone who has ever had a toddler will understand that my husband and I made a strategic decision to not have our daughter come support me in person today. However she has heard this statement multiple times at this point and I can confidently say she is in full support.

EPA's mission has a deep-rooted place in my heart. I was raised on 80 acres of land in central Wisconsin, where my family grew and sold Christmas trees. My parents worked to balance the agricultural use of that property while supporting the robust wildlife that roamed the land as well as with ensuring we had safe drinking water from the private well our home utilized.

Growing up, I learned the importance of stewardship and that is what drove me to become a natural resource major in my undergraduate studies, and ultimately to focus on environmental law in earning my legal degree.

Coming out of law school, I was privileged to join the first of three State agencies I would have the pleasure of serving through my career so far, the Wisconsin Department of Natural Resources. I started my career as an environmental enforcement specialist and the case that sticks with me the most was working with a community that had a lead action level exceedance that tripped the regulatory requirement, at that time, to begin replacing 7 percent of their lead service lines every year.

I worked closely with that community to ensure they were providing safe drinking water while also utilizing a pathway for compliance that ensured that the system was not regulated out of business.

Four years ago, during my time in EPA's Office of Water under the first Trump Administration, my career felt like it had come full circle. I was in a home in Newark, New Jersey, taking water samples as we worked through the challenge that was unfolding related to elevated levels of lead in drinking water. Through our cooperative work with both the State and the community, we were able to avoid a crisis situation and utilize the ultimate cooperative federalism framework to ensure the public health of the community was protected.

In addition to those positions, I have served as an environmental prosecutor and defense attorney for the Wisconsin Department of Justice, a government affairs specialist for drinking water and wastewater associations advocating for a polluter-pays model as it relates to PFAS contamination, and the Deputy Secretary for Regulatory Programs at the Florida Department of Environmental Protection.

In saving the best for last, I also supported this very committee as Water Counsel for then Ranking Member Capito, where I lead negotiations for the minority on the Drinking Water and Wastewater Infrastructure Act of 2021, which passed off of the Senate floor 93 to 7.

Each of these positions has further refined my true passion for securing access to clean and safe water services for everyone in this Country. Each of these positions has also instilled in me the vital role of cooperative federalism as it plays in this Country's construct of environmental protection.

Through these roles, I have also seen firsthand the importance of a thoughtful, legally and scientifically sound regulatory framework. A regulated community has no hope for compliance if it does not have a definitive and clear framework to work from.

Additionally, each of these positions has shaped my perspective on the importance of common sense in regulation. For example, regulating water systems across this Country out of business through siloed rulemakings without providing an achievable path for compliance is simply not good government, nor is it good public health policy.

If I am confirmed, I will work every day to weave each of these principles into sound, durable, and understandable policy and regulation as I work to support Administrator Zeldin.

Thank you again for the opportunity to appear before you today. I look forward to hearing your priorities and answering any questions you may have.

[The prepared statement of Ms. Kramer follows:]

Testimony of Jessica L. Kramer
Senate Environment and Public Works Committee
March 26, 2025

Good morning, Chairman Capito, Ranking Member Whitehouse, and Distinguished Members of the Committee. My name is Jessica Kramer and I am honored to have the opportunity to appear before you today.

It is my privilege to come before this Committee as President Trump's nominee for the Assistant Administrator in the Office of Water at the Environmental Protection Agency. I want to thank President Trump for the confidence instilled in me through this nomination and Administrator Zeldin for his support in this nomination as well. If confirmed, it will be the highest honor of my career to work every day with dedicated career staff in the Office of Water to protect human health and the environment, and to support Administrator Zeldin as he does the same.

I want to thank my family – my husband Tony Frye who is here with me today, my parents Deb and Dennis Kramer, my 2 year-old daughter Daphne, and the little boy my husband and I will welcome this summer for providing unwavering support through this process, every step of the way. Anyone who has ever had a toddler will understand that my husband and I made a strategic decision to not have our daughter come support me in person today, however she has heard this statement multiple times at this point and I can confidently say, she is in full support.

EPA's mission has a deep-rooted place in my heart. I was raised on 80 acres of land in central Wisconsin, where my family grew and sold Christmas trees. My parents worked to balance the agricultural use of that property with supporting the robust wildlife that roamed the land as well as with ensuring we had safe drinking water from the private well our home utilized. Growing up, I learned the importance of stewardship and that is what drove me to become a natural resource major in my undergraduate studies, and ultimately to focus on environmental law in earning my legal degree.

Coming out of law school I was privileged to join the first of three state agencies I would have the pleasure of serving through my career so far – the Wisconsin Department of Natural Resources. I started my career as an environmental enforcement specialist and the case that sticks with me the most was working with a community that had a lead action level exceedance and tripped the regulatory requirement – at that time – to begin replacing 7% of their lead service lines per year. I worked closely with that community to ensure they were providing safe drinking water while also utilizing a pathway for compliance that did not regulate the system out of business. Four years ago, during my time in EPA's office of water under the first Trump Administration, my career felt like it had come full circle. I was in a home in Newark, New Jersey, taking water samples as we worked through the challenge that was unfolding related to elevated levels of lead in drinking water. Through our cooperative work with both the state and the community, we were able to avoid a crisis situation and utilize the ultimate cooperative federalism framework to ensure the public health of the community was protected.

In addition to those positions, I have served as an environmental prosecutor and defense attorney for the Wisconsin Department of Justice, a government affairs specialist for drinking water and wastewater associations advocating for a true polluter-pays model as it relates to PFAS contamination, and the Deputy Secretary for Regulatory Programs at the Florida Department of Environmental Protection.

In saving the best for last, I also supported this very Committee as Water Counsel for then Ranking Member Capito, where I lead negotiations for the minority on the Drinking Water and Wastewater Infrastructure Act of 2021, which was passed off the Senate floor 93-7.

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Through these roles, I have also seen firsthand the importance of a thoughtful, legally and scientifically sound regulatory framework. A regulated community has no hope for compliance if it does not have a definitive and clear framework to work from.

Additionally, each of these positions has shaped my perspective on the importance of common-sense in regulation. For example, regulating water systems across the country out of business through siloed rulemakings without providing an achievable path for compliance is simply not good government, nor is it good public health policy.

If I am confirmed, I will work every day to weave each of these principles into sound, durable, and understandable policy and regulation as I work to support Administrator Zeldin. Thank you again for the opportunity to appear before you today. I look forward to hearing about your priorities and answering any questions you may have.

Senate Committee on Environment and Public Works
Hearing Entitled, “Hearing on the Nominations of Brian Nesvik to be Director of the United States Fish and Wildlife Service, Jessica Kramer to be an Assistant Administrator of the Environmental Protection Agency, and Sean Donahue to be an Assistant Administrator of the Environmental Protection Agency”

March 26, 2025

Questions for the Record for Ms. Kramer

Senator Cramer:

1. Ms. Kramer, in February this committee held a hearing on advancing CCUS technologies with witnesses identifying major challenges at EPA in their testimony regarding Class VI primacy and Class VI permitting. Concerningly, EPA has taken multiple years to approve state Class VI primacy applications. For example, it took EPA nearly 5-years to approve North Dakota's primacy and almost 3-years for Louisiana. Similarly, EPA has accumulated a significant backlog of Class VI permits that have been submitted to the regional offices. As of March 25, 2025, there are 165 Class VI applications under review at the EPA regional offices. During your confirmation hearing, you rightly pointed to class VI primacy as an example of cooperative federalism.
 - a. If confirmed as Assistant Administrator, what actions will you take to promote cooperative federalism with the states and ensure state Class VI primacy application reviews are streamlined and expeditiously approved?

Response: One of the first actions taken by EPA under this Administration was approving West Virginia's application for Class VI Primacy. I recognize that granting a state primacy for Class VI Wells under the Safe Drinking Water Act bolsters American energy dominance and expands cooperative federalism while recognizing that states are best positioned to protect their underground sources of drinking water. This marked the fourth time a state has received primacy for Class VI wells since 2018 and the third approval under President Trump's leadership. Administrator Zeldin has charged the Office of Water with fast-tracking UIC primacy and permitting. If confirmed, I commit to implementing Administrator Zeldin's directive while following the law and communicating with Congress.

- b. If confirmed as Assistant Administrator, what actions will you take to alleviate this backlog of Class VI permit applications and ensure immediate improvements to the Class VI permitting process?

Response: Administrator Zeldin has charged the Office of Water with fast-tracking UIC primacy and permitting. If confirmed, I commit to implementing Administrator Zeldin's directive while following the law and communicating with Congress.

2. At the same hearing in February, witness's testimony emphasized EPA regulations do not allow for aquifer exemptions for Class VI injection wells. The result of this requirement removes billions of tons of geologic CO₂ storage potential across the United States, including North Dakota.

If confirmed as Assistant Administrator, can you assure this Committee you will evaluate all regulations under the purview of the Office of Water which unnecessarily inhibit the safe sequestration of CO₂, including the lack of an aquifer exemption for Class VI wells?

Response: If confirmed, I will evaluate regulations under the purview of the Office of Water which may unnecessarily inhibit the safe sequestration of CO₂, including the lack of an aquifer exemption for Class VI wells.

Senator Husted:

1. I appreciate the attention that EPA Administrator Zeldin has already paid to reducing the lengthy Class VI well approval backlog at EPA. There are 57 Class VI carbon capture and storage projects, which includes 165 well applications, currently under review at EPA, including 3 in the State of Ohio. These projects are connected to critical energy production infrastructure and will create local, high skilled jobs in areas of the country that need them the most. Yet, under the prior Administration, those applications floundered at EPA, which has resulted in a backlog that could take between 3 to 6 years at the current rate, in spite of EPA's stated goal of processing them within 24 months. In addition to Administrator Zeldin's efforts to accelerate state primacy applications, it's crucial for these OH projects that EPA reduce the application backlog under its direct purview.

Strong, resilient production of domestic energy is a priority for this Administration. Carbon capture and storage projects can help achieve that objective while creating jobs in the process. If confirmed, will you commit to addressing this backlog of Class VI applications and streamline the process, so these critical projects have the regulatory certainty needed to move forward?

Response: I recognize that permitting Class VI Wells under the Safe Drinking Water Act bolsters American energy dominance while promoting job creation and economic opportunity. Administrator Zeldin has charged the Office of Water with fast-tracking UIC primacy and permitting. If confirmed, I commit to implementing Administrator Zeldin's directive while following the law and communicating with Congress.

Ranking Member Whitehouse:

1. Rhode Island is home to one of the original National Estuary Programs, the Narragansett Bay Estuary Program, which has played a central role in helping our region understand and respond to climate-driven changes in coastal water systems. I continue to hear from NEPs around the country, including in New England, that many of their non-federal leveraged funds are currently frozen due to uncertainty or administrative delays—jeopardizing shovel-ready restoration and resilience projects that communities are counting on for clean water, healthy fisheries, and coastal resilience.
 - a. If confirmed, how will you work to ensure the stability and reliability of funding for the National Estuary Program, safeguarding it from political fluctuations that

could disrupt ongoing and future conservation, restoration, and clean water efforts?

Response: The National Estuaries Program is designed to improve the waters, habitats, and living resources of estuaries across the country. If confirmed, I look forward to working closely with EPA's career professionals on administering this program and others that affect our nation's estuaries in a manner consistent with the law.

- b. What will you do, if confirmed, to raise the visibility and protect the functionality of the NEPs, especially in this era of increased climate risk and diminishing of federal investments?

Response: If confirmed, I look forward to working closely with EPA's career professionals on administering this program and others that affect our nation's estuaries in a manner consistent with the law.

- 2. Work on the Lead and Copper Rule began during your last tenure at EPA, and the previous administration recently finalized Lead and Copper Rule Improvements.
 - a. Do you commit to defending this rule and ensuring it remains in place to protect children and vulnerable populations from lead exposure? Please explain.

Response: I am aware that EPA first issued national primary drinking water standards for lead in 1991, and EPA during the Trump Administration's first term updated that rule for the first time in three decades through the Lead and Copper Rule Revisions. I am also aware that EPA issued further revisions in 2024 through the Lead and Copper Rule Improvements. I understand that this rule is currently the subject of litigation. If confirmed, I look forward to work with EPA's career legal, policy, and scientific experts on this issue.

- a. Will you ensure that the EPA's budget request does not reduce funding to help communities across the country remove lead from their drinking water? How? Please explain.

Response: If confirmed, I will follow the law.

- b. Congress has provided billions in funding through the Bipartisan Infrastructure Law to help states and communities remove dangerous lead pipes. What steps will you take to ensure this funding reaches the communities that need it most?

Response: If confirmed, I will follow the law.

- 3. During your testimony, you mentioned that you take pride in EPA's water technical assistance (TA) programs. TA programs help communities—especially small and disadvantaged ones—navigate complex funding and regulatory requirements. Do you commit to protecting and expanding these resources to ensure every community has access to the support they need? How? Please explain.

Response: If confirmed, I will work with EPA career staff and other partners to provide technical assistance to small and rural communities.

4. Last year, EPA took a significant step to address the PFAS crisis by setting the first-ever drinking water limits for six PFAS. Despite the expansive research demonstrating the dangers of PFAS exposure even at very low levels, Administrator Zeldin has indicated that he intends to loosen those limits.

- a. Do you support the scientific approach used to develop the PFAS drinking water standards set by EPA last year?

Response: I understand that EPA's national primary drinking water standards for certain PFAS are currently the subject of litigation. Thus, it would be inappropriate for me to prejudge the outcome of any proceeding on this subject. However, I can commit to following all legal requirements.

- b. If water systems were granted sufficient funding to achieve lower amounts of PFAS in drinking water, would you advocate to allow more or less PFAS in drinking water?

Response: I support EPA considering all appropriate tools available to help water systems remove PFAS from drinking water while ensuring that systems can continue to operate and are not put out of business.

- c. Do you commit to ensuring EPA's budget request includes sufficient funding to address PFAS in drinking water across the country?

Response: If confirmed, I Will follow the law.

5. Earlier in 2024, EPA finalized effluent limitation guidelines to better protect waterways from the discharge from coal-fired power plants. The rule is based on the latest science and will significantly reduce toxic and bioaccumulative pollutants, such as mercury and arsenic, which can cause cancer, lower children's IQs, and harm reproduction among fish and wildlife populations. Administrator Zeldin recently announced his intent to revisit the rule.

- a. Do you believe that corporate interests should override the mission of the Agency?

Response: If confirmed, I commit to upholding EPA's mission to protect public health and the environment consistent with the law.

- b. Do you commit to defending the rule and protecting waterways and vulnerable downstream populations?

Response: I cannot prejudge any policy or regulatory decision. If confirmed, I look forward to working with the very talented career staff at EPA to fulfill the agency's mission to protect human health and the environment consistent with the law.

- c. How will you support the development of water pollution limits to better protect human health and the environment and reduce the burden on downstream drinking water plants?

Response: I cannot prejudge any policy or regulatory decision. If confirmed, I look forward to working with the very talented career staff at EPA to fulfill the agency's mission to protect human health and the environment consistent with the law.

6. The Supreme Court's *Sackett* decision ignored good science and removed protections for 63% of U.S. wetlands that provide flood protection, sequester carbon, and remove pollution from our waterways. Troublingly, the plaintiffs in *Sackett* were represented by the Pacific Legal Foundation, which has received money from Exxon, various Koch foundations, DonorsTrust, the Bradley Foundation, and the Sarah Scaife Foundation. At least ten other similarly funded groups or groups with fossil fuel connections showed up to support gutting the WOTUS rule. If EPA and the Army Corps are to meet their legal mandate to protect the waters of the United States, they must implement *Sackett* in a manner that reflects the scientific understanding of connections between waters and wetlands. Nevertheless, EPA has already issued a memo indicating that this Administration intends to abandon any effort to harmonize the Court's decision with scientific facts.
 - a. In your current position as Senior Advisor to the Administrator, what was your role in drafting, discussing, or otherwise engaging with fellow EPA officials concerning the *Sackett* memorandum? Please explain in detail.

Response: As a Senior Advisor to the Administrator, I advised the Administrator on the United States Supreme Court's ruling in *Sackett* as well as advising the Administrator on the need for the EPA to follow the law. In this role, I participated in drafting and discussing the memo with the career staff in the Office of Water to effectuate leadership direction to ensure EPA follows the law with respect to the Court's ruling in *Sackett*.

- b. Given the extensive body of research demonstrating the importance of wetlands and ephemeral streams to navigable water health, how do you plan to ensure that any WOTUS rule is supported by the best science, and not merely the science peddled by industry lobbyists?

Response: If confirmed, I commit to ensuring that EPA follows the law with respect to which features are "Waters of the United States."

Senator Merkley:

1. In *San Francisco v. EPA* (March 4, 2025), the Supreme Court ruled that the Clean Water Act (CWA) does not grant the Environmental Protection Agency (EPA) the authority to include "end-result" provisions in National Pollutant Discharge Elimination System (NPDES) permits. EPA is tasked with implementing the Supreme Court's ruling, which if not done effectively will lead to significant health and safety concerns and lead to more opportunities for large polluters to avoid responsibility. If confirmed, will you commit to

improving water quality by strengthening permitting requirements on facilities that discharge sewage and industrial waste?

Response: I look forward to being briefed on these issues by EPA's career professionals. If confirmed, I commit to following the law and Supreme Court decisions. I commit to providing guidance and technical support to EPA's State and Tribal partners who administer the Clean Water Act NPDES permitting program in the vast majority of the country.

2. Yes or no, should EPA consider sea level rise, caused by climate change, when issuing National Pollutant Discharge Elimination System permits to coastal facilities?
 - a. If no, elaborate why not.

Response: Where EPA is the permitting authority, EPA considers point source discharges to "waters of the United States" in issuing permits and establishing permit conditions.

3. If confirmed, will you commit to speedy review of Community Initiated Projects (Congressionally Directed Spending), including providing technical assistance to communities who are recipients of these funds?

Response: If confirmed, I will follow the law. I also commit to being a good steward of taxpayer dollars and ensuring that resources provided to EPA are spent in a manner consistent with the law.

4. Research has shown that pollution and its negative health impacts tend to be clustered, often in low-income communities, tribal communities, and communities of color. How will EPA address the disproportionate environmental impacts experienced by these communities and ensure meaningful community engagement in EPA's decision-making processes?

Response: I commit to working with EPA's career staff to ensure that all Americans have access to clean and safe water, consistent with Administrator Zeldin's Powering the Great American Comeback Initiative and EPA's authorities provided by Congress, including under the Safe Drinking Water Act and Clean Water Act.

5. The EPA defines cumulative impacts as "the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health and quality-of-life outcomes." If confirmed, would you support incorporating the consideration of cumulative impacts on affected communities into Agency decision-making, including permitting decisions?

Response: I cannot prejudge any policy decision. If confirmed, I look forward to working with the very talented career staff at EPA to fulfill the agency's mission to protect human health and the environment consistent with the law.

6. If confirmed, how will you value expertise possessed by career civil servants at the EPA and ensure decisions are made based on the science, not politics?

Response: As I said during my confirmation hearing, if confirmed, it will be the highest honor of my career to work every day with the dedicated career staff in the Office of Water to protect human health and the environment consistent with the law and to support Administrator Zeldin as he does the same.

7. Yes or no, if confirmed, will you commit to enforcing the existing PFAS limits under the Safe Drinking Water Act?

Response: I understand that EPA's national primary drinking water standards for certain PFAS are currently the subject of litigation. Thus, it would be inappropriate for me to prejudge the outcome of any proceeding on this subject. However, I can commit to following all legal requirements.

Senator Markey:

1. Do you believe it is the right of all people to have access to clean and safe drinking water?

Response: I believe that all Americans should have access to clean and safe water, consistent with Administrator Zeldin's Powering the Great American Comeback Initiative and EPA's authorities provided by Congress, including under the Safe Drinking Water Act and Clean Water Act. I commit to working with EPA's career staff to achieve this goal consistent with the law.

- a. If confirmed, will you act on that belief and commit to making this right of the people a reality for all Americans, including by ensuring any attempts to claw back legally obligated funds—like those in the Bipartisan Infrastructure Law you helped write—are stopped?

Response: If confirmed, I will follow the law.

2. Will you commit to ensuring that all funding under the Bipartisan Infrastructure Law—specifically funds through the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund—is received by all awarded state agencies?

Response: If confirmed, I will follow the law.

3. Last year, the EPA issued the final rule for the Lead and Copper Rule Improvements (LCRI), which will require that utilities remove most of their lead pipes within 10 years. This rule would protect close to a million infants from complications of low birthweight, avoid a collective loss of 200,000 IQ points in children, prevent thousands of children from getting Attention Deficit Hyperactivity Disorder, and protect thousands of adults from fatal heart attacks. The EPA has not yet announced whether it will defend this crucial rule in court, or attempt to weaken it despite the Safe Drinking Water Act prohibiting revisions to drinking water standards that weaken health protections. If confirmed, will you commit to defending the current final LCRI?

Response: I am aware that EPA first issued national primary drinking water standards for lead in 1991, and EPA during the Trump Administration's first term updated that rule for the first

time in three decades through the Lead and Copper Rule Revisions. I am also aware that EPA issued further revisions in 2024 through the Lead and Copper Rule Improvements. I understand that this rule is currently the subject of litigation. If confirmed, I look forward to working with EPA's career legal, policy, and scientific experts on the issue.

4. You have lobbied extensively on behalf of the oil and gas industry's deregulatory agenda. How would you effectively carry out the EPA's mission to protect human health and the environment on behalf of the American people without any conflict of interest?
 - a. If confirmed, will you follow the advice of the EPA's Office of Ethics with respect to potential conflicts of interest?

Response: While I cannot agree that one year in the private sector out of my extensive career as a public servant constitutes "lobb[ying] extensively on behalf of the oil and gas industry," I commit to consistently following the advice of EPA's Office of Ethics with respect to potential conflicts of interest.

Of note, in my one year in the private sector, I did lobby on behalf of national drinking water and wastewater associations with respect to PFAS contamination.

- b. If confirmed, will you commit to recusing yourself from decisions that involve former clients or regulations you have previously lobbied against?

Response: I commit to consistently following the advice of EPA's Office of Ethics with respect to potential conflicts of interest.

Senator Blunt Rochester:

1. How do you plan to support and strengthen the National Estuary Program if confirmed?

Response: The National Estuary Program is designed to improve the waters, habitats and living resources of estuaries across the country. If confirmed as EPA's Assistant Administrator for Water, I look forward to working closely with EPA's career professionals on administering this program and others that affect our nation's estuaries in a manner consistent with the law.

- a. How will you ensure that the Office of Water continues to invest in these high-impact, community-driven efforts that improve both water quality and resilience?

Response: If confirmed, I will follow the law.

- b. Do you commit to supporting and enhancing the National Estuary Program so it can continue to deliver these benefits, especially to coastal states like Delaware?

Response: If confirmed, I look forward to working closely with EPA's career professionals on administering this program and others that affect our nation's estuaries in a manner consistent with the law.

As you look to shape the EPA's water policy priorities, how will you elevate and integrate the work of the National Estuary Programs into broader Office of Water initiatives—including efforts around climate resilience, nature-based infrastructure, and equitable water resource management?

Response: If confirmed, I look forward to working closely with EPA's career professionals on administering this program and others that affect our nation's estuaries in a manner consistent with the law.

2. Can you commit to defending the Lead and Copper Rule Improvement and ensuring it remains in place to protect children and vulnerable populations from lead exposure?

Response: I am aware that EPA first issued national primary drinking water standards for lead in 1991, and EPA during the Trump Administration's first term updated that rule for the first time in three decades through the Lead and Copper Rule Revisions. I am also aware that EPA issued further revisions in 2024 through the Lead and Copper Rule Improvements. I understand that this rule is currently the subject of litigation. If confirmed, I look forward to work with EPA's career legal, policy, and scientific experts on this issue.

- a. Will you commit to providing clear, timely guidance to states and utilities on best practices for lead pipe removal and ensuring that communities understand their options for accessing federal funding?

Response: If confirmed, I commit to evaluating the need for guidance to states and utilities on best practices for lead pipe removal. I would also work with EPA career staff and other partners to provide technical assistance for small and rural communities.

- b. EPA's water technical assistance programs help communities—especially small and disadvantaged ones—navigate complex funding and regulatory requirements. Will you commit to protecting and expanding these resources to ensure every community has access to the support they need to remove lead pipes and upgrade aging water infrastructure?

Response: If confirmed, I will work with EPA career staff and other partners to provide technical assistance for small and rural communities.

3. The Delaware River supplies drinking water to Delaware and surrounding states like Pennsylvania and New Jersey. However, the combination of sea level rise and reduced downstream have raised new fears that the river could at some point become contaminated through saltwater intrusion. Do you think that situations like saltwater intrusion pose a risk to our nation's drinking water supplies, and how do you plan to prioritize addressing these risks?

Response: If confirmed, I look forward to being briefed on this issue by EPA's career professionals.

Senator CAPITO. Thank you, Jess.
Mr. Donahue?

STATEMENT OF SEAN DONAHUE, NOMINEE TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. DONAHUE. Chairman Capito, Ranking Member Whitehouse, and esteemed Senators, it is an honor and privilege to be here today and testify before you as you take part in the important advice and consent responsibility of this esteemed body and consider me for the General Counsel post at the U.S. Environmental Protection Agency.

I greatly appreciated the opportunity to meet with many of you and your staff to hear about the issues impacting your constituents, your views on the EPA and how the new administration can find ways to improve EPA's regulations and processes, ensure a predictable and durable regulatory regime for the American public, and realign the agency to put it in the best footing to fulfill its core mission of protecting human health and the environment to ensure the brightest possible future for generations to come.

I would also like to take the opportunity to express my gratitude to a few others. First, I would like to thank President Donald Trump for nominating me for this position. I would also like to thank Administrator Lee Zeldin for his tireless efforts, his supportive and steady hand, and for entrusting me with this important role.

I would like to thank the dedicated and hardworking career staff at EPA for their tireless work to advance the agency's mission. In particular, I would like to thank the impressively talented career staff attorneys in the Office of General Counsel, I believe they are watching, I hope they are, who I hope to rejoin, if confirmed. I genuinely believe they are the best and brightest the world of environmental law has to offer.

I must also take the time to thank my partner, family, friends, and colleagues, many of whom are here today.

On a personal note, I grew up on the Space Coast of Central Florida, where I had the privilege of watching what seemed at the time to be a very regular and routine thing, at least for me, space shuttle and rocket launches from the nearby Kennedy Space Center. Things changed when the space shuttle program ended in the early 2010's, and I witnessed my hometown ravaged by the loss of jobs and a crippled economy which was already severely hurt by the lingering effects of the global financial crisis.

Things got worse for me personally, aside from the lack of launches. My father lost his well-paying job, and our family situation and outlook for the future changed dramatically and rapidly.

You may remember that as a result of the cancellation of the space shuttle program, NASA was forced to rely on Russian spacecraft to get our astronauts and scientists to the International Space Station. As you might suspect, the decision to cancel the program affected many families and their livelihoods, in both tangible and direct ways in the form of economic hardship, and indirectly by posing severe and serious national security threats and limiting our Country's scientific capabilities.

If you recall, one of the reported motivations for this tragic policy change was concerns about climate change. I share this story with you today to illustrate how short-sighted, ideologically driven policy decisions here in Washington, DC, impact not only Americans' livelihoods but also the security of our great Nation.

I will go ahead and answer what I believe will be a question posed by some on the committee today. Yes, according to many scientists, the climate is indeed changing. Yes, according to many scientists, human or anthropogenic causes are contributing to the experienced greenhouse gas effect.

We should not forget that everything done here in D.C. has real-world consequences that impact real people, their jobs, their futures, the price at the pump or the charging station, the cost of groceries, and our national security.

Turning next to my qualifications, I have worked in both State and Federal Government and in the regulated community. While my background and interests were initially in financial services, I made the jump over to the environmental world and never looked back.

I started this journey at EPA back during the first Trump Administration, where I was in the Office of the Administrator and the Office of Land and Emergency Management. I quickly grew to love the agency, adore its capable staff, and appreciate the complex and dynamic area of environmental law, which as you all know, I am sure, is a continuously exhilarating, engaging, and intellectually stimulating area to practice in.

Following my service at EPA, I was an associate at a prominent regional firm, worked at a solar company, and recently landed back at EPA, where I have served first as the Principal Deputy General Counsel and more recently as a Senior Advisor to the Administrator.

I sit before you today as the President's nominee for General Counsel at the EPA. I am running out of time, so I look forward to answering your questions both here and in the form of QFRs. Thank you for your time today.

[The prepared statement of Mr. Donahue follows:]

Sean Donahue Opening Statement

Chairman Capito, Ranking Member Whitehouse, and esteemed Senators, it is an honor and privilege to be here and testify before you today as you take part in the important advice and consent responsibility of this esteemed body and consider me for the General Counsel post at the U.S. Environmental Protection Agency.

I greatly appreciated the opportunity to meet with many of you and your staff to hear about the issues impacting your constituents, your views on the EPA and how the new administration can find ways to improve EPA's regulations and processes, ensure a predictable and durable regulatory regime for the American public and realign the agency to put it in the best footing to fulfill its core mission of protecting human health and the environment to ensure the brightest possible future for generations to come.

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I quickly grew to love the agency, adore its capable staff, and appreciate the complex and dynamic area of environmental law, which is a continuously exhilarating, engaging, and intellectually stimulating area to practice in.

Following my service at EPA, I was an associate at a prominent regional firm, worked at a solar company, and recently landed back at EPA, where I have served as the Principal Deputy General Counsel and more recently as a Senior Advisor to the Administrator.

And I sit before you today as the President's nominee for General Counsel at the EPA.

If confirmed, I commit to you to ensure that the office provides the best legal advice, so that the agency can be good stewards of American taxpayer dollars; be good partners with states, tribes, and local governments; provide durable rules so that

the regulated community can have the certainty it needs to thrive; and, most importantly, advance EPA's mission of protecting human health and the environment.

Thank you for taking the time to be here today, and I look forward to answering your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, “Hearing on the Nominations of Brian Nesvik to be Director of the United States Fish and Wildlife Service, Jessica Kramer to be an Assistant Administrator of the Environmental Protection Agency, and Sean Donahue to be an Assistant Administrator of the Environmental Protection Agency”
March 26, 2025
Questions for the Record for Mr. Donahue

Senator Wicker:

1. In November of 2023, the 5th US Circuit Court of Appeals found that the EPA's decisions in April 2022 to reject 36 small refinery exemptions and in June 2022 to deny another 69 petitions for exemption from the Renewable Fuel Standard (RFS) were "impermissibly retroactive, contrary to law, and arbitrary and capricious" (Calumet Shreveport Refining, et al v. EPA, 22-60266).

The ruling applies to the six refineries that brought the case before the 5th Circuit, including Calumet Shreveport Refining, Placid Refining, Ergon Refining, Wynnewood Refining, The San Antonio Refinery and Ergon-West Virginia. These petitions span from 2017 through 2021 RFS compliance years. Those denied petitions were vacated, and the court remanded the matter back to the EPA for further consideration.

Small Refinery Exemptions (SREs) were created under the RFS as a safety valve for refineries with a capacity of less than 75,000 b/d, allowing them to apply for waivers to the RFS if meeting the biofuel-blending requirements would create disproportionate financial hardship.

Small oil refineries have argued and proved in court that they are not on the same footing in terms of RFS compliance as large, integrated oil companies that can export fuel to avoid the RFS altogether or generate excess RFS compliance credits, called RINs, by blending others' fuel and selling those excess RINs in the unregulated \$30 billion RIN market. Without SREs, they contend they could go bankrupt or may have to shut down to stay on the right side of the law.

Mr. Donahue, I have a small refinery in my state that has been part of three favorable appellate court decisions on Small Refinery Hardship (SRE) petitions. However, despite these rulings, they have yet to receive any remedy, and their SRE petitions have been pending with the EPA for almost three years. These cases, along with many others, highlight the Biden EPA's failure to respond to petitioners or judicial mandates in a timely manner.

Would you agree that it is important for the EPA to follow the law and respond to such petitions promptly?

Response: If confirmed, I will ensure that the Office of General Counsel provides the best legal advice to ensure that the Renewable Fuel Standard program is carried out consistently with the law that Congress enacted and that EPA is responsive to petitions and judicial mandates.

Ranking Member Whitehouse:

1. During your hearing, you acknowledged that you were terminated from your associate position at Phillips Lytle LLP in Buffalo, New York, after just one year and six months. You stated in the responses to your Questionnaire submitted to the Committee that the reason for your termination was that you were “overloaded with work.” Despite this clear statement, you indicated at your hearing that you wanted to provide “color” to your termination.
 - a. Was the reason for your termination unrelated to your workload, as you indicated in your Questionnaire responses? If there is another reason, why did you not indicate as much on your Questionnaire responses?

Response: As stated in my responses in the questionnaire, the termination was indeed related to workload.

- b. As I promised during your hearing, I am providing you here the opportunity to add the “color” you wished to provide concerning your termination. Please proceed.

Response: Thank you for the opportunity to respond. When you do good work, more work tends to come your way. I was at a well-respected firm with many sophisticated clients and a variety of client demands. Unfortunately, there was a high amount of workload origination but insufficient associate level capacity to spread the workload.

2. You testified during your hearing that you are a member of the bar of the District of Columbia and that you had sat for and failed the D.C. bar exam on one occasion prior to passing.
 - a. When did you sit for and fail to pass the D.C. bar exam?

Response: February 25-26, 2020.

- b. Have you ever sat for and failed to pass a bar exam in any jurisdiction other than the District of Columbia? If yes, please list all jurisdictions and dates. Please include in your answer any *portions* of any bar exam or any state-specific exams (e.g., the New York Law Exam) that applicants seeking to waive into a new jurisdiction must take.

Response: No.

3. During your tenure at Phillips Lytle LLP, you were only a member of the D.C. bar. Law firms typically require attorneys permanently practicing in an office to be barred in the state where that office is located.
 - a. When you were hired at Phillips Lytle LLP or at any time during your tenure at Phillips Lytle LLP, did firm management discuss with you the need to become barred in New York State?

Response: Yes, I was working towards admittance to the New York bar. I passed the New York Law Course and was in the process of obtaining the pro bono hours necessary for admittance.

- b. Did your termination from Phillips Lytle LLP have anything to do with the fact that you were not barred in New York State or were unwilling to sit for the bar in New York State?

Response: No.

- 4. During your hearing, you claimed to have supervised six to eight staff, including both attorneys and summer associates, during your time at Phillips Lytle LLP. Please indicate the number of attorneys who were members of a state bar whom you supervised while at Phillips Lytle LLP and, separately, the number of summer associates or non-legal staff whom you supervised.

Response: I reviewed work of junior associates (2-3) and summer associates (2-3), and depending on the matter or project, the work of paralegals (1-2). The results of my review were subsequently reviewed by senior attorneys admitted in the relevant jurisdiction.

- 5. In your responses to the Questionnaire submitted to the Committee, you disclosed that you pled guilty to Driving While Ability Impaired in New York State in 2024. You also stated that “[a]ll conditions and requirements imposed by the Court have been satisfied.”
 - a. Please specify the date on which the traffic stop occurred in the town of Amherst, New York.

Response: August 28, 2024.

- b. Please specify the date on which you were arraigned.

Response: September 19, 2024.

- c. Please specify the date on which you pled guilty.

Response: October 30, 2024.

- d. Please specify whether the charge at the time of your arrest was “Driving While Ability Impaired” or if this was a lesser charge to which you pleaded as part of a plea deal. If this was a lesser charge, please specify the charge(s) that you were originally facing.

Response: The “Driving While Ability Impaired” charge was a lesser pleaded charge. The original charge was “Driving While Intoxicated.”

- e. Please specify the grounds for the charges against you (*i.e.*, breathalyzer test results, field sobriety exam failure, etc.).

Response: Refusal to submit to a screening test.

- f. Please specify the “conditions and requirements” that were imposed by the Court as a result of your guilty plea.

Response: I had to pay court and traffic fines and attend a Victim Impact Panel.

6. Have you ever been stopped on suspicion of driving under the influence of drugs or alcohol, or charged with driving under the influence of drugs or alcohol (or any other similar but lesser charge such as DWAI), in any jurisdiction besides New York, *regardless* of the ultimate disposition of the charges? Please identify and list all such instances, including dates, charging jurisdiction, and specific charges.

Response: No.

7. You stated in your testimony that “one of the reported motivations for [the termination of the U.S. space shuttle program] was concerns about climate change.”
- a. Do you acknowledge that there is a difference between something being reported and it being true?

Response: Yes, I acknowledge that there is oftentimes a difference between something being reported and the truth. As an appointee in the Trump Administration, I have often observed inaccurate media reports that misstate or mischaracterize what was said or done.

- b. Please provide URLs to any accounts that suggest that concerns about climate change played a role in the termination of the space shuttle program.

Response:

<https://www.nasa.gov/wp-content/uploads/2023/08/fy-2010-budget-summary.pdf>.
<https://www.technologyreview.com/2008/11/20/217607/obamas-nasa-dilemma/>.
<https://www.businessinsider.com/nasa-scientists-dispute-climate-change-2012-4/>.

- c. Did NASA identify concerns about climate change as one of the reasons the space shuttle program was terminated? Please provide URLs to any such statements from NASA.

Response:

Climate change was featured prominently in the Obama Administration’s NASA FY 2010 Budget Request Summary. See NASA, FY 2010 Budget Request Summary, <https://www.nasa.gov/wp-content/uploads/2023/08/fy-2010-budget-summary.pdf>. Cuts to manned space flight programs were replaced with increased amounts for monitoring and research of climate change. See Reid Wilson, *White House launches review of space flight as NASA at crossroads*, The Hill (May 14, 2009), <https://thehill.com/homenews/administration/3940-white-house-launches-review-of-space-flight-as-nasa-at-crossroads/>.

- d. The termination of the space shuttle program was announced in 2004 by President George W. Bush, a president who opposed efforts to reduce greenhouse gas emissions. Based upon the Bush administration’s record on climate change, do

you think it is likely that the Bush administration terminated the program at least in part due to climate-related concerns?

Response: It is indeed true that following the tragic Columbia shuttle disaster, President Bush shifted focus to a separate manned spaceflight program, the Constellation Program, with a focus on other manned exploratory missions. However, President Obama decided to end both manned space programs. To my knowledge, climate change was not a reason for President Bush's approach to space policy or NASA's budget, unlike that of President Obama's.

- e. In 2003, the space shuttle Columbia broke apart upon reentry, killing all seven astronauts aboard. Isn't it true that this second disaster involving the space shuttle led to the program's termination?

Response: It is indeed true that following the tragic Columbia shuttle disaster, President Bush shifted focus to a separate manned spaceflight program, the Constellation Program, with a focus on other manned exploratory missions.

- f. What were the greenhouse gas emissions associated with a launch of the space shuttle?

Response: Data on greenhouse gas emissions from the manned spaceflight programs, SpaceX Dragon capsule launches, and Soyuz are not readily available to me in my legal advisory role.

- g. What are the greenhouse gas emissions associated with a manned launch of Space X's Dragon capsule?

Response: Data on greenhouse gas emissions from the manned spaceflight programs, SpaceX Dragon capsule launches, and Soyuz are not readily available to me in my current advisory role.

- h. What are the greenhouse gas emissions associated with a manned launch of Russia's Soyuz capsule?

Response: Data on greenhouse gas emissions from the manned spaceflight programs, SpaceX Dragon capsule launches, and Soyuz are not readily available to me in my current advisory role.

- i. For your answers to f., g., and h., please compare these to total U.S. greenhouse gas emissions in 2023.

Response: Because I do not have data on the greenhouse gas emissions in f., g., or h., at this time, I am not personally aware of any data for 2023.

Senator Merkley:

1. Yes or no, do you believe that EPA should regulate harmful air pollutants such as ozone, soot, methane, and mercury?

Response: Congress has determined that EPA should regulate harmful air pollutants in a variety of contexts and in a variety of ways. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

2. Yes or no, do you believe that EPA illegally granted California a waiver to limit tailpipe emissions?

Response: Different EPA Administrators have taken different positions on whether particular waiver requests by the State of California have adequately demonstrated the statutory requirements for waiver under the Clean Air Act. If confirmed, I will ensure that EPA leadership has the best legal advice available in making decisions on waiver requests based on the evidence before the agency.

3. Are the health consequences of smog an acceptable outcome of revoking California's tailpipe emissions waiver?

Response: If confirmed, I will work every day to ensure that EPA carries out its statutory obligations under the Clean Air Act and follows the law.

- a. If yes, under what circumstances should EPA loosen environmental regulations if doing so would increase incidences of asthma, lung disease, and other human health effects from smog?

Response: If confirmed, I will work every day to ensure that EPA carries out its statutory obligations under the Clean Air Act and follows the law.

4. If confirmed, whenever you fail to develop a compelling legal theory for actions that undermine public health protections, do you intend to use the Major Questions Doctrine as a crutch for that failure?

Response: The United States Supreme Court has held that administrative agencies must adhere to the limits on their statutory authority and that courts will generally presume, absent a clear statement in applicable legislation, that Congress intends to reserve "major questions" of economic, social, and political importance for itself. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

5. On January 20, 2025, President Trump issued Executive Order 14151, which directed EPA to "terminate . . . all Diversity, Equity, and Inclusion (DEI), DEIA, and "environmental justice" offices and positions . . . ; all "equity action plans," "equity" actions, initiatives, or programs, "equity-related" grants or contracts[.]" In response, EPA shut down the Office of Environmental Justice and External Civil Rights (OEJECR) and terminated numerous environmental justice grants. Do you believe this decision was within the Executive Branch's authority?

Response: Yes.

- a. If yes, and if you are confirmed, how will you ensure EPA considers and addresses the disparate impacts of pollution?

Response: If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

6. In the past, you worked as a solar developer. EPA recently terminated funding to a grant in Texas that provided workforce training in the solar energy field. Do you agree with that decision and that the EPA supporting clean energy jobs falls within the scope of President Trump's Executive Order 14151?

Response: I am unable to provide an opinion without further information on the particular grant in Texas for solar energy workforce training. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- a. Explain why or why not projects similar to those you worked on in solar energy constituted diversity, equity, and inclusion under Executive Order 14151?

Response: I am unable to provide an opinion without further information on the particular grant in Texas for solar energy workforce training. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

7. The President in his first term signed Executive Order 13955, creating United States One Trillion Trees Interagency Council that included representatives from all federal agencies. In his second term, President Trump terminated funding to an entity in Oregon that was planting trees under the justification that this work is "DEI." Do you agree that President Trump was a proponent of DEI in his first term?

Response: I am unable to provide an opinion without further information on the particular grant in Oregon for tree planting. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

8. Any revision of terms and conditions to EPA grants must be consistent with the authorities of the grant program itself. If confirmed, how will you ensure that EPA does not terminate grants in an arbitrary and capricious manner?

Response: If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

Senator Schiff:

1. On March 18, a federal judge temporarily blocked EPA from terminating \$20 billion in grants provided through the Greenhouse Gas Reduction Fund Program, a program that Congress directed EPA to establish. The judge wrote, "it does not appear that EPA Defendants took the legally required steps necessary to terminate these grants, such that its actions were arbitrary and capricious," and that EPA "proffered no evidence to support" the terminations.

- a. In your roles as Senior Advisor to the Administrator and Principal Deputy General Counsel, did you raise concerns with the legality of efforts to terminate these grants? If yes, to whom did you raise such concerns? If not, why not?

Response: It would be improper to comment on ongoing litigation. It is my understanding that EPA continues to contest the judge's preliminary ruling. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- b. Do you believe the EPA was acting lawfully in its attempt to terminate grants? What evidence of waste, fraud, or abuse did the EPA cite in its efforts to terminate such grants?

Response: It would be improper to comment on ongoing litigation. It is my understanding that EPA continues to contest the judge's preliminary ruling. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- c. Under the direction of Emil Bove, Ed Martin, and Kash Patel, and in coordination with EPA political leadership, FBI agents have been questioning EPA career attorneys and staff who worked on implementation of the Greenhouse Gas Reduction Fund. It appears that EPA career civil servants are being subjected to questioning by the FBI simply because they worked on a congressionally enacted program that the current administration does not support. Are you concerned by FBI's harassment of career EPA attorneys, attorneys whom you will be managing and whose trust and respect you will be expected to command?

Response: It would be improper to comment on ongoing investigations by federal law enforcement. If confirmed, I will work every day with EPA's career civil servants to ensure that EPA carries out its statutory obligations and follows the law.

- d. Is EPA currently in compliance with the District Court's temporary restraining order?

Response: Yes, it is my understanding that the EPA is in compliance with the temporary restraining order related to the Greenhouse Gas Reduction Fund grants. Beyond that, it would be improper to comment on ongoing litigation.

2. Do you agree with the agency's decision to instruct grant officers to let grants go into dispute or litigation after EPA terminated environmental justice grants without having a justification permitted by the relevant terms and conditions, as internal EPA emails revealed by the Committee suggest?

Response: I am unable to provide an opinion without further information on the particular grants and particular emails referenced above. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- a. Did you have any role in this decision?

Response: I am unable to provide an opinion without further information on the particular grants and particular emails referenced above. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

3. Can you explain your understanding of the role of the Office of General Counsel (OGC) in managing congressional oversight requests?

Response: EPA takes its congressional oversight responsibilities seriously. The Office of Congressional and Intergovernmental Relations (OCIR) is the office with primary responsibility for responding to congressional oversight requests. EPA OGC is available to advise OCIR as appropriate to ensure that EPA follows the law.

- a. OGC, working alongside the Office of Congressional and Intergovernmental Relations (OCIR), has traditionally played an important role in producing responses to congressional requests for documents and information. How can you assure this Committee that you will take the role seriously and ensure EPA is responsive to congressional oversight, given that EPA has largely ignored requests for information from Minority committee members during this Congress?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- b. Do you believe the Ranking Member of the Senate Environment and Public Works Committee has just as much authority to conduct oversight of EPA as the Chair? Will you commit to treating oversight requests by the Ranking Member and Chair of this Committee equally?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- c. Do you believe individual Senators of the Majority (who are not the Chair) have authority to conduct oversight of EPA?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- d. Do you believe individual Senators of the Minority (who are not the Ranking Member) have authority to conduct oversight of EPA?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- e. If confirmed, will your office treat document requests from the Ranking Member the same as you would treat requests from the Chair, and will OGC advise OCIR of this? Will you be equally responsive to both the Chair and Ranking Member?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

- f. Can you agree to provide the Minority (through OCIR if appropriate) with all documents EPA produces in response to FOIA requests that are potentially responsive to any relevant open congressional requests from the Minority?

Response: EPA takes its congressional oversight responsibilities seriously. If confirmed, I will work every day to ensure that EPA carries out its statutory obligations and follows the law.

Senator CAPITO. Thank you. Thank you all three very much..

Before we start individual questioning, I am going to ask you three questions. I will just, usually we do this at the end, but I forget, so they put it in the beginning for me.

Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees in this Congress to provide information, subject to appropriate and necessary security protections with respect to your responsibilities?

Mr. NESVIK. Yes, Madam Chairman, I do.

Ms. KRAMER. Yes.

Mr. DONAHUE. I do.

Senator CAPITO. Thank you.

Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of communications of information are provided to the committee and its staff and other appropriate committees in a timely manner?

Mr. NESVIK. Yes, I do.

Ms. KRAMER. Yes.

Mr. DONAHUE. Yes.

Senator CAPITO. Good. Finally, do you know of any matters which may or may not have been disclosed that may place you in conflict of interest if you are confirmed?

Mr. NESVIK. No, ma'am.

Ms. KRAMER. No.

Mr. DONAHUE. No.

Senator CAPITO. All right. We will start the first round of questions.

My first question is for Brian Nesvik. You obviously, we have heard, have served at every level almost within your State. We know that the Fish and Wildlife, the Service has regional and field offices. I am sure you have interacted.

They do not always have the same depth of knowledge as, say, a State wildlife agency may have on an issue. I have heard from my West Virginia government officials of instances when they have tried to advise the agency on these local issues and it has sort of fallen on deaf ears.

Your interactions in the past, will you please share your experience as Director of Wyoming Game and Fish with your department's efforts to coordinate with those State, regional, field offices, and how that experience will inform your efforts, to strengthen the relationship between the Service and those State agencies?

Mr. NESVIK. Thank you, Madam Chair. Certainly, I have had many years of opportunity to interact with and work directly with different employees of the United States Fish and Wildlife Service, all the way from field employees up to previous directors.

One of the things that, certainly at times there is this natural tension and friction between State and Federal agencies. I think one of the things that has been very helpful for me and would be helpful for me in this position if I am confirmed, is understanding both my frustrations with some of those decisions and interactions, but also understanding what challenges those folks face as well.

Certainly, Fish and Wildlife Service is guided and directed by congressional action and laws as are State agencies. A lot of times,

those interests are conflicting. I recognize that, and look forward to being able to bring my experiences and maybe a little bit different perspective to the United States Fish and Wildlife, if I am fortunate enough to be confirmed.

Senator CAPITO. Thank you.

We talked about this in our office, and I thanked all three of you for your visits. Enforcement and Compliance Assurance, ECA, Section 7 consultations are an important step in the Federal permitting process, ensuring that threatened and endangered species as well as critical habitats are not jeopardized.

While there are deadlines the Service must meet for these consultations, they are often missed, the deadlines are missed, leading to costly delays.

Will you commit to expediting Section 7 consultations while ensuring wildlife and their habitats are protected?

Mr. NESVIK. Madam Chairman, I am very interested, as I stated in my opening statement, in giving this issue a hard look. I have heard about this from a lot of folks, including you, and I appreciate our time in your office the other day.

Certainly, I think it is an issue that, I know it is an issue I am very interested in digging into and trying to find out where we can find some efficiencies. I am a strong believer, as I said, in using technology. Oftentimes processes get bogged down and there is a lot, every day there is new technology available to help with those things. I am interested in looking at that.

My commitment to you is that I will take the deep dive into this issue.

Senator CAPITO. Great. That will be appreciated. Thank you.

I just have to call you Jess, I can not go to the Ms. Kramer much more. It is too hard for me.

[Laughter.]

Senator CAPITO. I was going to ask you about what is the motivation for you to move in this direction. I am going to skip that question, because I want to get a little bit more specific with you.

In West Virginia, we saw firsthand how innovative State-led approaches can deliver real environmental results. I am talking about the Muddy Creek restoration project. It successfully restored 19 miles of waterways that was impacted by acid mine drainage, using a cost-effective watershed based strategy. This model was faster, more efficient, less expensive.

Initially, it was launched under the Trump Administration. Later it was touted by the Biden Administration for its success. It was ultimately abandoned in favor of a slower, more bureaucratic process that threatens the progress of being able to clean up Muddy Creek.

If confirmed, how will you get the EPA's Water Office back to proven, results-driven approaches like this Muddy Creek model I am speaking about?

Ms. KRAMER. Absolutely. Thank you, Chairman.

If I have the honor of being confirmed, one of the things that we will focus on in the Office of Water is looking at every one of the regulatory matrices that we implement as the EPA, and looking for opportunities for both innovation as well as expediting, ensuring that we are still fulfilling our statutory and regulatory obligations.

The project you mentioned is an exact opportunity for us to try to replicate, to look for those additional opportunities, and to offer, not only for other locations in West Virginia, but also across the Country. I would hope to be able to have the opportunity to replicate that model and continue to look for other opportunities to expedite projects in a similar manner across this Country.

Senator CAPITO. Thank you.

Senator Whitehouse?

Senator WHITEHOUSE. Thanks very much.

Mr. Donahue, what is the maximum number of lawyers that you have supervised in your experience as an associate in a law firm?

Mr. DONAHUE. Thank you for your question, Senator. It varies, but it was typically anywhere from six, usually eight to ten, with summer associates as well.

Senator WHITEHOUSE. All lawyers?

Mr. DONAHUE. Not all lawyers, including summer associates.

Senator WHITEHOUSE. Okay. What was the maximum number of lawyers you supervised in your job at the solar company?

Mr. DONAHUE. None, Senator, none at the solar company.

Senator WHITEHOUSE. In your work as an associate in the Buffalo law firm, did you hold yourself out as an environmental attorney?

Mr. DONAHUE. As an environmental lawyer, I did.

Senator WHITEHOUSE. You spent 1 year and 6 months practicing law for that firm in Buffalo, correct?

Mr. DONAHUE. I was located in that firm in Buffalo, yes, Senator.

Senator WHITEHOUSE. You were terminated by that firm after 1 year and 6 months?

Mr. DONAHUE. That is correct, Senator. If I may just add some color to that—

Senator WHITEHOUSE. Well, I have a pretty short time, so we can followup with QFRs, because I promise you there will be QFRs on this.

Have you practiced law anywhere else, other than that, as an associate in the firm that terminated you and in the solar company where you supervised no lawyers?

Mr. DONAHUE. Senator, I have not.

Senator WHITEHOUSE. Apart from your associate experience in Buffalo, and the solar company, have you practiced law in any other place?

Mr. DONAHUE. I have not, Senator. I was at the agency before in the first Trump Administration.

Senator WHITEHOUSE. Not in a legal position?

Mr. DONAHUE. That is correct, Senator.

Senator WHITEHOUSE. Have you ever taken a deposition?

Mr. DONAHUE. I have not, Senator. This is probably the closest I have ever come to that.

Senator WHITEHOUSE. Have you ever tried a case to verdict?

Mr. DONAHUE. No, Senator. In the firm and at the solar company, we relied on, in the solar company we relied on outside counsel.

Senator WHITEHOUSE. You were providing inside advice at the solar company rather than active litigation work?

Mr. DONAHUE. It was an in-house counsel, yes.

Senator WHITEHOUSE. Have you ever argued a motion?

Mr. DONAHUE. I have not, Senator. As you—

Senator WHITEHOUSE. Do you know what a motion in limine is?

Mr. DONAHUE. I do vaguely, yes.

Senator WHITEHOUSE. Well, you should have been better prepped, because John Kennedy asks this question.

Mr. DONAHUE. Yes.

Senator WHITEHOUSE. Have you ever authored and signed a legal pleading?

Mr. DONAHUE. I have not, Senator.

Senator WHITEHOUSE. There was a gap of several years between your graduation from law school and when you entered the bar in Washington, DC. During that period, did you take the bar and fail to pass?

Mr. DONAHUE. I did, one time, Senator, yes. There was a—

Senator WHITEHOUSE. In what jurisdiction? Mr. Donahue. Sorry?

Senator WHITEHOUSE. In what jurisdiction did you take the bar and fail to pass?

Mr. DONAHUE. In Washington, DC, Senator, but there was a gap before I actually took the bar. I was not sure if I actually wanted to go and practice law, frankly.

Senator WHITEHOUSE. Under what circumstances would you counsel the EPA Administrator to violate a court order?

Mr. DONAHUE. Senator, thank you for that. I would never counsel the EPA Administrator to violate a court order.

Senator WHITEHOUSE. Under oath, can you assure us now that EPA is presently in compliance with the Federal court decisions by Judge Alikahn and Judge McConnell, right now?

Mr. DONAHUE. Senator, I believe that the agency is.

Senator WHITEHOUSE. When a public official makes public accusations of criminal activity with no credible evidence to support the accusations, what legal liabilities and concerns does that raise?

Mr. DONAHUE. Senator, as you mentioned in opening, potentially defamation, that sort of thing. I am not a criminal investigator, I am not at the Department of Justice. I do not handle the various aspects of that criminal probe, so I am not privy to that information.

Senator WHITEHOUSE. There is an internal memorandum out of the agency's counsel office that relates that a significant number of grants were terminated based on a significant error, agency's words, in the terms and conditions for those grants. As the Washington Post reported today, an agency lawyer warned officials that they had cited contractual language that did not apply to many of the grants the EPA had ended in recent weeks. Grants had been terminated on grounds that they no longer fit the agency's priorities, referring to a clause in their grant's general terms and conditions that applied only to grants issued between August 13, 2020 and September 30, 2024. Almost half of the terminated grants were finalized outside of that relevant period.

Have the grants impacted by this significant legal error been restored to the recipients?

Mr. DONAHUE. Senator, I have seen the reporting on that. We received your letter, in fact, two letters yesterday on this. I was not

on that email, I think it was an email, not a memorandum. I think we are working to track an answer down for you on that.

Senator WHITEHOUSE. My time is expired.

Senator CAPITO. Senator Cramer?

Senator CRAMER. Thank you, Madam Chairman. Thank you to all of you for your service and your willingness to serve again.

I am going to go fairly quickly here. Almost nothing I am going to ask you was in my notes. Except I am going to start with one.

Ms. Kramer, aka Jess, looking forward to calling you Assistant Administrator. Would you walk me through the guidance, the new guidance regarding Waters of the United States you offered, that the agency has provided, in the context of Sackett, and why it complies with Sackett and why the previous rule did not, speaking of ignoring courts decisions?

Just kind of walk us through that. The prescriptive nature of the Sackett decision, perhaps, for us.

Ms. KRAMER. Absolutely, thank you, Senator. I really appreciated the opportunity to get to talk to you in a little bit more detail about Waters of the United States, WOTUS, when we met.

The guidance document that was put out by the agency I think is, hopefully, is pretty clear to folks. It is a straightforward guidance document that essentially says that in implementation, EPA and the Army Corps of Engineers, they are going to follow the law. That gets exactly to your second question about what does Sackett say, what does it mean for implementation by both agencies to follow the law.

To your point, Sackett was prescriptive. It was prescriptive in a number of ways specifically focused around wetlands, which is what the guidance document focused on. Sackett held that the Rapanos plurality was correct, which means that the significant nexus test that had been previously applied and implemented by both agencies no longer stands.

It specifically focuses on the fact that only those wetlands that are adjacent to or abutting relatively permanent waters are jurisdictional moving forward.

I do have to say, while Sackett was very prescriptive in certain aspects, there are some terms and phrases of ambiguity that are remaining from the courts. I am thinking about things like the phrase continuous service connection, relatively permanent waters, what does it need to be connected to, a relatively permanent water. Then the age-old question of, is this ditch in or out?

Paired with that guidance document, the agency released a Federal Register notice, kicking open a docket, kicking open a docket, that sounds very aggressive, opening a docket to take public comments related to some of those ambiguous terms and phrases. Any potential rulemaking that would be taken by the agency would hope to shore up those remaining areas of ambiguity. A landowner can confidently stand on their property and know whether or not they have a WOTUS or they do not have a WOTUS.

Senator CRAMER. Thank you for that. That was very helpful.

Would you mind coming to North Dakota real early? I know you have been there, but real early in the WOTUS sort of process? We have a lot of landowners that are very familiar with the problems of the ping-ponging, and frankly, the flaws in the previous rule.

Would you commit to coming to North Dakota? It is not that far from Wisconsin.

Ms. KRAMER. That is very true, I will just take a Northwest flight. Absolutely, Senator, it would be my pleasure.

Senator CRAMER. Okay, thank you.

General Nesvik, first of all, I do not even know why you gave an opening statement, because after the three tributes to you, you could only do worse.

[Laughter.]

Senator CRAMER. Honestly, it can not all be true. Listening to Wyoming politicians talk about their States is like reading a book that I want to be part of. Having said that, I feel a little bit of Penny's pain.

You referenced, or maybe it was even Senator Lummis that referenced something that Ms. Kramer also referenced in the context of these jobs, and that is a reference to cooperative federalism. I would be interested, and really, all three of you, if we have the time, to just give me a little primer on what you mean by cooperative federalism. You, having been a State leader, certainly would have a good definition, I am sure.

Mr. NESVIK. Absolutely. Thank you, Senator, and I sure appreciate our time in your office yesterday. I can not look at you and not think of something that I learned, though, from our new Secretary of Interior, and that is that both North Dakota and South Dakota have badlands, but North Dakota's are badder badlands.

[Laughter.]

Mr. NESVIK. I appreciate that question and certainly, what cooperative federalism means to me is that there are certainly roles that are very clearly defined for both the Federal Government and the State government. Broadly speaking, wildlife, most wildlife species are the responsibility of the individual States to manage, with the exception of those who have been listed under the Endangered Species Act.

Then there are a few other acts, Migratory Bird Treaty Act, Horse and Burro Act, there are some other species that certainly have a Federal role. At the end of the day, there is an opportunity on all those, both State managed species and Federal managed species, for the two entities to work together with their common stakeholders to find solutions. It is a more efficient way to run government, it is better when the States and the Federal Government are working together on these things. As long as they stay within their own lane on those things that are sovereign to their particular entity, whatever that may be, whether it is the Federal Government or the State.

Ms. KRAMER. Absolutely, thank you, Senator. I would like to use an example in talking about what cooperative federalism means to me. In the Office of Water context, there are many statutes underneath both the Safe Drinking Water Act and the Clean Water Act.

We have talked about Waters of the United States, but I am going to focus on the Underground Injection Control Well Program in the Safe Drinking Water Act. This is an example of a program that can be delegated from the Federal implementation and oversight, from the Federal implementation, excuse me, to the State for them to actually implement the program.

The great thing about that is that the States know their resources best. Part of this is the remaining oversight role that EPA has to ensure that the States are continuing to implement these programs consistent with the requirements of the Federal law. It also allows the States the ability to be more stringent in the restrictions that they put in place, which again, States know their resources best. To the extent that there is a need for a little bit of additional protection from their perspective, that is the ability to do it.

It is that, it is that joint working together, recognizing expertise of the States while also maintaining the oversight role that is required under the Federal law.

Senator CAPITO. All right. Senator Blunt Rochester?

Senator BLUNT ROCHESTER. Thank you, Madam Chairwoman, and Ranking Member Whitehouse. I also want to welcome the nominees and your families.

I would like to start off by thanking Ms. Kramer for your work on Chairwoman Capito's staff in crafting the Bipartisan Infrastructure Investment and Jobs Act, otherwise known as the Bipartisan Infrastructure Law. I was proud to be a part of that as well, on the Energy and Commerce Committee in the House.

The issue of clean drinking water is just paramount. It was before the pandemic; I think it became even more so after the pandemic.

Then the issue of water affordability was also very important to us. I want to thank you for that.

These programs, as you know, are vital, particularly for rural communities like in Delaware, also disadvantaged communities. I am concerned about some of the executive orders that the President has put forward, how they may jeopardize some of these programs. As a matter of fact, we have been learning of pauses to the funding.

I would love it if you could just spend a minute talking about, first of all, are you aware of some of these freezes or blocking of the funding for these water quality programs, and if so, how would you in your role really live up to the work that you helped to create?

Ms. KRAMER. Absolutely, thank you for the question, Senator. First and foremost, I think to address more of the back end of your question, there was a pause to review the funding that was rolling out the door initially at the beginning of the administration. I was at the administration during the time of that pause, during the time of that review.

When I joined as a senior advisor to the Administrator's Office, all of the funding through, especially I think about the SRFs, State Revolving Funds, I think about Water Infrastructure Finance and Innovation Act, WIFIA, all of that was back and being implemented.

I did learn yesterday of one State that had not been receiving money for lead replacement service lines. That was a surprise for me to learn about. The Office of Water promptly acted on that, our Principal Deputy Assistant Administrator promptly acted on that to clearly communicate the expectation that that money should be

going out to the States, and there should not have been a reason that it was withheld.

Anything like that, if I am in this role, anything like that that were to come across my desk would receive prompt attention and action.

As you talked about this funding, especially as it relates to the State Revolving Fund and the WIFIA program, I think sometimes there is a little bit of confusion about those as grant programs. They are not grant programs; they are loan programs.

One of the great things, and I think why they have been so fundamental for so many years in this space is that it gives the opportunities for communities to access those funds and then repay them in a way that does not put them out of business.

I do think if I was confirmed, one of the areas that I would specifically focus on is our provision of technical assistance to those small and rural communities, some from central Wisconsin, we are riddled with them. Ensuring that they have the resources they need to access those funds, that would be a huge priority of mine.

Senator BLUNT ROCHESTER. We will followup with you on some questions for the record on everything from water affordability and making sure we have a pilot program that was going to really look at the data. We are concerned about wastewater infrastructure as well.

We would love to followup with you on those.

Mr. Donahue, I have a few questions for you as well. Do you know someone named Trent Morris?

Mr. DONAHUE. I do, Senator, yes.

Senator BLUNT ROCHESTER. What is your relationship?

Mr. DONAHUE. Trent Morris is my partner. He is here today.

Senator BLUNT ROCHESTER. Okay. Also, I know that property records show that you lived in the same location in D.C. and in Buffalo. I know he also is a part of the administration, the Trump Administration. What is his role?

Mr. DONAHUE. Senator, I believe his title is Deputy Assistant to the President and Deputy Director of Presidential Personnel.

Senator BLUNT ROCHESTER. Working in personnel, that office is responsible for aiding, as you mentioned, the President in recruiting and vetting and nominating political appointees. Is this position that you are up for one of those positions that might be within that purview?

Mr. DONAHUE. I believe every position that is a political appointment is indeed in that purview.

Senator BLUNT ROCHESTER. Okay. I just wanted to put that on the record. As a person who worked in State personnel, it is very challenging with having conflicts. I just wanted to put that on the record.

Then last, for Mr. Nesvik, I have heard, I was pleased to hear of your leadership in the Recovering America's Wildlife Act. I am hopeful that you will work with this committee to make sure that we can pass this bipartisan legislation. We would love to have a commitment from you on that.

Mr. NESVIK. Thank you, Senator. I look forward to working with you and with all of the members of the committee or any other Members of Congress on any potential legislation.

Senator BLUNT ROCHESTER. Thank you, and I yield back.

Senator CAPITO. Thank you.

I am going to call on Senator Boozman, then I am going to go make my vote and come back. Senator Boozman, you are up next.

Senator BOOZMAN. Thank you, Madam Chair.

Mr. Nesvik, the 2025 State of the Birds report highlighted long-term trends in bird populations. While many species are struggling, ducks have remained stable, partly due to duck hunters' commitment to wetland and waterfowl conservation.

Arkansas, as home to some of the most important duck habitat in the Country, has benefited directly from that and the annual Fish and Wildlife Service surveys used to manage seasons in Arkansas and across the Mississippi flyway. However, those surveys are at risk due to declining support in funding.

As Director, how will you ensure the Migratory Bird Program maintains the resources needed to support Arkansas and other States to safeguard the wetlands they have invested so much to preserve?

Mr. NESVIK. Thank you for that question, Senator. Certainly, there is requirements, there is legal requirements under the Migratory Bird Treaty Act, and under the way that the Service manages flyways for the Service to, it is responsible, has a major leading role in managing migratory waterfowl. Just for the record, I am a big supporter of ducks. You can look at the lining of my jacket and it has mallard ducks in it.

I think there is a lot of opportunity right now to evaluate the priorities for the Service and where resources are allocated, especially in resource constrained environments. I think those are some of the things, the things that you identified are part of the core mission.

It certainly would be something I am very interested in learning more about with you and your staff and others. I do believe it is very important.

Senator BOOZMAN. Thank you. Along with that, the National Wildlife Refuge system is a uniquely American success story, public lands managed for wildlife conservation and outdoor recreation, including hunting fishing. However, over time, the system has suffered due to staffing shortages, failing infrastructure, and inadequate funding, which collectively hinder habitat management and the quality of recreational opportunities.

As Director, what steps will you take to begin rebuilding the refuge system so these critical assets are fully optimized for both wildlife and the American people?

Mr. NESVIK. Well, Senator, first I will just tell you right up front, I completely agree that the National Wildlife Refuge system is a jewel for our Country. It is in my top five priority list of things that I am very interested in looking at if I am lucky enough to be confirmed.

I will tell you that I think the refuge system provides an opportunity for the Service to interact with the American public, and it also provides a venue for folks to experience the outdoors, to experience wildlife. Wildlife refuges provide a vast amount of public recreation and also as they were originally intended when the first refuge was created in Florida in, I believe, 1905 by Teddy Roo-

sevelt, they are there to provide sanctuaries and places for wildlife to thrive.

I strongly believe that the wildlife refuge system is very important, and it is something that is going to have my focus.

Senator BOOZMAN. Very good.

Ms. Kramer, Arkansas faces a range of water challenges, from agriculture needs in the deltas to drinking water infrastructure in our rural communities. One size fits all Federal water policy simply does not work in a State with such diverse needs.

Can you commit to ensuring the EPA will work collaboratively with Arkansas agencies, cities and communities, respecting their role as co-regulators and engaging meaningfully in the policy-making process?

Ms. KRAMER. Absolutely, Senator.

Senator BOOZMAN. Very good. How will you ensure that Arkansas continues to benefit from the strong, flexible water financing tools like the State Revolving Fund, so that local decision makers can invest in solutions that work for their specific needs?

Ms. KRAMER. Thank you for the question, Senator. One of the priorities that I would have if I am honored to fill this role would be to take a look at those financing programs, such as the State Revolving Funds, to look for opportunities where EPA can cut red tape that has been established across the years.

There are some fundamental principles that have been set in statute by all of you that we would want to be sure that we are undertaking those, and that the implementation is going properly. However, allowing for additional flexibilities where we can in things like the intended use plan, as States submit them, would be something that I would be interested in exploring.

Senator BOOZMAN. Very good. Thank you. I thank all of you for your willingness to serve.

Senator WHITEHOUSE. [Presiding.] Thank you, Senator Boozman.

Senator Merkley, you are up.

Senator MERKLEY. Thank you all very much.

Mr. Donahue, I wanted to ask you a few questions. We have lots of grants in Oregon for different purposes that have been either canceled or put on the targeted list for cancellation. We find a number of these somewhat confusing as to why they are being canceled.

For example, a grant to reduce transportation congestion and facilitate tourism in rural Oregon, why would that be canceled under a Diversity, Equity, and Inclusion, DEI, argument?

Mr. DONAHUE. Senator, thank you for your question. I have read the press about this; we received two letters from the committee yesterday as well. I have not seen this list, I am not familiar with it, so I can not speak to that today. I apologize.

Senator MERKLEY. You do not have any conception yourself, any explanation of why this would be something that should be canceled?

Mr. DONAHUE. As a policy matter, or legal one, I do not. I do not know enough context.

Senator MERKLEY. The second grant provides technical assistance to tribes and rural communities to improve water infrastructure. Is there a reason that that would be canceled under DEI? Is

there something the Administration dislikes about water infrastructure being reconstructed in America?

Mr. DONAHUE. I do not believe that is the case, Senator. Again, I do not know all the context. I have not seen this memo or email. I have not seen this list.

Senator MERKLEY. Another grant is one that prepares for extreme wildfire smoke. It is a big issue in my State, not everywhere. Oregon had the earliest, most fierce wildfires in the Country last year, and then a lot of firefighters came from other States to help, then other States were hard hit, and our firefighters went to help.

Smoke is a growing problem, because of people with asthma. We get hospitals flooded with people who need safe places to breathe, if you will. It also has a big impact on commerce in ways that you would not anticipate, like furniture salesmen whose shops that now all the furniture is smoke-tainted, or wine grapes that are being affected and so forth.

One of the grants was to help communities prepare for extreme wildfire smoke. Is there a reason that that would be canceled under DEI?

Mr. DONAHUE. Senator, I hear your concerns. I myself have asthma, so I apologize if throughout this I am coughing a little bit with allergies in the air. Again, as with the others, I do not know the particulars of this, so I would be unable to comment on that.

Senator MERKLEY. Another grant was to upgrade a school built 100 years ago to serve as a shelter during extreme weather events. That could be smoke, that could be heat. We have had some pretty remarkable shifts. Anyone who is familiar with Portland, Oregon would be astounded to find out it hit 115 degrees in Portland, Oregon.

Is there anything the administration particularly thinks is wrong with preparing to help people during extreme weather events have a safe haven?

Mr. DONAHUE. Senator, I do not believe so. We will look into that and the other grants.

Senator MERKLEY. Were all of these canceled because the administration said, let us run some AI list and anything that pops up with certain keywords is getting canceled?

Mr. DONAHUE. I do not believe so, Senator. I am not sure.

Senator MERKLEY. Well, a lot of things were canceled so quickly, so many different grants, or put on the list for potential termination. How was that list developed?

Mr. DONAHUE. Again, Senator, I was not involved in this. I do not know what email or memo you all are referring to yet. I have not checked that out.

Senator MERKLEY. Would the idea of just massively canceling grants because someone ran a search engine or an AI list and said, well, anything that ever mentions the word "opportunity," well, that is too close to "equity," so we are going to cancel this grant, does the administration not like opportunity for everyone?

Mr. DONAHUE. I do not think that is the case, Senator. I think the administration is pretty clear that we—

Senator MERKLEY. If such a list was developed by running some computer program because it was done basically overnight, you would say that was irresponsible to do it in that fashion?

Mr. DONAHUE. Not necessarily, Senator. I would be very impressed with the technology. I get your question and your concern.

Senator MERKLEY. Given all the work that goes into communities to plan these things, and often very short personnel, rural communities have very few staff to write grants and prepare, it is often like the mayor has to do it or the city council member, they can not even afford a grant writer. They put all this work into getting these grants, and they are just wiped out by a computer program run overnight. Is not that really unfair and inequitable to rural communities across our Country?

Mr. DONAHUE. Senator, again, I do not know if AI or a computer program was used here for this. It sounds like you all have a little more information than I do myself.

Senator MERKLEY. Would you reverse these efforts and say, no, we have to go back and fairly examine each grant?

Mr. DONAHUE. Senator, if confirmed for the General Counsel position, I will ensure that the best legal advice is given in all matters including this one, to ensure that the agency is complying with the law.

Senator MERKLEY. Thank you.

Senator WHITEHOUSE. Next on the list, I have Senator Ricketts.

Senator RICKETTS. Thank you very much.

I am sorry Chairman Capito is not here, because she knows how much I love this committee, because we get to talk about biofuels all the time. It is one of my favorite topics and I know it is one of hers as well.

Mr. Donahue, one of your primary responsibilities as General Counsel is implementing the agency's statutory obligations. I think Senator Merkley, you were referring to that as well when you were responding back to as General Counsel you will give advice to the agency with regard to what they are supposed to be doing to follow the law.

One of those laws, the Rural Fuel Standard, very clearly mandates periodic rulemakings for renewable volume obligations. This is something where the last administration failed to comply with the law. In June 2022, the Biden Administration published retroactive rulemakings in 2021 and 2022 that under-protected biofuel volumes by billions of gallons.

The 2023 Renewable Volume Obligations, RVOs, were published a year later, too late in the year for producers or the fuel markets to adjust. The 2026 RVOs were due in November 2024, but will not be published until December 2025. Again, the last administration failed to follow the law.

Mr. Donahue, if you are confirmed, how do you plan to comply with the clear statutory directives outlined in the Renewable Fuels Standard to provide timely, reflective RVOs?

Mr. DONAHUE. Senator, thank you for raising this as you did, of course, in our meeting a couple of weeks ago. As Lee Zeldin, the Administrator, has indicated, this is a, fixing it from the agency's side is a priority for the administration. Things are in progress there.

In my role, if confirmed as General Counsel, I will ensure that the Office provides the best, again, legal advice in this matter.

Again, as I think you may be leading to, a congressional fix may be appropriate here.

Senator RICKETTS. Well, the congressional fix is more like on the E15. The law is already out here, Mr. Donahue, what the EPA is supposed to be doing with regard to their obligations on the RVOs, getting those published in a timely manner. What I am asking you is, will you give the administration, the EPA, the advice that they need to follow the statutory RVOs and do it in a timely manner, as the law prescribes?

Mr. DONAHUE. We will follow the law, Senator, yes.

Senator RICKETTS. Great. That is what I wanted.

General Nesvik, congratulations on your nomination. After the last four years, the Interior Department stands to benefit greatly from your experience as a Brigadier General, and few people understand Federal land management agencies better than westerners.

As Governor of Nebraska, I hear about NEPA compliance issues relating to the Endanger Species Act implementation for critical energy infrastructure and other development projects. As Senator, I hear about these same issues. The Fish and Wildlife Service plays a critical role in implementing the Endangered Species Act, especially through this statute of Section 7 authorities.

Considering your experience in Wyoming as Game and Fish Director, how can Congress, and you mentioned this a little bit, how can Congress empower State and local stakeholders to play a more active role in Section 7 consultations with Fish and Wildlife?

Mr. NESVIK. Thank you, Senator. Certainly, Section 7 has a real purpose and meaning. I think it was a good piece of law or a good portion, a good component of the Endangered Species Act when it was enacted back in 1975. I do think there are some opportunities to be more prompt and timely in the way that Section 7 consultations are completed.

I look forward to being able to look and analyze exactly what processes are in place. I appreciate yesterday you shared with me some of the tools and techniques that you were able to use when you were Governor.

Things like that are different tools that I want to evaluate and look at to improve not only Section 7 but all permitting. There is a lot of permitting that the Fish and Wildlife Service is responsible for. There is also some opportunities, I think, too, with simplifying regulations.

Senator RICKETTS. Great. Thank you, General.

Ms. Kramer, Senator Cramer had talked to you a little bit about Waters of the U.S. Obviously, this is a big deal for Nebraska as well. The Clean Water Act mentions navigable waters 50 times. Congress' intent could not have been more clear about what waters the EPA has responsibilities for.

We talked a little bit about, or you mentioned it, about land-owners. Specifically, can you talk to me a little bit about agricultural producers and other development industries, and how will they benefit from President Trump's WOTUS rulemaking?

Ms. KRAMER. Absolutely, thank you, Senator. I think, so to take it from the beginning, sorry, there are two parts to your question. I want to make sure that I hit them both. I think to the extent that

we are talking about navigable, you are right. It is said extensively through the Clean Water Act. As a very helpful point, now we have Sackett to give us a little bit more flavor on the bones of how extensive that reach can be.

Looking forward to every stakeholder having the opportunity to provide extensive public comment as we work through the process. Once we get to the point of kicking off a rulemaking, it is vital that we hear the voices of agriculture. These are the folks that feed our Country. These are the folks that ensure that we have an available food supply that makes it so that grocery prices do not eat up an entire paycheck.

It is vital that as we lock down the process of coming up with a clear and definitive and durable rulemaking that they have a seat front and center at the table to ensure that while we are following the mandates of the Clean Water Act we also are doing so in a way that does not prohibit and preclude the growth of food for our Nation.

Senator RICKETTS. Great. Thank you, Ms. Kramer.

Senator WHITEHOUSE. Senator Padilla?

Senator PADILLA. Thank you, Mr. Chair.

I want to begin by expressing my appreciation for EPA Administrator Zeldin's interest in one of my top EPA priorities, which is finally resolving the Tijuana River sewage crisis. For decades, communities in that part of Southern California have faced persistent both environmental as well as public health impacts of untreated sewage that has come across the border. Now, during President Trump's first term, the late Senator Feinstein as well as our House delegation from the San Diego region worked to secure \$300 million to expand a wastewater treatment plant in San Diego. During the last couple of Congresses, we have worked together to secure another \$300 million to complete the necessary upgrades.

We recently invited Administrator Zeldin to tour the plant to see firsthand the challenges that we face. I would like to begin by asking you, Ms. Kramer, how familiar you are with this issue, with the projects. Assuming you are confirmed, I would look forward to working with you to bring this project to completion.

Ms. KRAMER. Absolutely, thank you, Senator, for that question. During my first tenure at EPA, under the first Trump Administration, this is in fact one of the issues that worked on. EPA had been appropriate that first amount of funding that you referenced. I was involved in the consideration of the various projects that could be funded to ensure that this trans-boundary flow crisis, to be completely frank, raw sewage flowing anywhere, in my mind, is a crisis, comes to an end.

While I left before those projects were finally selected, since I have returned in the senior advisor role I have been brought back up to speed on exactly what is happening. I think the challenges that we are seeing there, one, stems to ensuring that the infrastructure that is in place, to ensure that these flows cease, but also to ensuring that there is communication, robust communication, that allows for partnership that is required to ensure that operation and maintenance of those infrastructure investments takes place.

It is especially easy when it is in the U.S., and it is a little bit more challenging when we have infrastructure on the other side of the border that we need to be collaborating on.

Senator PADILLA. Well, that is music to my ears, your familiarity with it, your history with it, your commitment to it as a priority. Yes, collaboration is key, not just with partners south of the border, but even within the Federal Government, you have brought to bear the U.S. Army Corps of Engineers and the intricacies of the State Department involvement here. Thank you for that.

Next question is going to be for Mr. Nesvik. I want to first of all thank you for your public service both as well for wildlife manager in Wyoming as well as in the armed services. If confirmed, you will be the latest in a long line of folks facing a steep learning curve on the contentious water issues in California, which require a large amount of careful attention and collaboration as well.

In the Klamath Basin, for example, in the far northern part of the State, water scarcity challenges, our efforts to support agriculture, restore fish populations, and improve water quality. At Lake Tahoe, invasive species and water quality concerns threaten the lake's clarity.

In the Sacramento-San Joaquin Bay delta, we are balancing the water needs of agriculture with the need to protect endangered species and adapt to our changing climate. In Southern California we face serious challenges like habitat loss and water scarcity, with the Salton Sea being a prime example of the need for Federal and State cooperation.

Each of these, let alone all taken together, are certainly tough, high-stakes issues that demand significant time, attention, and collaboration between Federal and State governments, and a shared commitment to practical solutions.

I am looking to responsible public servants to help inform the President and work with partners on the ground. That I guess is my first question to you, Mr. Nesvik. If you are confirmed, are you willing to roll up your sleeves and listen to both career professionals at Fish and Wildlife Service as well as experts within California's State agencies as you navigate these complex issues?

Mr. NESVIK. Yes, Senator, I appreciate that question. I know water is an extremely important issue for California. I know it is very complex. I come from a State that is a headwater State. In my entire career, I have dealt with water policy and the challenges and the contentiousness around water. In Wyoming, we say whiskey is for drinking and water is for fighting.

[Laughter.]

Mr. NESVIK. It is true. Yes, I do commit to diving deep into this issue. I know it is really important to you and your constituents and frankly, other States as well.

Senator PADILLA. We are interconnected by the Colorado River, and that speaks again to the need for Federal-States, plural, collaboration.

On just the Federal Government side, I want to make sure that you commit to working with the State of California as well as the Bureau of Reclamation, National Oceanic and Atmospheric Administration, NOAA, and other executive agencies, to assure that we

are effectively making progress on California's water and wildlife challenges, and all the States, for that matter.

Mr. NESVIK. Absolutely, Senator.

Senator PADILLA. Thank you very much.

I have a followup question that I will submit for the record. In response to a question from Senator Boozman, you made mention of migration patterns. I know in Wyoming you have been working on it, as we have in California, on advancing wildlife corridors as an important strategy to maintain both development and wildlife populations. I look forward to working with you on that as well.

Mr. NESVIK. Absolutely. Thank you.

Senator PADILLA. Thank you, Madam Chair.

Senator CAPITO. [Presiding.] Sure. Senator Sullivan?

Senator SULLIVAN. Thank you, Madam Chair. I want to thank the witnesses for their willingness to serve their Country.

General, I have a lot of questions for you. We are going to meet here soon.

As you probably know, Alaska has unique wildlife and management challenges spanning 16 wildlife refuges, 76 million acres of Fish and Wildlife Service managed land. If you want a little context, that is much larger than the State of Wyoming, 16 million acres bigger than Wyoming, just our Fish and Wildlife Service land.

Hopefully, you have read Alaska National Interest Lands Conservation Act, ANILCA. Have you read the Sturgeon I and Sturgeon II Supreme Court cases?

Mr. NESVIK. I have read, Senator, about ANILCA. I do not know Sturgeon I and Sturgeon II.

Senator SULLIVAN. Sturgeon I and Sturgeon II, recent Supreme Court cases, twice, nine to zero, the Supreme Court of the United States said Alaska is unique. All these Federal lands, all these Federal agencies who try to shut us down, we are unique. It was a great, very strong statement, nine to zero twice in two years. I would like you to read those cases. You and I are going to have a long discussion.

The Supreme Court has said that ANILCA recognizes that Alaska is different. It is unique. It is a vast wilderness. Its subsistence needs, and the need for special treatment in the management of its resources are all reflected in the Federal law ANILCA, which a lot of Alaskans do not like, I do not like, but at least there are some protections.

We are unique in other ways. When Democrats get into power, they try to crush my State. This is what I call the Alaska Last Frontier Lockup, 70 executive orders and executive actions, 70 from the Biden Administration exclusively focused on Alaska, most of which were hurting the Native people of my State.

Now, why did they do this? The radical far left environmental groups want to crush my State.

Will you work with me and the President of the United States, I am going to get to this, to undo this illegal, by the way, most of these were illegal, seven zero, the national media never wrote the story, not one story, can you imagine? A Federal Government comes and says, I am going to crush one State, and really hurt the

Native people, and we are going to do it illegally, and nobody ever wrote about that. It is amazing.

They are not going to write about this, either. Most of these actions were illegal. Yesterday, a very liberal judge in Alaska said the Biden Administration's shutting down of the Arctic National Wildlife Refuge, ANWAR, lease sales was not illegal. New York Times, Washington Post, going to write that story? No. They love it when my State gets crushed.

Here is help, help is on the way, though. Day one of this administration, the Trump Administration, President of the United States issued this executive order, unleashing Alaska's extraordinary resource potential. Day one. I want to thank the President and his team. Undoing all the illegal stuff that they did against my State, hurting my constituents, hurting working families, especially hurting the Native people.

By the way, whenever you hear the Biden folks and some of my national Democrat friends talk about indigenous people and they really care about them, big asterisk, except if you are indigenous in Alaska. Then they come for you. I have a list a mile long of how national Democrats in this city come after negatively the Native people of Alaska, which really makes me mad. You can kind of tell.

Will you commit to work with me on implementing the President's day one executive order, very long, very detailed, on unleashing Alaska's extraordinary resource potential and economy and jobs in my State? We are the only State that has one of these. It is because we got crushed by Biden. Can I get your commitment on that?

Mr. NESVIK. Senator, absolutely, I look forward to our meeting, I think tomorrow. I also look forward to visiting your State and learning about a lot of issues that you are very passionate about.

Senator SULLIVAN. I am very passionate about it. I do not like being singled out by Democrats, Chuck Schumer, to crush my State. It is just wrong. Again, I want to thank the President, this President, for what he is doing to help Alaska.

Ms. KRAMER, I got a couple quick questions for you. Alaska has over 170 million acres of wetlands subject to Federal jurisdiction. It is home to 63 percent of the waters subject to the Clean Water Act and 65 percent of the Nation's wetlands. Again, we kind of have a little bit of issues with our Federal agencies.

In light of the Supreme Court's decision in Sackett, will you assure me that permafrost and permafrost wetlands are not considered Waters of the U.S.?

Ms. KRAMER. Thank you, Senator, for that question. I know you will appreciate the fact that I cannot prejudge a rulemaking outcome. However, I will commit to ensuring that we follow Sackett to the letter of the law. If you would have me, I also would love the opportunity to come visit your State to see the features you are talking about in person, to be able to help as we walk down that path.

Senator SULLIVAN. Great. I would like actually commitment from all three of you to come to Alaska and visit. We have so many unique challenges. I have just mentioned two. There is a whole bunch of other ones.

Mr. NESVIK. Absolutely, Senator.

Ms. KRAMER. Absolutely.

Mr. DONAHUE. I would love to.

Senator SULLIVAN. Mr. Donahue, real quick, I am sorry I am over my time, but these are such important issues, the EPA has a long and very negative history of oppressive tactics in my State. I have talked many times about the Chicken Alaska raid on our placer miners, 20, 30 armed EPA agents, body armor, assault weapons, to arrest placer miners for Clean Water Act violations. They found zero, Okay? Scared the heck out of my constituents, by the way. They were lucky. A lot of my constituents are armed. We take the Second Amendment very seriously.

Then just a couple of years ago, a group of 30 armed EPA agents, some from the lower 48, were doing raids on mechanic shops in Alaska, armed raids, 30 agents. By the way, I do not even know why the EPA has armed agents. One of my first bills is to get rid of the EPA, they just go to State troopers and say, we are going to do something, why does the EPA have SWAT teams? Calling DOGE, calling DOGE. Right? Let us get rid of the EPA's armed brigades, what the hell is that? We do not need that in America.

Can I get your commitment to as opposed to coming up to my State with 30 armed agents scaring the heck out of everybody working with us on compliance with the law rather than jumping to very aggressive, very aggressive, enforcement? I mean, they should have gone to these placer miners, these mechanic shops saying, hey, we think you are violating the Clean Air Act, we want to work with you, we will fine you, civil fine. No. They show up, 30 armed agents.

By the way, the EPA never answered my questions. What were these lower 48 agents doing in my State? Did they go fishing after they—it is crazy. Can I get your commitment on this? It is a real problem. Someone is going to get hurt. They keep doing it in my State, and we do not appreciate it.

Mr. DONAHUE. Senator, I hear your concerns. It is not the first I have heard about this. Just to point out, this is a different office within the EPA.

Senator SULLIVAN. It is not under your General Counsel?

Mr. DONAHUE. It is not Office of the General Counsel, OGC. It is the Office of Enforcement and Compliance Assurance. The Office of General Counsel works hand in hand with OGC, or with OECA, rather, and the regional counsels in the regions as well as the Department of Justice on a lot of this.

I can commit to you that we will look into it, and hopefully see a path forward to resolve your concerns.

Senator SULLIVAN. Great. Thank you. Thank you, Madam Chair.

Senator CAPITO. Senator Schiff?

Senator SCHIFF. Thank you, Madam Chair.

Mr. Donahue, how long have you been practicing as a member of the bar?

Mr. DONAHUE. Since 2021, Senator.

Senator SCHIFF. For roughly four years?

Mr. DONAHUE. That is correct, Senator. I graduated law school years before that, in 2017.

Senator SCHIFF. As a practicing lawyer four years, do you know how many attorneys you will be supervising at the EPA?

Mr. DONAHUE. Yes, Senator. It is over 200.

Senator SCHIFF. Over 200 lawyers?

Mr. DONAHUE. Yes. Thankfully, there is a very well laid-out hierarchical structure.

Senator SCHIFF. You would be at the top of that hierarchy, right?

Mr. DONAHUE. That is correct.

Senator SCHIFF. Let me ask you, with your four years of experience, can you open a criminal investigation without evidence of wrongdoing?

Mr. DONAHUE. Senator, I am not a criminal pro expert. The answer to your question would be no.

Senator SCHIFF. If an attorney was asked to open a criminal investigation without probable cause, to believe there was evidence of a crime, that would be improper and abuse of authority, would it not?

Mr. DONAHUE. It very well may be, yes, Senator.

Senator SCHIFF. You are aware, are not you, that a senior Department of Justice official with 24 years of experience practicing as an Assistant United States Attorney, AUSA, was asked to write a letter to a bank about the Greenhouse Gas Reduction Fund and to assert that the funds needed to be frozen because of a criminal investigation? You are aware of that?

Mr. DONAHUE. I read about this in the press, as I am sure you did. I was not involved and still not involved in whatever criminal probe is ongoing.

Senator SCHIFF. You have been a participant in meetings and discussions over trying to go after the Greenhouse Gas Reduction Fund, have you not?

Mr. DONAHUE. Senator, OGC is always involved in matters of great significance as this, to provide sound legal advice.

Senator SCHIFF. I am not asking about the office generally. I am asking about you personally. You personally have been involved in discussions with others at EPA about going after these funds, have you not?

Mr. DONAHUE. Senator, I have been involved in a variety of discussions, including those concerning the Greenhouse Gas Reduction Fund. Mostly on the civil defense side, once we were sued by three of the big recipients.

Senator SCHIFF. Knowing that it would be improper abuse of power to open investigation or to allege that investigation was ongoing without evidence of wrongdoing, you are aware that a senior attorney at the U.S. Attorney's Office of 24 years resigned because she felt she could not ethically write such a letter to the bank or open such an investigation? Are you aware of that?

Mr. DONAHUE. As I indicated before, Senator, I did see those news reports. I am not intimately familiar with her, her work, or any—

Senator SCHIFF. Well, let me ask you this. If you were asked by Lee Zeldin to instruct the lawyers in the Criminal Division at EPA to open an investigation without evidence of a crime, would you instruct the attorneys to do it, nonetheless? Mr. Donahue. Senator, the direct answer to your question would be no. I will follow the law.

Senator SCHIFF. What should the repercussion be if attorneys, as Denise Chong alleges, instructed her to do so in the absence of probable cause? What should the consequence be for those lawyers?

Mr. DONAHUE. I would not want to comment on that, Senator.

Senator SCHIFF. Well, I would like you to comment on it. You are going to be overseeing the Department. You will be responsible for disciplining attorneys who engage in unethical conduct.

What would your recommendation be for how to discipline an attorney that would use the coercive power of the government, would announce an investigation without a basis for political reason? What would your recommendation be? Should they continue to work at the EPA? Should they continue to work in the Justice Department?

Mr. DONAHUE. Senator, I would not like to answer hypotheticals.

Senator SCHIFF. Well, this is all too real a circumstance, not hypothetical. The actions that have taken place right now, that have caused senior prosecutors to resign over this action by EPA, that have caused other prosecutors to resign over other Department of Justice misconduct regarding the Mayor of New York, the illegal actions to target law firms that represent clients or have in the past averse to the President's personal interests, these are all terrible abuses of the coercive power of the Federal Government, its most dangerous power, the power to prosecute people.

We need people in all these departments who are willing to say no, and are willing to sanction those who engage in that kind of unethical conduct.

Madam Chair, I yield back.

Senator CAPITO. Thank you.

Senator Alsobrooks?

Senator ALSOBROOKS. Thank you so much, Madam Chair.

Ms. Kramer, Mr. Donahue and Mr. Nesvik, first of all, welcome. Thanks for being here and congratulations to each of you on your nominations.

Ms. Kramer, if confirmed, you will be head of the office that ensures safe drinking water and protects our watersheds and aquatic ecosystems. Mr. Donahue, if confirmed, you will be responsible for ensuring that the EPA follows the law.

My questions begin by raising the importance of the Chesapeake Bay. This is relevant for both of the positions that you have been nominated for. The Bay is so important as a source of drinking water, and it is important to Marylanders. It serves as a habitat for wildlife, it drives tourism in the region, it supports our seafood industry.

Now, the funding that Congress recently passed continues previous funding levels for the Bay, that is \$92 million, for the EPA Chesapeake Bay program. Broken down, it is about \$10 million for Chesapeake small watershed grants, \$10 million for innovative nutrient and sediment reduction programs, \$8 million for the State to target pollution. That is the greatest impact on Bay water quality.

I just want to ask each of you whether you can commit that you will follow the law and get those dollars on the ground without delay in Maryland?

Ms. KRAMER. Thank you, Senator. Absolutely.

Senator ALSOBROOKS. Thank you.

Mr. DONAHUE. Senator, I love the Chesapeake Bay. I will absolutely commit to that.

Senator ALSOBROOKS. Thank you.

Second, Congress reauthorized, this is for Mr. Nesvik, Congress reauthorized the \$8 million that Congress intended. Will you make sure that the grants get out the door expeditiously?

Mr. NESVIK. Excellent question. Thank you, Senator. I am familiar with the Chesapeake Bay and how important it is to many States, not just one. It is such a central and integral part of a larger ecosystem.

I remember sitting in front of this committee probably six or seven years ago on a bill that included funding for Chesapeake Bay. Absolutely, I think there has been some excellent, exceptional progress made there on a lot of great initiatives with water quality and wildlife habitat. I am certainly interested in continuing to execute any directives or appropriations by Congress.

Senator ALSOBROOKS. Okay, so you support the \$8 million for that Chesapeake Works Worlds of Work, WOW, program for Maryland?

Mr. NESVIK. Senator, yes, I do.

Senator ALSOBROOKS. Okay, thank you so much.

Now, unfortunately, and this again is for Mr. Nesvik, the latest round of Chesapeake WOW grants has faced some delays. We have seen the Eastern Shore Land Conservancy, for example, received a grant of \$500,000, and the administration has frozen this funding. This project, in cooperation with private landowners, is set to protect approximately 500 acres of marsh habitat between the Blackwater National Wildlife Refuge and Nanticoke River in Dorchester.

Freezing these funds, as you might imagine, really reduces efficiencies, because the cost of the project could increase.

If confirmed, will you work with me to ensure that the Fish and Wildlife Service and partner agencies can quickly release the funds for this project, so that the intended restoration work can continue?

Mr. NESVIK. Yes, Senator, absolutely. I have a lot of experience and I have found a lot of achievement in being able to work with private landowners who are incentivized to provide good wildlife habitat. I am certainly very interested in working with you on this.

Senator ALSOBROOKS. Thank you.

Just quickly, I only have a few seconds left, for Ms. Kramer, I know the PFAS effluent work you have done in this area. You know the importance of all of the efforts that have been made. In 2024, Maryland received \$124 million for drinking water, wastewater, stormwater infrastructure upgrades, all through the Bipartisan Infrastructure Law that you worked really hard on.

Now, as you might know, the administration has pledged to roll back the Bipartisan Infrastructure Law related funding. I just wonder whether or not you will continue to work with us and work with members of this committee to continue implementing the law or whether you would agree to roll back in concert with the administration the Bipartisan Infrastructure funding?

Ms. KRAMER. Thank you, Senator. I of course will commit to working with this committee to follow the law.

Senator ALSOBROOKS. Thank you so much.

I yield. Thank you.

Senator CAPITO. Senator Kelly, thank you.

Senator KELLY. Thank you, Madam Chair, and thank you to all of our witnesses for being here today.

I will start with Ms. Kramer. Ms. Kramer, thank you for being here. I want to start with PFAS. As I have spoken about a lot in this committee, PFAS contamination is having a big impact on our groundwater aquifers in Arizona. In both Phoenix and Tucson, especially in Tucson, we have banked groundwater for decades to create resiliency, if we have to, in dealing with this long-term drought.

The problem we now have is that there is PFAS contamination in our groundwater aquifers, making it hard to access our backup groundwater.

Ms. Kramer, when you worked in the Senate, I know you helped write the water cleanup provisions included in the Bipartisan Infrastructure Law, do you think the programs created in that law to address PFAS contamination have been successful?

Ms. KRAMER. Thank you, Senator, for that question. That is a great question. I think defining success with relation to PFAS is tough and a bit of a moving target. I say that simply because it seems that every year that goes by, we learn more, and we also have a better understanding of the impacts that have occurred to groundwater systems and the impacts that are facing drinking water and wastewater systems as they work toward addressing these challenges.

I think incremental progress is progress. Every step in the right direction is a good one. There is a lot of work yet to be done in this space.

Senator KELLY. Is it fair to say that because of these programs we have been able to remove some PFAS from drinking water?

Mr. KRAMER. Absolutely, Senator.

Senator KELLY. After those programs expire in 2026, what are the next steps that Congress and EPA should take to continue to address PFAS contamination?

Ms. KRAMER. Thank you for that question, Senator. I have to be mindful of the fact that I know I am not allowed to lobby in front of you to tell you what I would recommend Congress does.

However, what I can tell you is two things. One is that EPA is going to be evaluating all of its tools to address PFAS.

The second thing I will tell you is that along the way, if I am confirmed in this position, we will have conversations that will involve Senate staff and House staff to provide information as to what those actions are that we have, what the limitations are of the law, for us to be able to go further, or to address things with a finer point. Hopefully, that will provide a sound basis for you, Senator, for your colleagues, for your staff to be able to see the challenges that we face and address those head-on should you choose to do so.

Senator KELLY. All right. Thank you.

Mr. Donahue, do you support the principle embedded in the Superfund law that parties responsible for pollution should be held to strict retroactive, joint and several?

Mr. DONAHUE. Senator, the polluter pays model that is reflected there I believe is a very effective model for cleanup and holding polluters accountable, yes.

Senator KELLY. That sounds like a yes, thank you.

Do you agree that Perfluorooctanoic acid, PFOA, and PFAS were appropriately designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, law last year?

Mr. DONAHUE. Senator, thank you for that. I am not going to comment on that directly, because that is a policy matter and I am here potentially for a legal job. I know that there are other tools that many have argued are better suited for dealing with the PFAS problem without unleashing an enormous amount of liability that could be felt throughout the entire economy.

Senator KELLY. How about from a personal perspective? Do you want PFOA and PFAS to be in your drinking water?

Mr. DONAHUE. I think the PFAS problem is very, it is critical that we address it, so no, I do not. I actually have a PFAS filter, or a filter that filters out PFAS at home. No.

Senator KELLY. Does the CERCLA statute allow for EPA to create carveouts or exemptions for specific industries or chemicals?

Mr. DONAHUE. Senator, I think it would depend on how that is done, potentially.

Senator KELLY. No, does it currently allow for carveouts?

Mr. DONAHUE. No, Senator.

Senator KELLY. It does not. Okay.

Will you commit to ensuring EPA implements the recent designation of PFOA and PFAS consistent with the CERCLA law?

Mr. DONAHUE. Senator, I will commit to you that if confirmed, the Office of General Counsel will ensure that the Administrator and the client offices receive the best legal advice, so that we do comply with the law, CERCLA in this case. Yes.

Senator KELLY. Thank you.

Madam Chair, could I have another minute, or maybe 90 seconds?

Back to Ms. Kramer. I also want to ask about the WOTUS definition. Administrator Zeldin has named this as one of a number of regulations the administration plans to address. A frustration I voiced for years is that the litigation around how we defined WOTUS creates real problems for Arizona. Some definitions have captured literally every dry wash and ditch in the State. Others have eliminated critical protections for drinking water in Arizona. In just the last four years, I think there has been three or four regulatory changes for the WOTUS definition.

Ms. Kramer, now that the Supreme Court has weighed in on WOTUS, on the definition, how will you work to make sure that we establish a durable definition of WOTUS that provides certainty for stakeholders across the Country, including in desert States like Arizona?

Ms. KRAMER. Thank you for that question, Senator. I am aware of the challenges that your State faces, and I think, going back to the cooperative federalism framework for just a second, that also allows some assistance outside of just the Federal jurisdiction and moving forward.

With respect to WOTUS specifically, we will be following Sackett. To the extent that we have ventured down a rulemaking path, the goal will be to refine those remaining somewhat ambiguous phrases and terms that are remaining in Sackett to ensure that we are doing a little refining around the edges, hopefully to stop the ping-pong that you referenced and the litigation going back and forth. That does no one any good, not the regulator, not the regulated community.

As we venture down that path, even before we have started to venture down that path, we will be holding robust listening sessions and opening a docket to take public comments. That was something that was kicked off by the Office of Water a couple of weeks ago at this point.

Through those conversations, through that public comment process, that is the opportunity that we will have, and especially if I am confirmed, we will take those unique perspectives into account to ensure that we are regulating while acknowledging the unique challenges that face every State across this Country.

To the extent that there is something along the edges that does not fall into the Federal jurisdiction that would be defined via rule, that would be the opportunity for the State to be able to regulate with a little bit more stringency than perhaps where we land on the rule.

Durability and the ability for people to clearly understand the rule, that is the name of the game here.

Senator KELLY. Thank you. Thank you, Madam Chair. Thanks for the extra time.

Senator CAPITO. All right, so I want to ask unanimous consent to enter into the record several letters of support for today's nominees. Without objection, these letters will be entered into the record.

[The referenced information follows:]



National Audubon Society
 1828 L Street, NW, Suite 200
 Washington, DC 20036
 202.861.2242
www.audubon.org

March 25, 2025

The Honorable Shelley Moore Capito
 Chair
 Senate Committee on Environment and Public
 Works

The Honorable Sheldon Whitehouse
 Ranking Member
 Senate Committee on Environment and Public
 Works

The Honorable Pete Ricketts
 Chairman
 Subcommittee on Fisheries,
 Water, and Wildlife

The Honorable Adam Schiff
 Ranking Member
 Subcommittee on Fisheries,
 Water, and Wildlife

Re: Confirmation hearing on the nomination of Mr. Brian Nesvik to be the Director of the
 U.S. Fish and Wildlife Service

Dear Chair Capito, Ranking Member Whitehouse, Subcommittee Chairman Ricketts, and
 Ranking Member Schiff,

On behalf of the National Audubon Society's 1.9 million supporters and members, I write to
 express our support for the nomination of Brian Nesvik to be Director of the U.S. Fish and
 Wildlife Service (FWS).

As you are aware, the mission of the FWS is to work with others to conserve, protect, and
 enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American
 people. The director's role at FWS provides leadership and support for thousands of staff and
 volunteers across the country and its territories, to ensure the agency's congressionally mandated
 mission is realized. In coordination with our other federal agencies, our nation's birds, refuges,
 wildlife and lands greatly depend on the sound leadership of this vital agency.

In Mr. Nesvik we see a proven conservation and wildlife management leader who has risen
 through the ranks, from game warden to director of the Wyoming Game and Fish Department,
 and can bring hands-on experience to a role that is vital for the long-term protection of birds and
 other wildlife, as well as the habitats they need to survive. His wealth of experience and
 dedication to wildlife and wildlands conservation make him an especially fitting candidate to
 lead the U.S. Fish and Wildlife Service. Wyoming's diverse and complex wildlife and habitat
 issues make Mr. Nesvik a good candidate for understanding and managing our Nation's intricate
 and delicately balanced wildlife and habitat needs.

Audubon encourages your committee to confirm the nomination of Brian Nesvik for the Director
 of the U.S. Fish and Wildlife Service.

Sincerely,
 Felice Stadler
 Vice President of Government Affairs
 National Audubon Society



The voice of fish and wildlife agencies

1100 First Street, NE, Suite 825
Washington, DC 20002
Phone: 202-838-3474
Fax: 202-350-9869
Email: info@fishwildlife.org

March 19, 2025

The Honorable Shelley Moore Capito
Chair
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Capito and Ranking Member Whitehouse:

As the collective voice of the fish and wildlife agencies of all 50 states, D.C., Guam, and the US V.I. ("state agencies"), the Association of Fish and Wildlife Agencies ("Association") writes to express our strong endorsement of Mr. Brian Nesvik to serve as Director of the U.S. Fish and Wildlife Service (USFWS). The Association strongly supports Mr. Nesvik for this position, particularly given his dedication to public service, extensive experience managing natural resources, and demonstrated commitment to science-based wildlife management.

Mr. Nesvik's distinguished career makes him exceptionally qualified to lead the USFWS at this critical time. Throughout his service with the Wyoming Game and Fish Department, most recently as Director from 2019-2024, he demonstrated unwavering commitment to fulfilling the public trust responsibilities with which state agencies are endowed. He is a champion of collaborative conservation, working effectively with state, federal, and tribal governments, private landowners, and stakeholders to implement solutions that benefit fish and wildlife, their habitats, and the American people who cherish our outdoor heritage.

State agencies across North America have been very fortunate to benefit on the national level from Mr. Nesvik's active involvement with the Association on critical fish and wildlife policy issues, including as the Chair of our Threatened and Endangered Species Policy Committee, Chair of our Law Enforcement Committee, and as a member of our Executive Committee representing the perspectives of the western states. His deep understanding of the Endangered Species Act, public lands management, access, and the necessary cooperation between states and the federal government uniquely position him for success. I hasten to note that Mr. Nesvik also represented the interests of state fish and wildlife agencies on a Federal Advisory Committee – the Hunting and Wildlife Conservation Council – in the recent past. His extensive leadership experience in a state fish and wildlife agency brings a crucial perspective to the USFWS, ensuring that the vital role of states in managing wildlife and the habitat on which they depend is recognized and respected.

Mr. Nesvik's extensive experience, demonstrated collaborative leadership skills, and commitment to conservation excellence will strengthen the federal-state relationship and enhance our shared efforts to sustain America's fish and wildlife resources for future generations. The Association strongly believes that Mr. Nesvik is the right choice to lead USFWS and we respectfully urge his swift confirmation.

Judith Camuso
President



FOUNDED IN 1887 BY

THEODORE ROOSEVELT

BOONE AND CROCKETT CLUB

Sen. Shelley Moore Capito, Chair
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Sen. Sheldon Whitehouse, Ranking Member
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

March 17, 2025

Dear Chair Capito and Ranking Member Whitehouse:

The Boone and Crockett Club is pleased to offer our strong support for Brian Nesvik to serve as the next Director of the U.S. Fish and Wildlife Service (FWS). As a Professional Member of the Boone and Crockett Club, Brian exemplifies the highest standards of conservation leadership, balancing science-based wildlife stewardship with collaborative management approaches that benefit both people and wildlife.

With nearly three decades of experience at the Wyoming Game and Fish Department (WYGF), including serving as its Director from 2019 until his retirement in 2024, Nesvik has consistently demonstrated an ability to navigate complex wildlife management challenges. His leadership in advancing policies on wildlife migration, habitat conservation, and species stewardship has helped Wyoming set a national example in balancing conservation efforts with responsible land and resource management. Throughout his career, he has prioritized engagement with private landowners, sportsmen, and industry leaders, ensuring that conservation policies are well-informed and broadly supported.

His deep understanding of natural resource management, coupled with his military experience, positions him well to lead the U.S. Fish and Wildlife Service in a way that fosters cooperation between state and federal agencies, as well as private stakeholders. We look forward to working with him in bringing the same values to improving our National Wildlife Refuge System.

Nesvik is a results-driven leader with a strong record of collaborative problem-solving. His extensive background in wildlife management, strategic decision-making, and stakeholder engagement makes him uniquely qualified to lead the Fish and Wildlife Service. We are confident that Brian's leadership will advance pragmatic, science-based conservation solutions that benefit both wildlife and people. We appreciate your consideration of his nomination and urge his confirmation as the next Director of the U.S. Fish and Wildlife Service.

Sincerely,

Anthony J. Caligiuri, President
Boone and Crockett Club

Tony A. Schoonen, CEO
Boone and Crockett Club



One Waterfowl Way
Memphis, TN 38120-2351
901.758.3825 fax 901.738.3850
www.ducks.org

President
Bob Spoerl
Waupaca, Wisconsin

March 24, 2025

Chairman of the Board
Chuck Smith
Memphis, Tennessee

The Honorable Shelley Moore Capito Chair
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Chief Executive Officer
Adam H. Putnam
Memphis, Tennessee

The Honorable Sheldon Whitehouse Ranking Member
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Capito and Ranking Member Whitehouse,

Ducks Unlimited is pleased to support Mr. Brian Nesvik's nomination as the next Director of the U.S. Fish and Wildlife Service (FWS). Mr. Nesvik has a distinguished career as a public servant at the state government level, ultimately leading the Wyoming Game and Fish Department and serving in the Wyoming Army National Guard for 35 years.

Ducks Unlimited conserves, restores, and manages wetlands and associated habitats for North America's waterfowl. These habitats also benefit other wildlife and people. The FWS's mission is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continued benefit of the American people. Our overlapping mission areas require each organization's sustained partnership and cooperation. Neither entity can deliver on our goals without the help and support of the other.

This history of collaboration dates back to the very founding of our organization. The Federal Duck Stamp, also known as the Migratory Bird Hunting and Conservation Stamp, originated in 1934 with the passage of the Migratory Bird Hunting Stamp Act, designed to fund waterfowl habitat conservation and was signed into law by President Franklin D. Roosevelt. The first stamp featured artwork by J.N. "Ding" Darling, then director of the Bureau of Biological Survey, which is now the FWS. Since 1934, the Federal Duck Stamp has generated 1.1 billion dollars to conserve over 6 million acres of habitat. Ducks Unlimited was founded just a few years later, in 1937, by concerned waterfowlers and philanthropists who focused on the decreasing waterfowl populations and the habitat necessary to sustain them. Since our founding, Ducks Unlimited has known that it would take both private and public support to conserve the critical habitat that would enable the preservation of our waterfowling traditions for future generations.

Leader in Wetlands Conservation

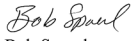


One Waterfowl Way
 Memphis, TN 38120-2351
 901.758.3825 fax 901.738.3850
www.ducks.org

The story of the Duck Stamp, the USFWS and Ducks Unlimited highlights the tremendous impact hunters have made throughout history by eagerly supporting these partnerships through advocacy and philanthropy. America's hunters understand the most important factor in sustaining healthy wildlife populations is securing quality habitat. This is why hunters, especially waterfowl hunters, are so supportive of the Duck Stamp program and the North American Wetlands Conservation Act; two of the greatest milestones for wetlands habitat conservation. These programs are laser focused on restoring and protecting the breeding and wintering grounds for migratory birds, including waterfowl, by working in full cooperation with landowners and through incentives for habitat restoration and voluntary conservation easements that provide enduring habitat protection. There is no doubt about the effectiveness and success of these programs. There is clear proof in the resurgence of waterfowl populations across North America as these programs were implemented and the continued strength and resilience of waterfowl populations and sustained hunting opportunities through inevitable drought cycles.

Given his long tenure of experience and leadership roles with the Wyoming Game and Fish Department, Mr. Nesvik understands and appreciates the importance of wildlife habitat conservation and the value of cooperation and partnerships to get the job done. We believe he is highly qualified for this role, and we thank the Senate Environment and Public Works Committee for quickly advancing his nomination to the full Senate for confirmation. His public service career instills confidence that he would guide the FWS in a manner that would continue to be positive for America's waterfowl, their habitat, and hunters. We look forward to continuing our collaborative work toward our shared goals with the FWS under Mr. Brian Nesvik's leadership.

Sincerely,


 Bob Spoerl
 President
 Ducks Unlimited


 Adam Putnam
 Chief Executive Officer
 Ducks Unlimited

Leader in Wetlands Conservation

March 24, 2025

The Honorable Shelley Moore Capito
Chair
Senate Environment and Public Works
Committee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Senate Environment and Public Works
Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Capito and Ranking Member Whitehouse,

On behalf of the millions of hunters, anglers, recreational shooters, natural resource professionals, state fish and wildlife agencies, and other outdoor enthusiasts our organizations represent, we write in strong support of the nomination of Mr. Brian Nesvik to serve as the next Director of the U.S. Fish and Wildlife Service (FWS). Mr. Nesvik is a dedicated public servant with a distinguished career in both state government and the U.S. military, and as such, we feel strongly that he is immensely qualified to serve and lead FWS as the next Director.

After graduating from the University of Wyoming with a degree in Wildlife and Fisheries Biology and Management, Mr. Nesvik began his career as a game warden and spent 29 years with the Wyoming Game and Fish Department (WYGFD). Most recently, he served as the Director of WYGFD from 2019 until his retirement in 2024. During this time, Mr. Nesvik demonstrated a unique ability to manage complex challenges with fish and wildlife, private landowners, businesses and industries, and importantly, sportsmen and women. We believe that he will be able to leverage his educational and professional science backgrounds and his experience leading a state fish and wildlife agency to deliver on-the-ground, collaborative and durable conservation across the country.

Beyond his time as Director of the WYGFD, Mr. Nesvik served in the Wyoming Army National Guard for 35 years and retired as a Brigadier General, a rank that demonstrates his strong leadership, sound decision-making, and the respect of his peers in our nation's military. Mr. Nesvik is not only a leader in conservation but is a leader in all aspects of his life. Further, his experience and impressive leadership in the Wyoming National Guard demonstrates his ability to collaborate, communicate, and importantly, to be adaptable and resilient.

In closing, FWS needs a strong leader to guide its able staff as they address the many challenges facing our nation's wildlife resources. Consequently, we would like to reiterate our strong support for the nomination of Mr. Brian Nesvik to serve as the next Director of the U.S. Fish and Wildlife Service. The importance of the FWS to sportsmen and women, fish and wildlife, private landowners, state fish and wildlife agencies, among others, is difficult to overstate, and that is why we are pleased to see Mr. Nesvik being considered for this critical position. We thank the Committee for holding a hearing on this key nomination, and we look forward to working with Mr. Nesvik once confirmed by the U.S. Senate.

Sincerely,

American Sportfishing Association
 Archery Trade Association
 Association of Fish and Wildlife Agencies
 Bass Anglers Sportsman Society
 Bonefish & Tarpon Trust
 Boone and Crockett Club
 California Waterfowl Association
 Catch A Dream Foundation
 Congressional Sportsmen's Foundation
 Conservation Force
 Delta Waterfowl
 Ducks Unlimited
 Houston Safari Club
 International Game Fish Association
 Major League Fishing
 Mule Deer Foundation
 National Bobwhite & Grassland Initiative
 Foundation
 National Deer Association
 National Professional Anglers Association
 National Rifle Association

National Wild Turkey Federation
 National Wildlife Federation
 National Wildlife Refuge Association
 North American Grouse Partnership
 Orion: The Hunters Institute
 Pheasants Forever
 Pope and Young Club
 Professional Outfitters and Guides of America
 Quail Forever
 Rocky Mountain Elk Foundation
 Safari Club International
 Safari Club International Foundation
 Sportsmen's Alliance
 The Bass Federation
 The Conservation Fund
 The Walleye Federation
 Theodore Roosevelt Conservation Partnership
 Wild Sheep Foundation
 Wildlife Forever
 Wildlife Management Institute
 Wildlife Mississippi



March 25, 2025

The Honorable Shelley Moore Capito
Chairman
U.S. Senate Committee on
Environment & Public Works
United States Senate
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Committee on
Environment & Public Works
United States Senate
Washington, DC 20510

Dear Chairwoman Capito and Ranking Member Whitehouse:

The National Alliance of Forest Owners (NAFO) and its 46 companies and tribal landowners support Mr. Brian Nesvik's nomination to be the next Director of the United States Fish and Wildlife Service (USFWS). We urge the expeditious reporting of his nomination by the Senate Committee on Environment & Public Works and his confirmation by the full Senate.

More than one-third of the United States is covered by forests, and 47% of U.S. forests, approximately 360 million acres, are private working forests owned by families, small and large businesses, Tribes, and investors often seeking to simultaneously optimize economic returns and environmental benefits. The forestry and wood products sector supports \$288 billion in sales and manufacturing, 2.5 million jobs, and accounts for approximately 5% of the total U.S. manufacturing GDP. In addition to these economic benefits, healthy markets for forest products also provide clean air, clean water, and wildlife habitat.

The USFWS has cited the benefits of active forest management, private land access for researchers, and forest certification as significant proactive contributions to species conservation, negating the need for reactive regulation. In 2023, NAFO and its member companies signed a ground-breaking Memorandum of Understanding formalizing a programmatic partnership with the USFWS called the Wildlife Conservation Initiative (WCI). The WCI has ongoing species conservation projects in every USFWS region where NAFO members own or manage significant acres of forest land. The WCI's collaborative conservation model has already delivered significant results for the gopher tortoise, red-cockaded woodpecker, flatwoods salamander and many other species.

Mr. Nesvik understands the importance of species conservation for not only private working forests, but also hunters, anglers, and the broader outdoor recreation community. As Director of the Game and Fish Department in Wyoming, Mr. Nesvik worked on important issues like aquatic invasive species and managing healthy mule deer populations. In his nearly 30 years of experience in this space, Mr. Nesvik understands the need for Federal, State, and local governments to work collaboratively with private stakeholders to enhance our ability to protect and restore wildlife habitat.

We strongly urge the Committee to swiftly advance Mr. Nesvik's nomination and call on the full Senate to confirm him as Director of the U.S. Fish and Wildlife Service. His confirmation is essential to advancing policies that support wildlife conservation, sustainable forest management, and the many environmental and economic benefits it provides. With Mr. Nesvik's leadership, we are confident the USFWS can take decisive steps to ensure the health and prosperity of America's forests and forest communities.

100

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Tenny', with a long horizontal flourish extending to the right.

Dave Tenny
President and CEO
National Alliance of Forest Owners

cc: Honorable John Thune
Honorable Charles E. Schumer



National Association for
**BIOMEDICAL
RESEARCH**

March 17, 2025

The Honorable Shelley Moore Capito
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Capito and Ranking Member Whitehouse:

On behalf of the National Association for Biomedical Research ("NABR"), I am writing to express our strong support for the nomination of Brian Nesvik to be Director of the United States Fish and Wildlife Service. Mr. Nesvik's extensive experience in wildlife management and his commitment to science-based policies make him an exemplary candidate for this role.

Throughout his tenure as Director of the Wyoming Game and Fish Department, Mr. Nesvik demonstrated a deep understanding of the intricate balance between wildlife conservation and public interests. His leadership in developing innovative management strategies has been instrumental in preserving Wyoming's rich biodiversity while accommodating the needs of local communities.

Mr. Nesvik's collaborative approach has fostered strong partnerships with federal agencies, local governments, and various stakeholders. His ability to navigate complex regulatory environments and his dedication to transparent decision-making processes have earned him respect across the board. Mr. Nesvik has also successfully led large teams of dedicated professionals, driving success through strategic vision, collaborative leadership, and a deep commitment to working with partners and landowners. Notably, his efforts in advancing conservation initiatives have set a benchmark for other states to follow.

NABR values leaders who prioritize science-based approaches and demonstrate a steadfast commitment to high ethical standards. Mr. Nesvik's track record aligns with these principles, and we are confident that his appointment will contribute positively to the Department's mission.

We respectfully urge the Committee on Environment and Public Works to report his nomination favorably to the Senate.

Sincerely,

Matthew Bailey
President



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

March 26, 2025

The Honorable Shelley Moore Capito
Chair
Committee on Environment and Public Works
U.S. Senate
172 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
U.S. Senate
530 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Capito and Whitehouse,

As the Committee on Environment and Public Works prepares to consider Brian Nesvik's nomination to serve as Director of the United States Fish and Wildlife Service (FWS), the National Stone, Sand & Gravel Association (NSSGA) would like to express our unwavering support for his confirmation.

With a distinguished career dedicated to conservation and wildlife management, Mr. Nesvik is exceptionally qualified to lead the agency in balancing protecting our nation's natural resources with responsible land use and economic development. As the Director of the Wyoming Game and Fish Department, Mr. Nesvik has demonstrated a pragmatic and science-driven approach to wildlife conservation. His extensive experience in managing public and private land partnerships and his leadership in navigating complex regulatory frameworks positions him well to oversee FWS's critical mission. Mr. Nesvik has consistently worked to ensure that environmental stewardship and economic growth are not mutually exclusive but can coexist through thoughtful policy and collaboration.

NSSGA is the leading advocate for the aggregates industry, which produces the stone, sand and gravel needed for infrastructure and environmental improvements. Our members recognize the importance of sound regulatory policies that protect wildlife while allowing essential projects to proceed efficiently. Mr. Nesvik's balanced leadership and deep understanding of conservation and industry needs make him an ideal choice for the FWS in fostering solutions that support biodiversity and economic sustainability.

We respectfully urge you to support Brian Nesvik's nomination as Director of the U.S. Fish and Wildlife Service. Thank you for considering our position. Please contact me if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Stanley".

Michele Stanley
Interim CEO
National Stone, Sand & Gravel Association





February 12, 2025

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Capito and Ranking Member Whitehouse,

The National Cattlemen's Beef Association (NCBA) and the Public Lands Council (PLC) write to express our support for Brian Nesvik to be the next Director of the United States Fish and Wildlife Service (USFWS). As the Committee considers the nomination of Mr. Nesvik, we urge swift committee action to support his nomination so he can be confirmed.

NCBA represents nearly 26,000 direct members and 44 state cattle associations, totaling about 178,000 collective members across the country. NCBA's vision is to be the trusted leader and definitive voice of the U.S. cattle and beef industry. Since 1968, PLC has been the only organization in Washington, D.C. representing the unique interest of cattle and sheep producers across the West who hold the 22,000 federal grazing permits.

Mr. Nesvik's extensive wildlife management and public service career makes him uniquely qualified to lead USFWS. His leadership roles within the Wyoming Game and Fish Department have provided him with hands-on experience in balancing conservation efforts with the practical needs of wildlife management. As Wyoming's chief game warden and later as the state department's Director, he has played a critical role in shaping policies on species recovery, habitat preservation, and responsible land use.

Mr. Nesvik has demonstrated a strong commitment to science-based decision making throughout his career. He has been a key advocate for delisting species such as the Greater Yellowstone-area grizzly bear and the gray wolf when recovery goals have been met, ensuring that conservation efforts remain rooted in biological success rather than bureaucratic stagnation. This leadership has emphasized that wildlife policies must be adaptable and reflect the realities on the ground rather than be subject to ever-shifting regulatory interpretations.

Moreover, Mr. Nesvik's approach to leadership has been widely recognized for its balance and fairness. He has a reputation for working collaboratively with diverse stakeholders, including state agencies, ranchers, sportsmen, and conservationists. His ability to engage in open dialogues with those with differing viewpoints—will be invaluable in bridging the inherent tensions between federal and state wildlife management.

Beyond his professional experience, Mr. Nesvik's service to our nation speaks to his character and leadership capabilities. A veteran of the National Guard, he dedicated more than three decades to military service, including overseas deployments in Iraq and Kuwait. His leadership in high-pressure situations, combined with his deep understanding of land and wildlife stewardship, underscores his ability to manage the complex responsibilities of the USFWS.

At a time when federal wildlife policy has significant implications for public land ranchers, we need a leader who recognizes the importance of balancing conservation with sustainable land use. Mr. Nesvik has spent his career finding practical solutions that protect both wildlife and the livelihoods of those who depend on our nation's natural resources. His appointment would ensure that the USFWS remains a partner, not an adversary, to the ranching community.

For these reasons, we strongly urge the Committee to support Brian Nesvik's nomination and the Senate swiftly confirm him as Director of the U.S. Fish and Wildlife Service.

Sincerely,
National Cattlemen's Beef Association
Public Lands Council
American Sheep Industry Association
Association of National Grasslands



March 25, 2025

The Honorable Shelley Moore Capito
Chairman U.S. Senate Committee on Environment and Public Works
170 Russell Senate Office Building
Washington, D.C. 20510

RE: Support to Appoint Brian Nesvik as Director of the United States Fish and Wildlife Service

Dear Senator Capito -

It is my pleasure and honor to support the appointment of Brian Robert Nesvik, nominee to direct the U.S. Fish and Wildlife Service (USFWS). Mr. Nesvik is a homegrown Wyoming son who has led our nation in battle with the National Guard and who led our state's wildlife agency as the Director of the Wyoming Game and Fish Department. He is a natural born leader who worked his way through the ranks of both the Guard and the Game and Fish. He understands intimately the nuances of agency leadership and the importance of dedicated and skillful staff.

Mr. Nesvik is a leader who builds strong teams of people to carry out a mission – whether that be on the battlefield or for the mission of an agency. When he and his team are faced with challenges, Mr. Nesvik is known to have the hard conversations, to communicate with diverse stakeholders, and to find solutions that have long-lasting outcomes. I have seen him lead Wyoming's agency with great care of the wildlife resource and the people and I know that he will carry this same integrity to the national level. The USFWS mission is one that includes working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. Mr. Nesvik embodies all of this.

The Wyoming Wildlife Federation is a sportsmen organization focused on keeping the culture of hunting, angling, and trapping into perpetuity while also maintaining healthy wildlife populations through connected and viable habitat. I have had the pleasure of working with Mr. Nesvik for 18 years. He is a conservative man who looks at all sides of a situation, but doesn't get bogged down with subtleties. He is decisive and achieves. He works long hours, is committed, professional, and is the type of person you want leading your team.

I and the Wyoming Wildlife Federation ask that you appoint Mr. Brian Robert Nesvik as the Director of the United States Fish and Wildlife Service. He will not only follow through with the Service's mission, but exemplify it in all that he will do.



Sincerely,

A handwritten signature in black ink that reads "Joy Bannon". The signature is fluid and cursive, with the first letters of both first and last names being capitalized and prominent.

Joy Bannon

Executive Director

joybannon@wyomingwildlife.org

(307) 287-0129

CC:

U.S. Senator Cynthia Lummis

U.S. Senator John Barrasso

U.S. Representative Harriet Hageman



**National Association of Conservation
Law Enforcement Chiefs**



March 17, 2025

Senator Shelley Moore Capito
Chairman U.S. Senate Committee on Environment and Public Works
170 Russell Senate Office Building
Washington, DC 20510

I am writing on behalf of the National Association of Conservation Law Enforcement Chiefs (NACLEC) in strong support of Brian Nesvik's nomination for Director of the United States Fish and Wildlife Service.

NACLEC membership consists of conservation law enforcement executives from State Fish and Wildlife Agencies across the country. NACLEC is a 501 (c)(6) organization whose purpose is to protect and promote sustainable use of fish, wildlife and other natural resources and enhance public safety through education, community involvement, partnerships, and law enforcement.

Brian served as a conservation law enforcement chief and Agency Director in Wyoming, where he demonstrated leadership and dedication to the field. Brian has a deep understanding of the unique role that conservation law enforcement officers play in protecting our natural resources, ensuring public safety and enhancing people's quality of life.

Over the years, Brian was a valued member of the NACLEC Executive Board and Conservation Law Enforcement Leadership Academy Steering Team. Conservation Law Enforcement Chiefs across the country and myself as Executive Director have had the pleasure of working alongside Brian for many years. Throughout his time serving NACLEC Brian has consistently embodied a collaborative spirit, leadership, and a problem-solving orientation. His leadership approach enhances team dynamics and helped drive the success of the NACLEC Leadership Academy and other initiatives. His commitment to leadership development within our organization has been instrumental in fostering a culture of continuous learning and improvement in the profession.

Brian is respected among state fish and wildlife agency Chiefs and Colonels nationally as a partner and leader, known for his thoughtful, level-headed approach and listening skills. Brian has demonstrated his passion for conservation, wildlife, and public safety over the years we've known him. He understands the critical intersections between conservation efforts, economic considerations, and public support. He has been dedicated to finding balanced solutions that benefit our wildlife, our economy and our communities.

In summary, based on our first-hand experience with Brian, his experience and career-long commitment to conservation, we support Brian Nesvik for the position of Director of the United States Fish and Wildlife Service. Based on our experience, we believe that he will strive to meaningfully contribute to

the future of wildlife conservation in our nation and develop and maintain collaborative working relationships with State Fish and Wildlife Agencies nationwide.

Thank you for considering this recommendation.

A handwritten signature in black ink, appearing to read "Randy Stark". The signature is fluid and cursive, with the first name "Randy" and last name "Stark" clearly distinguishable.

Randy Stark
Executive Director
National Association of Conservation Chiefs



Wyoming Outfitters & Guides Association

Lee Livingston, President

P.O. Box 2650

Casper, Wyoming 82602-2650

Phone 307-265-2376 wyoga@wyoga.org

www.wyoga.org

Senator Shelley Moore Capito
Chairman U.S. Senate Committee on Environment and Public Works
170 Russell Senate Office Building
Washington, DC 20510

Dear Senator Capito,

The Wyoming Outfitter and Guide's Association (WYOGA) is writing to express our enthusiastic and unwavering support for Brian Nesvik's nomination as the next director of the United States Fish and Wildlife Service (USFWS). Mr. Nesvik's exemplary career in conservation, coupled with his profound understanding of the multifaceted challenges facing the USFWS, and his demonstrated ability to forge innovative and effective solutions, make him the ideal candidate for this critical leadership position.

Brian's intimate knowledge of Wyoming's diverse ecosystems and his deep respect for the delicate balance between conservation and responsible use have been evident throughout his career with the Wyoming Game and Fish Department. Over the past thirty plus years he has consistently championed collaborative, science-based decision-making, recognizing that the most enduring conservation strategies are those that are informed by sound science and forged through partnerships with diverse stakeholders.

His extensive experience working with a wide range of stakeholders including hunters, anglers, ranchers, landowners, Indigenous communities, outfitters, and conservation organizations has equipped him with a unique perspective on the complex interplay of interests that shape the USFWS's work. His ability to listen actively, to understand differing viewpoints, and to find common ground has earned him the respect and trust of people from all walks of life.

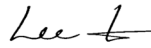
Brian's unwavering commitment to the protection and restoration of fish and wildlife habitats is matched only by his deep understanding of the challenges facing endangered species. He recognizes that the long-term health of our ecosystems depends on our ability to safeguard biodiversity and to ensure that all species have the opportunity to thrive.

Moreover, Brian's leadership extends beyond the borders of Wyoming. He has actively engaged in regional and national conservation initiatives, demonstrating his ability to work effectively across state lines and to build coalitions that transcend political boundaries. His vision for the future of conservation is one that is both ambitious and pragmatic, grounded in the realities of the 21st century, but inspired by the timeless principles of stewardship and sustainability.

We believe that Brian's leadership and dedication to conservation make him the ideal candidate to lead the USFWS into the future. We are confident that he will work tirelessly to ensure that the agency continues to fulfill its mission of protecting and enhancing fish, wildlife, and their habitats for the benefit of present and future generations.

We strongly urge you to confirm Brian Nesvik as the next director of the USFWS. His appointment would not only be a boon to the agency, but also a testament to the importance of collaborative, science-based conservation in the 21st century.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Livingston", with a stylized flourish at the end.

Lee Livingston

President

Wyoming Outfitter and Guides Association



WYOMING STOCK GROWERS ASSOCIATION

Guardian of Wyoming's Cow Country since 1872

President- Jack Berger, *Saratoga*

Region I Vice President- Galen Chase, *Sheridan*

Region III Vice President- Leif Hanson, *Kaycee*

Region V Vice President- Joe Crofts, *Riverton*

Young Producers Assembly- Nate Kane, *Ranchester*

First Vice President- Reg Phillips, *Dubois*

Region II Vice President- Pat Cullen, *Wheatland*

Region IV Vice President- Vance Broadbent, *Evanston*

Executive Vice President- Jim Magagna, *Cheyenne*

March 18, 2025

Senator Shelley Moore Capito

Chair

U.S. Senate Committee on Environment and Public Works

170 Russell Senate Office Building

Washington, DC 20510

RE: Confirmation of Brian Nesvik as US FWS Director.

Dear Senator Moore Capito:

The Wyoming Stock Growers Association (WSGA) has, for over 150 years, represented ranchers across the state of Wyoming. Our grazing management of public, state and private lands is integral to providing suitable quality habitat that supports our state's diverse wildlife populations.

WSGA values our collaborative relationship with the Wyoming Game & Fish Department. That relationship has been considerably strengthened in recent years under former Game & Fish Director Brian Nesvik. Mr. Nesvik's long career in the G&F has given him an intense understanding of strategies critical to successful management of the diversity of wildlife populations found in Wyoming. He is well-positioned to expand this to encompass fish and wildlife management across the nation.

Communication and collaboration skills are critical to engaging diverse interests in the work of the FWS. Mr. Nesvik's 35 years of service in the Wyoming Air National Guard and his 29 year G&F career have provided him with an abundance of these skills. Examples abound where he has successfully brought together diverse interests to address wildlife challenges.

Brian Nesvik is the right person at the right time to successfully guide the work of the US Fish and Wildlife Service. WSGA urges his swift confirmation to assume this role.

Sincerely,

Jim Magagna

Executive Vice President

"Shaping and Living The Code of The West"

P.O. Box 206, CHEYENNE, WY 82003 • PH: 307.638.3942

EMAIL: INFO@WYSGA.ORG • WEBSITE: WWW.WYSGA.ORG • BLOG: WWW.REALRANCHERS.COM



**Hathaway Building 161C
2300 Capitol Avenue
Cheyenne, Wyoming 82002
(307) 777-8024**

18 March 2025

Senator Shelley Moore Capito
Chairman U.S. Senate Committee on Environment and Public Works
170 Russell Senate Office Building
Washington, DC 20510

Madam Chairman,

I am writing to express my unconditional support for the appointment of Brian Nesvik as Director of the U.S. Fish and Wildlife Service. There is likely no one in the nation who is better suited to this job.

The Wyoming Wildlife and Natural Resource Trust (WWNRT) is a state agency charged with habitat improvement and restoration. In the past 20 years, we have allocated more than \$200 million to conservation projects, including river restoration, wetland development, healthy forest and rangelands, migration corridors, water development and other practices, with a direct impact of more than one billion dollars on the ground in Wyoming.

I have known Brian for more than 20 years, and have worked closely with him on multiple wildlife issues, including habitat restoration, endangered species, wildlife regulations, migration issues, fishery management and landowner relations. These areas span the broad reach of the Service, and in every regard, Brian has exemplified a collaborative, contemplative and science-based approach.

In his career with the Wyoming Game and Fish Department, Brian moved from a Game Warden post to Director of one of the most important and visible agencies of state government. The morale within the Wyoming Game and Fish Department was at an unprecedented high under his leadership, and at the same time Brian led to building incredible partnerships with conservation groups, ranchers, farmers, industry, legislators, sportsmen, and local, state and federal agencies.

Concurrently, Brian made the same progression within the National Guard, rising through the ranks throughout his 35-year career to retire with the rank of Brigadier General. He served multiple overseas deployments in hostile theaters, and completed his career as the Commander of the Wyoming Army National Guard and the Assistant Adjutant General for the State of Wyoming.

Brian has served in numerous leadership positions in the Western Association of Fish and Wildlife Agencies, and the Association of Fish and Wildlife Agencies, and has served on a vast number of advisory teams to three Governors of Wyoming. His leadership style is inclusive, fair, and always based in credible information and the most recent science.

Perhaps most importantly, I have spent countless hours working with Brian to solve conservation issues and problems. We have traveled thousands of miles together, and I can attest to his character, his heart and his intelligence. He is an individual of the highest moral and intellectual fiber and will continue to serve his country with honor, integrity and humility.

I encourage the swift confirmation of Brian Nesvik to this critical post, and look forward to working with him to continue an unparalleled conservation legacy in the United States

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Budd", with a stylized, flowing script.

Bob Budd, Executive Director
WYOMING WILDLIFE AND NATURAL RESOURCE TRUST



6666 West Quincy Avenue
Denver, CO 80235-3098 USA
303.794.7711
800.926.7337
awwa.org

March 24, 2025

The Honorable Shelley Moore Capito
Chair
Committee on Environment and Public Works
United States Senate
Washington, D.C.

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C.

Dear Chair Capito and Ranking Member Whitehouse,

On behalf of the American Water Works Association (AWWA), we are writing to express our support for the nomination of Jessica Kramer to serve as the next Assistant Administrator for Water at the Environmental Protection Agency (EPA).

Founded in 1881, AWWA is the largest organization of water supply professionals in the world. Our membership includes more than 4,300 utilities that supply roughly 80% of North America's drinking water and treat almost half of North America's wastewater. Our 50,000 members represent the full spectrum of the water community: water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most vital resource.

Ms. Kramer has extensive experience shaping and implementing drinking water and clean water policy. Most recently, Ms. Kramer served as Deputy Secretary for Regulatory Programs at the Florida Department of Environmental Protection, where she oversaw implementation of the state's water quality and waste management programs. Prior to her time in Florida, she worked as water counsel to Sen. Shelley Moore Capito, then ranking member of the Environment and Public Works Committee, helping to provide much-needed funding for water infrastructure. She has also served as an attorney-advisor in EPA's Office of Water (OW), which she is now nominated to lead.

AWWA is confident that these unique experiences and perspectives, along with her track record of meaningful stakeholder engagement, make Ms. Kramer the right leader for the job. We urge her confirmation and look forward to working in partnership with EPA and OW under her leadership.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David LaFrance'.

David LaFrance
CEO

A handwritten signature in dark ink, appearing to read 'G. Tracy Mehan III'.

G. Tracy Mehan III
Executive Director of Government Affairs





LEADERS IN WATER

1620 I Street NW, Suite 500
Washington, DC 20006

P 202.505.1565
amwa.net

March 26, 2025

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Capito and Ranking Member Whitehouse,

The Association of Metropolitan Water Agencies (AMWA) is pleased to express its strong support for President Trump's nomination of Jessica Kramer to serve as Assistant Administrator of the Office of Water at the Environmental Protection Agency.

AMWA is an organization of the nation's largest publicly owned drinking water systems, whose members provide clean and safe drinking water to more than 160 million Americans from coast to coast. AMWA frequently provides constructive input and comments as EPA develops policies, guidance, and regulations affecting the nation's drinking water systems, and we believe that Ms. Kramer is extremely well-suited to lead the Office of Water.

Ms. Kramer has a clear track record of working collaboratively with stakeholders in the water community to achieve results that advance the Office of Water's mission of ensuring safe and clean drinking water that protects public health and promotes economic activity. AMWA had the benefit of working closely with Ms. Kramer when she was a staff member of the Senate Environment and Public Works Committee, where she played a leading role in developing the Drinking Water and Wastewater Infrastructure Act of 2021. This landmark legislation authorized and reauthorized a suite of critical water infrastructure programs at EPA, and was strengthened by Ms. Kramer's willingness to listen to the suggestions offered by AMWA and other stakeholders in the water community.

Ms. Kramer also holds a keen understanding of the variety of challenges that contribute to the water affordability crisis, and as Assistant Administrator for Water will be well-positioned to ensure that EPA policies do not exacerbate these issues. For instance, Ms. Kramer is well-versed in the complicated nature of removing per- and polyfluoroalkyl substances (PFAS) from water supplies,

BOARD OF DIRECTORS

PRESIDENT	VICE PRESIDENT	TREASURER	SECRETARY	EMERITUS	CHIEF EXECUTIVE OFFICER
Jeffrey Szabo Suffolk County Water Authority	Calvin Farr Prince William Water	Lindsey Reddin Northern Kentucky Water District	Chris Browning Oklahoma City Water Utilities Trust	John P. Sullivan, Jr. Boston Water and Sewer Commission	Tom Dobbins
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Kenneth Waldrup Cape Fear Public Utility Authority					

The Honorable Shelley Moore Capito
The Honorable Sheldon Whitehouse
March 26, 2025
Page 2 of 2

and then properly disposing of treatment residuals. AMWA is confident that EPA will benefit from having her perspective in the Office of Water as the agency works to address these complex issues.

Again, AMWA strongly supports the nomination of Jessica Kramer to serve as EPA's Assistant Administrator of the Office of Water. Her experience, policy knowledge, and relationships in the water sector will be an asset to the entire agency. We urge the Committee to favorably report her nomination, and we support her confirmation by the full Senate.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Dobbins", with a stylized flourish at the end.

Tom Dobbins
Chief Executive Officer



Coalition of Recyclers of Residual Organics by
Practitioner of Sustainability

March 11, 2025

The Honorable Shelley Moore Capito
Chairwoman
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

Dear Chairwoman Capito and Ranking Member Whitehouse,

On behalf of the Coalition of Recyclers of Residual Organics by Practitioners of Sustainability (CRROPS), an organization of biosolids management entities dedicated to safe management of an important renewable resource, we write in support of Ms. Jessica Kramer's nomination as the next Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency.

Ms. Kramer is a talented individual schooled in the Clean Water and Safe Drinking Water Acts. In her prior role as an Attorney Advisor in the Office of Water, she exhibited a commitment to informed policymaking relying on input from all stakeholders. Her prior experience as Counsel to the Committee on Environment and Public Works equips her with the expertise to work with Congress as the Office of Water addresses the water sector's many issues ranging from advancing the next generation infrastructure to constituents of emerging concern.

Ms. Kramer's federal expertise and experience is supplemented by her State government work. Her senior positions, including Deputy Secretary of Regulatory Programs for Florida's Department of Environmental Protection, means she has on the ground experience in developing regulatory programs that impose mandates and economic costs upon the essential service providers like CRROPS.

Again, CRROPS is pleased to support Ms. Kramer's nomination. We look forward to a swift confirmation vote on her nomination.

Sincerely,

Layne Baroldi

Layne Baroldi
CRROPS President

March 25, 2025

The Honorable Shelley Moore Capito
Chair, Committee on Environment and Public Works
U. S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member, Committee on Environment and Public Works
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairwoman Capito and Ranking Member Whitehouse,

I write in support of the nomination of Jessica Kramer to serve as the Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA). I had the privilege of serving in that role from 2018 to 2021. I urge her swift confirmation because she is the most qualified person ever to be nominated to lead the Office of Water given her unique background and professional experiences.

Ms. Kramer grew up on a Christmas tree farm in northern Wisconsin, where she learned that economic development and respect for the land are not mutually exclusive concepts. She earned wildlife ecology and biology degrees from the University of Wisconsin-Stevens Point, one of the leading conservation programs in the country. Marquette Law School then taught her the art of critical thinking, and the rare trait of understanding all sides of an argument even if you disagree with some.

From there she joined the Wisconsin Department of Natural Resources where she served as an enforcement specialist for the wildlife program and then as an attorney in the general counsel's office. It is in that role where we first met, working together on challenging landfill leachate and groundwater contamination cases. I was so impressed with her passion for the profession and thoughtfulness that I asked her to join me in the Environmental Protection Unit at the Wisconsin Department of Justice as an assistant attorney general where she focused on prosecuting violations of environmental law and finding creative solutions to permitting and regulatory challenges.

Ms. Kramer then took a leap of faith and joined me in EPA's Office of Water in Washington DC as policy counsel and then senior policy counsel, where she led the development of America's Water Workforce Initiative; assisted in the implementation of the National PFAS Action Plan; initiated the value engineering phase for the \$300 million appropriation to address transboundary sewage flows from Mexico under the USMCA; facilitated the resolution of complicated interagency water quality modeling disputes for the Columbia River; and worked tirelessly to ensure that the Newark lead crisis did not become the next Flint.

During this critical phase of her career, Ms. Kramer learned how to work alongside the dedicated career teams within the Office of Water to deliver on the agency's promise to protect human health and the environment by respecting the law, understanding the science, and navigating the complicated nuance that defines water policy at the highest levels of government. She also learned about the power of interagency coordination, first by serving a detail at the White House Council of Environmental Quality and then by serving on the Federal Water Subcabinet core working group.

After her time in the Executive Branch, Ms. Kramer served as water counsel for then-Ranking Member Capito on the Senate Environment and Public Works Committee, where she helped draft and pass the most impactful surge of federal water infrastructure funding in a generation. Water infrastructure funding is a lifeline for communities across our country, and the Office of Water helps extend that lifeline through its many grant, loan, technical and credit assistance programs.

Following her time on the Hill, Ms. Kramer worked for the private sector as a lawyer-lobbyist where she gained a deep appreciation for the importance of western water issues and actively worked to advance the interests of the water sector in the ongoing PFAS management challenges in this country. From there she returned to state service and served as the Deputy Secretary of the Florida Department of Environmental Protection (FDEP) where she led the regulatory programs for the agency, including air, water, waste, emergency response and a host of other functions. FDEP is one of the largest environmental organizations in the country, and provided Ms. Kramer with direct leadership and management experience over highly complex environmental policy and regulatory issues.

In short, Ms. Kramer has worked in the very office she is now nominated to lead, helped draft legislation that the office now implements, and ran state programs that the office oversees. She understands the wonderfully complex intersection of law, science and policy reflected throughout the water portfolio, and has leadership experience very few environmental professionals ever achieve. And through it all, she is still quintessentially Wisconsin and will bring a kindness back to DC that it frequently lacks.

I therefore implore you to move Ms. Kramer through Committee expeditiously, and look forward to her confirmation by the full Senate. The Office of Water can be in no better hands should she have the honor of confirmation.

Best Regards,



Dave Ross
Former Assistant Administrator
Office of Water, EPA



PRESIDENT

Diane S. Taniguchi-Dennis
 Chief Executive Officer
 Clean Water Services
 Hillsboro, OR

VICE PRESIDENT

William J. "Mickey" Conway
 Chief Executive Officer
 Metro Water Recovery
 Denver, CO

TREASURER

Kyle Dreyfuss-Wells
 Chief Executive Officer
 Northeast Ohio Regional
 Sewer District
 Cleveland, OH

SECRETARY

Laura Briefer
 Director
 Salt Lake City Department
 of Public Utilities
 Salt Lake City, UT

CHIEF EXECUTIVE OFFICER

Adam Krantz

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www.nacwa.org

March 24, 2025

The Honorable Shelley Moore Capito
 Chair
 Senate Committee on Environment and Public Works
 456 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Sheldon Whitehouse
 Ranking Member
 Senate Committee on Environment and Public Works
 410 Dirksen Senate Office Building
 Washington, DC 20510

*RE: Nomination of Jessica Kramer to be EPA Assistant
 Administrator for Water*

Dear Chair Capito and Ranking Member Whitehouse,

On behalf of the National Association of Clean Water Agencies (NACWA) and our over 350 public clean water utilities nationwide, I am writing to express strong support for the nomination of Jessica Kramer to serve as Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency (EPA). Given her outstanding qualifications and experience, Ms. Kramer is exceptionally qualified to lead the Office of Water.

Ms. Kramer has dedicated her career to environmental policy and regulatory leadership. Through her prior roles with EPA, on Capitol Hill, at state agencies, and in the private sector she has worked extensively on a wide array of water issues.

Her tenure at EPA provided her with a detailed understanding of the complex challenges faced by local water and wastewater treatment utilities, as well as the important role that EPA plays in supporting these entities. Ms. Kramer's work

on the Senate Committee on Environment and Public Works also provided valuable exposure to key water challenges facing states and local communities and a deep understanding of the legislative process.

The Office of Water plays a pivotal role in ensuring that America's clean water utilities can provide clean and safe water to the public and protect the environment while maintaining compliance with evolving regulatory requirements – all while facing increasingly complex infrastructure funding and affordability challenges. Ms. Kramer's extensive background in the executive and legislative branches will be invaluable in strengthening a cooperative approach between EPA, state and local governments, and the array of other water sector stakeholders. Her ability to balance science-based environmental protections with practical implementation strategies will help create policies that are both effective and achievable.

Throughout her career she has been actively involved in water infrastructure investment and policy work aimed at strengthening the nation's water systems. Her leadership in advancing initiatives under the Clean Water Act and Safe Drinking Water Act has demonstrated a strong commitment to protecting public health and the environment while also recognizing the economic realities faced by utilities and ratepayers. She has worked extensively on PFAS-related issues, resilience, and water affordability challenges—key areas that require continued federal leadership.

Most importantly, Ms. Kramer has developed a reputation as a thoughtful and well-respected professional. Ms. Kramer's leadership is recognized throughout the water sector as pragmatic, informed and solutions-oriented. Her previous work on bipartisan initiatives, including efforts to modernize aging water infrastructure and address emerging regulatory challenges, has demonstrated her ability to work across ideological divides to advance meaningful policy reforms. Her reputation as a collaborative leader with a deep understanding of the technical, legal and financial aspects of water policy makes her an ideal choice to lead the Office of Water.

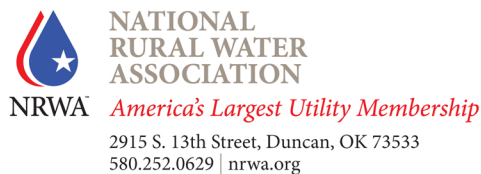
If confirmed, NACWA and its members look forward to working alongside Ms. Kramer to address the challenges currently facing public clean water agencies. Her leadership will be critical in guiding EPA's efforts to provide effective regulatory oversight while also ensuring that utilities have the necessary resources and support to meet their mission.

For these reasons, we urge the Committee's full and expeditious consideration of Ms. Kramer's nomination and offer our support in confirming her as Assistant Administrator for the Office of Water. Thank you for your time and consideration. NACWA looks forward to continued collaboration with the Committee and EPA to advance sound water policies that benefit communities nationwide.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Krantz', with a stylized flourish at the end.

Adam Krantz
CEO, NACWA



March 14, 2025

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

Dear Chairman Capito and Ranking Member Whitehouse:

On behalf of the National Rural Water Association (NRWA) and the more than 31,000 small and rural water and wastewater utilities we represent, I am writing to express our strong support for the nomination of Jessica Kramer as the Environmental Protection Agency (EPA) Assistant Administrator for Water.

Ms. Kramer's distinguished career in water policy, environmental law, and regulatory affairs makes her uniquely qualified to lead the Office of Water at this crucial time. Throughout her career, whether as Deputy Secretary of Regulatory Programs with Florida Department of Environmental Protection (FDEP) or as the Counsel for the Senate Environment and Public Works Committee, she has demonstrated a deep understanding of the challenges facing small and rural communities.

Her ability to balance sound environmental policy with practical, local solutions has earned her the respect of water sector leaders across the country. Ms. Kramer's efforts played a pivotal role in shaping bipartisan legislative solutions for emerging contaminants, including her leadership in forming the Water Coalition Against PFAS which advanced the Water Systems PFAS Liability Protection Act. This effort underscores her commitment to ensuring that water utilities are not unfairly burdened with the cost of cleaning up pollution they did not create.

Ms. Kramer is also no stranger to handling challenges facing the water sector. During her tenure as Florida's Deputy Secretary of Regulatory Programs, she boldly led the charge in the emergency response efforts after Florida was impacted by one of the deadliest hurricane seasons on record. With over 40 counties impacted by hurricanes Helene and Milton, Ms. Kramer ensured collaboration occurred among state and federal agencies to bring water and wastewater systems the help they needed to recover. Her resolve and demeanor during one of the state's most challenging times demonstrated her ability to handle any circumstance she faced.

As you are aware, small and rural water systems, which make up over 90% of the nation's drinking water utilities, face serious challenges like aging infrastructure, personnel shortages and an increasingly complex regulatory landscape. Ms. Kramer has consistently championed water quality and environmental policies that protect public health while recognizing the financial and operational realities of small systems. She understands robust training and technical assistance programs—delivered by trusted, proven partners like NRWA—are essential to ensuring long-term compliance, sustainability and affordability for communities and rate payers nationwide.

Her extensive experience across federal, state, and local water policy—combined with her track record of bipartisan collaboration and regulatory expertise—makes her an ideal choice to lead EPA's Office of Water. We are confident that her leadership will result in pragmatic, effective policies that protect public health and the environment while enhancing the viability of the nation's water systems.

For these reasons, we strongly urge the Committee to confirm Jessica Kramer's nomination. We look forward to working with her to advance feasible and affordable water policies that serve all Americans, especially those in small and rural communities.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Holmes". The signature is fluid and cursive, with the first name "Matthew" and last name "Holmes" clearly distinguishable.

Matthew Holmes
Chief Executive Officer
National Rural Water Association



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

March 26, 2025

The Honorable Shelley Moore Capito
Chair
Committee on Environment and Public Works
U.S. Senate
172 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
U.S. Senate
530 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Capito and Whitehouse,

As the Committee on Environment and Public Works prepares to consider Jessica Kramer's nomination to serve as Assistant Administrator for the Office of Water of the Environmental Protection Agency (EPA), the National Stone, Sand & Gravel Association (NSSGA) would like to express our unwavering support for her confirmation.

Ms. Kramer's extensive experience, deep understanding of environmental policy, and commitment to pragmatic solutions make her exceptionally qualified for this critical role. Ms. Kramer's expertise in regulatory policy and a track record of working across industries to implement effective environmental initiatives make her an ideal candidate to advance the EPA's mission. We are confident that under her leadership, the agency will continue to promote responsible environmental policies that align with economic growth and innovation.

NSSGA is the leading advocate for the aggregates industry, which produces the stone, sand and gravel needed for infrastructure and environmental improvements such as air and water purification. Our members take the natural materials from the ground and size them to go into roads and important public works projects such as water delivery systems, flood control, wastewater treatment and air purification systems.

We respectfully urge you to support Jessica Kramer's nomination as EPA Assistant Administrator. Thank you for considering our position. Please contact me if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Stanley".

Michele Stanley
Interim CEO
National Stone, Sand & Gravel Association





President – Craig Simpson
 Vice President – Clay Scott
 Treasurer – Paul Arrington
 Executive VP – Greg Morrison

February 25, 2025

The Honorable Shelley Moore Capito
 United States Senate
 170 Russell Senate Office Building
 Washington, DC 20510

The Honorable Sheldon Whitehouse
 United States Senate
 530 Hart Senate Office Building
 Washington, DC 20510

Dear Senators Capito and Whitehouse:

On behalf of the National Water Resources Association (NWRA), I am pleased to express our support for the nomination of Jessica Kramer to serve as the Assistant Administrator for the U.S. Environmental Protection Agency's Office of Water.

NWRA is a nonprofit federation of state water resources associations, regional associations, agriculture and municipal water agencies, and industrial water groups. Our members provide water and hydropower to approximately 50 million individuals, families, agricultural producers and other industries that support our communities large and small, our economy and our environment.

Ms. Kramer's extensive experience in water policy, regulatory affairs, and infrastructure funding make her an outstanding candidate to lead the agency's efforts in ensuring the sustainability and reliability of our nation's water resources.

She has dedicated her career to advancing pragmatic and effective water policies that support both environmental protection and economic sustainability. During her tenure as water counsel for the Senate Environment and Public Works Committee, she played a pivotal role in shaping key provisions of the 2021 infrastructure law, which allocated critical funding for modernizing water infrastructure. Her deep understanding of the legislative and regulatory landscape ensures she is well-equipped to address the pressing challenges facing the nation's water and wastewater systems.

Furthermore, her experience at both the state and federal levels – most recently as Deputy Secretary for Regulatory Programs at the Florida Department of Environmental Protection – has provided her with firsthand insight into the challenges water providers and communities face. She has demonstrated an ability to navigate complex policy issues, engage with diverse stakeholders, and craft solutions that balance the needs of communities, industries, and the environment.

We are also encouraged by Ms. Kramer's commitment to maintaining robust and efficient federal water programs, including the State Revolving Funds and other financing mechanisms that support local water infrastructure projects. At a time when water agencies and irrigation districts are working to address aging infrastructure and emerging contaminants such as PFAS, strong leadership at EPA's Office of Water is more important than ever.

The NWRA stands ready to work alongside Ms. Kramer and the EPA to advance policies that promote water security, resilience, and economic growth. We respectfully urge the Senate to confirm her nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Morrison", with a stylized flourish at the end.

Greg Morrison
Executive Vice President

cc: Senate Environment and Public Works Committee



March 19, 2025

The Honorable Shelley Moore Capito
Chairwoman
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

Dear Chairwoman Capito and Ranking Member Whitehouse,

On behalf of the Northwest Biosolids Association (NWB), an organization of biosolids management entities dedicated to safe management of an important renewable resource, we write in support of Ms. Jessica Kramer's nomination as the next Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency.

Ms. Kramer is a talented individual schooled in the Clean Water and Safe Drinking Water Acts. In her prior role as an Attorney Advisor in the Office of Water, she exhibited a commitment to informed policymaking relying on input from all stakeholders. Her prior experience as Counsel to the Committee on Environment and Public Works equips her with the expertise to work with Congress as the Office of Water addresses the water sector's many issues ranging from advancing the next generation infrastructure to constituents of emerging concern.

Ms. Kramer's federal expertise and experience is supplemented by her State government work. Her senior positions, including Deputy Secretary of Regulatory Programs for Florida's Department of Environmental Protection, means she has on the ground experience in developing regulatory programs that impose mandates and economic costs upon the essential service providers like CRROPS.

Again, NWB is pleased to support Ms. Kramer's nomination. We look forward to a swift confirmation vote on her nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Dunbar", is placed above the printed name.

Jim Dunbar
Northwest Biosolids President

Xylem Inc
301 Water Street, SE, Washington, DC 20003
Tel +1.914.323.5700



March 25, 2025

The Honorable Shelley Moore Capito
Chairwoman
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

Dear Chairwoman Capito and Ranking Member Whitehouse:

On behalf of Xylem, I write in support of Jessica Kramer, the Administration's nominee to be the next Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency. Xylem, a Fortune 500 company headquartered in the USA, is the world's largest water technology company. Our purpose is to empower our customers and communities to build a more water-secure world. In that spirit I am pleased to support Ms. Kramer's nomination for this critically important position.

Ms. Kramer has been a steadfast champion for clean water, working across aisles in state and federal arenas. She has shown a deep understanding of the industry, its challenges old and new, and has shown leadership amongst stakeholders to work together towards finding solutions.

Ms. Kramer is a respected and experienced leader versed in clean water and drinking water policy. In her previous role as an Attorney Advisor in the Office of Water, she exhibited a commitment to informed policymaking relying on input from all stakeholders. Her prior experience as Counsel to the U.S. Senate Committee on Environment and Public Works equips her with the expertise to work with Congress as the Office of Water seeks to address water quality and drinking water challenges, ranging from supporting communities to modernize their infrastructure, to eliminating human exposure to constituents of emerging concern.

Ms. Kramer's federal experience builds on a distinguished track record of state government work. Her senior positions in state government, including Deputy Secretary of Regulatory Programs of the State of Florida's Department of Environmental Protection, enable her to understand how regulatory actions can affect states and local communities. This knowledge will be especially helpful as the Administration and Congress consider approaches to deliver permitting reform, address aging infrastructure and modernize our nation's infrastructure. Ms. Kramer recognizes how federal policy should be developed to consider effects on the public and private sectors. We are pleased to support Ms. Kramer's nomination and encourage her swift confirmation.

Sincerely,

Al Cho
Senior Vice President, Chief Strategy and External Affairs Officer
Xylem, Inc.

Senator CAPITO. With no further questions, I would like to thank the nominees, all three of you, thank you very much, and all of my colleagues, for participating in today's hearing.

Senators who wish to submit written questions, I know they are all listening, Senators who wish to submit written questions for the record have until 5 p.m. next Monday, March 31st, to do so. The nominees' responses to those questions are due back to the committee no later than 5 p.m. on Monday, April 7th, and will be submitted for the record.

With that, this hearing is adjourned. Thank you all very much.
[Whereupon, at 12:03 p.m., the hearing was adjourned.]

March 24, 2025

The Honorable Shelley Moore Capito
Chair
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chair:

The Ethics in Government Act of 1978, as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall update their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. See 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

The information on my public financial disclosure report was current as of February 25, 2025.

Since that date for which disclosures were shown on my nominee report through the date of this letter, I have received no income. I have also received no honoraria.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jessica Kramer".

Jessica Kramer

cc: Acting Director, OGE
Justina Fugh, Alternate Designated Agency Ethics Official, US EPA

Brian R. Nesvik

March 24, 2025

Acting Director
U.S. Office of Government Ethics
250 E Street SW
Suite 750
Washington, DC 20024

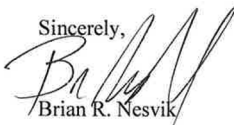
Dear Acting Director:

The Ethics in Government Act of 1978, as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall update their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. *See* 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

I hereby am providing you with a copy of the amendment required by 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a), to my Nominee Public Financial Disclosure Report (OGE Form 278e), dated February 26, 2025, that I provided to the U.S. Senate Committee on Environment and Public Works.

The information on my OGE Form 278e was current as of February 26, 2025. Since that date for which disclosures were shown on my nominee report through the date of this letter, I have not received any honoraria during this period.

Since that date for which disclosures were shown on my nominee report through the date of this letter, I have received \$2,232.49 in business income from LAS Properties, LLC.

Sincerely,

Brian R. Nesvik

Enclosure

Brian R. Nesvik

March 24, 2025

The Honorable Shelley Moore Capito
Chairman
U.S. Senate Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Ethics in Government Act of 1978, as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall update their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. *See* 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

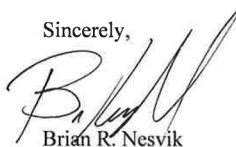
I hereby am providing you with a copy of the amendment required by 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a), to my Nominee Public Financial Disclosure Report (OGE Form 278e), dated February 26, 2025, that I provided to the U.S. Senate Committee on Environment and Public Works.

The information on my OGE Form 278e was current as of February 26, 2025. Since that date for which disclosures were shown on my nominee report through the date of this letter, I have not received any honoraria during this period.

Since that date for which disclosures were shown on my nominee report through the date of this letter, I have received \$2,232.49 in business income from LAS Properties, LLC.

I further certify that I have transmitted copies of this report to the Designated Agency Ethics Official of the U.S. Department of the Interior and to the Acting Director of the U.S. Office of Government Ethics.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Nesvik', is written over a horizontal line.

Brian R. Nesvik

Washington)
District of Columbia)ss
)

Subscribed and sworn before me on this 24th day of March 2025.

Shawna Janice Allen
Notary Public

My commission expires: June 30, 2028



cc: The Honorable Sheldon Whitehouse, Ranking Member
Acting Director, U.S. Office of Government Ethics
Heather C. Gottry, Designated Agency Ethics Official, U.S. Department of the Interior

March 24, 2025

The Honorable Shelley Moore Capito
Chair
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chair:

The Ethics in Government Act of 1978, as amended, provides that Presidential nominees for a position requiring the advice and consent of the Senate shall update their public financial disclosure report with respect to any outside earned income and honoraria received through the period ending no more than five days prior to the commencement of the Senate hearing of their nomination. See 5 U.S.C. § 13103(b)(1) and 5 C.F.R. § 2634.606(a).

The information on my public financial disclosure report was current as of February 26, 2025. Since that date for which disclosures were shown on my nominee report through the date of this letter, I have received no income. I have also received no honoraria.

Sincerely yours,

Donahue, Sean

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Donahue, Sean
Date: 2025.03.24
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Sean Donahue

cc: Acting Director, OGE
Justina Fugh, Alternate Designated Agency Ethics Official, US EPA

