

**TESTIMONY OF MIKE MATZ, EXECUTIVE DIRECTOR
OF THE CAMPAIGN FOR AMERICA'S WILDERNESS**

**REGARDING THE NOMINATION
OF SENATOR KEN SALAZAR
TO BE
SECRETARY OF THE DEPARTMENT OF THE INTERIOR**

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
NOMINATION HEARING**

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INTRODUCTION

On behalf of every resident of this country, the U.S. Department of the Interior administers approximately 518 million acres of land, an area equivalent to the land masses of Alaska, California, and Missouri combined. This represents an incredibly rich and diverse asset for the American people. The Interior Department is charged with the legal responsibility to act as steward of these lands in the public interest, to balance the management of these lands between the need to develop and to conserve, and to maintain a legacy of our natural heritage for future generations. The Interior Department oversees three of the nation's four land management agencies--the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service—as well as the Minerals Management Service, Bureau of Indian Affairs, and the U.S. Geological Survey, among other agencies.

For the past eight years, to the dismay of many Americans, the Interior Department in the Bush-Cheney Administration has viewed the public estate more as resource mainly for the benefit of extractive industries, in contravention of its legal requirements and its mission. The Interior Department is a seriously flawed bureaucracy that has given little consideration to its policies' impacts on habitat fragmentation, water and air pollution, local communities, and on conservation values of our public lands. This incomparable and varied estate has been viewed more as the private domain of the oil industry, coal companies, and mining interests by the current administration, according to its own internal inspector general.

The Campaign for America's Wilderness can think of no one better equipped with the experience, skill, and commitment to correct the dysfunction that besets the Interior

Department and its agencies than Sen. Ken Salazar. His selection as President-elect Barack Obama's nominee to lead the Interior Department out of its woeful morass of corruption and imbalance is a wise move that will remedy a broken yet very vital arm of the U.S government.

ENDORSEMENT

We strongly support the nomination of Senator Ken Salazar as the next Secretary of the Interior. We would urge the U.S. Senate to approve the nomination expeditiously so that Senator Salazar can begin as the nation's chief steward of our public domain as soon as possible, in order to get the nation off the path of the past eight years and onto the correct course of change with the proper emphasis.

We believe Sen. Salazar to be a public servant with impeccable credentials, who has an impressive conservation record, including service as the director of Colorado's Department of Natural Resources. Sen. Salazar has been a strong proponent of protecting public lands that qualify as part of the National Wilderness Preservation System, exemplified by his advocacy recently for S. 22, the Omnibus Public Land Management Act of 2009, which will protect almost a quarter million acres of Rocky Mountain National Park as wilderness, as well as 66,000 acres of wilderness within the proposed Dominguez-Escalante National Conservation Area, in Colorado. This is only the latest indication of his support for protecting public land within a balanced parameter that recognizes local, regional, and national concerns.

After election to the Senate in 2004, Sen. Salazar sponsored S. 39, the Arctic Refuge coastal plain wilderness bill, at a time of great threat to the integrity of a

landscape which parallels the Grand Canyon or Yellowstone in iconic status as a natural gem. This area should be preserved in a natural state to bequeath to subsequent generations of Americans and Sen. Salazar's sponsorship of S. 39 was a bold and decisive position for a freshman senator to take.

Two years ago, when the Bush-Cheney Administration's Bureau of Land Management proposed lease offerings to the oil and gas industry atop Roan Plateau, Sen. Salazar was at the forefront of the effort pursued by local ranchers, elected officials, business owners and others to stem an aggressive and excessive leasing program on this wildlife-rich habitat in west central Colorado.

While a member of the Energy and Natural Resources Committee, Sen. Salazar sponsored an amendment to energy legislation in 2005 that requires the use of eight billion gallons of renewable fuels by refineries before 2012. He thoroughly understands the energy needs of the country require a multi-pronged approach, including production as well as conservation and renewables. But he also knows the exceptionally critical role water plays in sustaining the West, in particular, and therefore has been a voice of reason when it comes to the headlong push to squeeze oil from shale rock that underlies much of western Colorado and other parts of the West.

With his votes in the second session of the 110th Congress, Sen. Salazar registered a 100 percent scoring by the League of Conservation Voters, and has consistently received scores above 70 percent during his tenure in the Senate.

Because of his outstanding record, we believe Sen. Salazar to be the right person at the right time to correct the excesses of the past eight years and bring the Department of the Interior into the 21st century. He is a proven leader, who served the State of

Colorado admirably as its attorney general from 1998 to 2004. His background as a rancher in southern Colorado gives him a clear lens through which to view the oftentimes complicated public land issues in the West and beyond. He is an independent thinker who sees these matters as neither Democratic nor Republican, but ones where those affected can and should come together for the benefit of all concerned. He is interested in achieving results. He knows well the issues of the New West that meld the need to preserve the custom and culture with that of protecting the natural heritage that has come down to us through history and that makes this nation great.

We strongly endorse the appointment of Sen. Ken Salazar to become the next Secretary of the Interior.

RECOMMENDATIONS

We look forward to working with Sen. Salazar after his appointment as Secretary of the Interior to restore balance to the equation of development and conservation. We would like to offer some examples of where departmental policy on land protection, in particular, has gone awry, and provide suggestions with an eye toward remedying these imbalances.

The Interior Department and agencies under its aegis have been rocked by a series of headline-grabbing scandals, whether in regards to the ignominious coziness with the oil industry and employees of the Minerals Management Service (MMS), or in the revelations of shoddy management and outright corruption in the same agency in its program to collect royalty payments, all of which was detailed in wretched thoroughness by the department's Inspector General last year.

Of the 718 bids awarded to industry by MMS from 2001 through 2006, according to the Center for Public Integrity, the agency modified 118 of them to benefit the oil companies which had placed the bids, potentially costing the government \$4.4 million in lost revenues from collection fees.

While legally mandated to strike a balance between competing interests for the use and enjoyment of public lands, under the Bush-Cheney Administration the Interior Department leased for development an average 12.7 million acres per year in 12 western states while some level of protection was stripped from more than 45 million acres, according to the Environment Working Group.

This Interior Department must do a better job to protect public lands in order to balance the scales after eight years of generally unfettered emphasis on oil and gas leasing and other extractive uses. Its three land managing agencies hold all the public estate outside the national forests. Its direction over the past eight years has been woefully imbalanced.

We have these observations on policies of the three main agencies administering public lands within the Interior Department.

Bureau of Land Management

With 262 million acres primarily in the West, the Bureau of Land Management oversees by far the largest holdings of publicly owned land. Unfortunately, this agency has lagged far behind in pulling itself into the 21st century. The agency has typically emphasized extractive industries and catered to the oil and gas industry, coal mining companies, grazing interests, off-road vehicle constituencies and, in the Northwest, logging companies, with little or no concern for environment, wildlife habitat, or

wilderness protection. The scales have been tipped historically in favor of exploitation. For BLM, the future is simply finding the appropriate balance.

During the Clinton Administration, great strides were made to inculcate more of a stewardship mandate and see more conservation emphasis placed within this agency. The establishment by proclamation of several national monuments under authority of the Antiquities Act of 1906, starting with the Grand Staircase-Escalante National Monument in southern Utah on September 18, 1996, helped to bring the agency a little farther along the development-conservation continuum.

Former Interior Secretary Bruce Babbitt, by administrative fiat, created a National Landscape Conservation System under BLM auspices and wrapped all the national monuments established by President Clinton, all existing national conservation areas created by Congress, and other orphaned conservation units into the NLCS. Former department officials from the Clinton Administration have been conducting an impressive campaign to ensure that achievement does not fall through the cracks, culminating in an effort to enact an organic act for the National Landscape Conservation System in the 110th Congress. This effort is laudable, and one which should be continued with renewed attention after eight years of ambivalence. An organic act for the National Landscape Conservation System is included as a provision in S. 22, which we hope will pass the Senate this week, get approved in short order by the House, and be signed into law by the new President. Sen. Salazar is to be lauded for his support for, and active involvement in passing S. 22. Its effective implementation will fall upon his watch at Interior.

Many of the national monuments and national conservation areas in the National Landscape Conservation System constitute broader land areas with their purposes wider

in scope, requiring formulation of management plans in order to assure competing uses are responsibly balanced and impacts effectively mitigated. Oil and gas development, for instance, is permitted in many of these newly established national monuments. In these management plans, BLM must conduct reviews of wilderness potential for lands and make recommendations to Congress of those suitable for inclusion in the National Wilderness Preservation System.

As the biggest land holder for the federal government, BLM is the agency with the greatest potential to protect lands with the strongest protection possible by law. Of the 262 million acres under its jurisdiction, less than 3 percent have been added to the National Wilderness Preservation System. Only eight million acres of BLM lands have been granted such status.

Although the Wilderness Act of 1964 required all federal agencies except BLM to conduct reviews and recommendations, it is not as though these landscapes are undeserving of this type of protection. The Federal Land Policy Management Act of 1976 in Section 603 did require a wilderness assessment for all BLM lands, and in the late 1970s and early 1980s BLM conducted its review. The agency determined that of its 262 million acres, 14 million deserved to be classified as Wilderness Study Areas, an abysmally low figure not reflecting the true attributes of the nation's sagebrush seas, intimate canyons, and marvelous deserts. Citizen-led surveys have determined that wilderness qualities exist on far more of BLM lands. In Utah, as a prime example, citizens have conducted two surveys and found nine million acres in that state alone to qualify for inclusion in the NWPS. Secretary Babbitt also conducted a supplemental

review in Utah under his authority in Section 202 of FLPMA and found over five million acres to qualify, two million more than the agency's original Section 603 assessment.

The State of Utah sued the Interior Department over that 1999 Utah Wilderness Inventory and Interior Secretary Gale Norton settled the suit by directing BLM to conduct no more wilderness inventories under Section 202. The settlement also repealed the Wilderness Study Areas established under Section 202 in the 1999 Utah Wilderness Inventory. This misguided policy must be reviewed closely and, we hope, superseded by a new directive, in order to reverse what effectively amounts to a "no more wilderness" policy for BLM.

U.S. Fish and Wildlife Service

In general, the national wildlife refuges have lines drawn around them and are fairly well protected with purposes specifying primary consideration as habitat for migratory waterfowl and other wildlife. However, we would hope the Secretary would conduct reviews of all pending wilderness recommendations with a goal of submitting them to the President as soon as practicable. Many of these recommendations have languished for years, if not purposely forgotten as development priorities were pursued. The Secretary should also consider directing the agency to conduct wilderness reviews and to make recommendations on any national wildlife refuges established after 1964. Wilderness is an exemplary tool for management of habitat in a manner which provides great benefits to waterfowl and other species.

National Parks

The nation's park system, guided by its 1916 organic act, is a model used by other countries from Canada to South Africa to fashion similar systems of protected

landscapes. The agency's dual mission of protecting and preserving the resource while allowing for the use and enjoyment sometimes engenders management conflicts. But on the whole, park status provides some of the strongest protection possible for America's public lands.

Similar to the national wildlife refuge system, strategic recommendations are fairly general. One of the most glaring needs for our national parks is to increase funding to rehabilitate the fairly universal aging infrastructure. This type of reconstruction and revitalization is emblematic of the goal espoused by the President-elect in creating green jobs.

It would also seem important to consider seriously, as with the U.S. Fish and Wildlife Service, directing that a review be conducted of all pending wilderness recommendations for the National Park System, so that an updated recommendation can be forwarded to the President for his submittal to Congress.

Alaska

Alaska encompasses conservations units of all three of the land management agencies within the Department of Interior and, as such, is therefore in a category of its own because of the spectacular caliber of its wild lands and wildlife and the incredible opportunity to do it right the first time. President Jimmy Carter made a monumental first step by championing and then signing into law the Alaska National Interest Lands Conservation Act in 1980, an accomplishment he considers to be one of the top three achievements of his presidency. With one stroke of a presidential pen, 104 million acres of general public domain became national parks or park additions, national wildlife refuges, national conservation areas, and national recreation areas. Over 56 million acres

of these new parks, refuges, and other conservation units were overlaid by wilderness designation, effectively doubling the size of the National Wilderness Preservation System at the time.

Because of its relatively undeveloped nature, Alaska is also a hotspot for conflicts over resource development. The most notable has raged for more than 20 years now, since the Reagan Administration issued its Section 1002 Report mandated by the Alaska Lands Act in which it was recommended that Congress permit an oil and gas leasing program on the coastal plain of the Arctic National Wildlife Refuge. Through almost three presidential administrations, the conservation community has tenaciously prevented authorization of oil and gas development on the coastal plain, but only through pitched defensive campaigns. President Clinton vetoed a 1994 omnibus appropriation bill for the entire government in part because the Gingrich-led Congress attached a rider that permitted drilling. Twice, members of the U.S. Senate have waged successful filibusters to keep oil drilling from occurring. We are inordinately pleased to note that Sen. Salazar is true to the vision encapsulated in the Alaska Lands Act with his cosponsorship of S. 39, the bill which would finally confer wilderness designation on the coastal plain of the Arctic Refuge, since his first year of his service in the U.S. Senate.

Now is the time to take decisive action to end this generation's battle royal over a place with incomparable and unquestioned natural grandeur that must be preserved for future generations. The Secretary should thoughtfully consider the efficacy now, under authority of the Antiquities Act of 1906, to recommend to the President issuance of a proclamation establishing a national monument for the coastal plain of the Arctic Refuge whose purpose it would be to protect in perpetuity its wilderness characteristics.

This recommendation is one deserving additional discussion because it is the only one the Campaign proposes that would meet with difficult but not insurmountable challenges. Yet, as part of a comprehensive approach to energy policy, to include increasing opportunities for production, greater emphasis on conservation and alternatives, new technologies to spur job growth in retooling consumptive industry such as automobile manufacturers, it is imperative to provide a balance by protecting places such as the Arctic Refuge. It is therefore necessary to act on this recommendation within the first year alongside President-elect Obama's broader energy proposals and programs. But most importantly, it will make this issue no longer an incessant battle to wage. It will enable the next generation to think we did have foresight not to permit the entire north slope of Alaska to become one gigantic oilfield with no consideration for saving a slice of what it once was, with free-roaming grizzlies and wolves, a migratory caribou herd crossing international boundaries, and dining habitat for imperiled polar bears.

Alaska has its own BLM conundrum as well. When Congress passed and President Nixon signed the Alaska Native Claims Settlement Act in 1971, a new chapter in the nation's relationship with Native Americans was opened. Regional and village corporations were established with Alaska Natives as the shareholders of these for-profit entities. As corporation assets, Congress decided to convey federal land, 44 million acres in total, to these corporations and to individual Alaska Natives as well, the latter in the form of allotments. In order to allow for selection of these corporate and allotment lands, in Section 17(d)(1) of ANSCA, Congress withdrew all unreserved federal lands from entry under the nation's mineral and leasing laws.

Scroll forward almost 40 years, and the Native corporate and allotment selections have been made and legally conveyed by the federal government. However, the (d)(1) withdrawals of unreserved federal land are still in effect. The Bureau of Land Management first submitted a report to Congress in June 2006 recommending legislative action to revoke 95 percent of the existing withdrawals. Congress has rightly demurred. To circumvent Congress and overturn this withdrawal, BLM in Alaska is now engaged in a planning process to formulate Resource Management Plans, which will administratively enable the Secretary of Interior to open all (d)(1) withdrawals to mineral development, coal leasing, and oil and gas development. Around 50 million acres is at stake.

We would hope the new Secretary would consider immediate suspension of BLM's Alaska RMP planning process to give time to conduct a complete evaluation of its purposes and needs.

Finally, it would benefit balanced management of BLM lands in Alaska if the new Secretary were to rescind an order issued March 12, 1981, by then-Secretary James Watt, in order to affirm secretarial authority, through the BLM, to conduct wilderness reviews and recommendations in Alaska under Sections 201 and 202 of the Federal Land Management Policy Act. Secretary Bruce Babbitt did reverse this order in the final days of the Clinton Administration, but that order was vacated by Secretary Gail Norton early in the Bush Administration and the Watt order put back into effect.

CONCLUSION

With these myriad issues facing the Interior Department, it is good that President-elect Barack Obama has tapped a person with the kind of experience, keen ability, and

demonstrated commitment to success as his nominee to lead the department. The only regret we have is that his presence on these issues in the Senate will be missed.