

**MARKOWSKY, MILLER, BABAUTA, AND  
JARVIS NOMINATIONS**

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

TO

CONSIDER THE NOMINATIONS OF JAMES J. MARKOWSKY, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), WARREN F. MILLER, JR., TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY) AND DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE, ANTHONY M. BABAUTA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR (INSULAR AREAS), AND JONATHAN B. JARVIS, TO BE THE DIRECTOR OF THE NATIONAL PARK SERVICE

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JULY 28, 2009



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## **MARKOWSKY, MILLER, BABAUTA, AND JARVIS NOMINATIONS**

**TUESDAY, JULY 28, 2009**

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

The committee met, pursuant to notice, at 10:03 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

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

The CHAIRMAN. Let me welcome everyone to the hearing. We have two things we're going to try to do this morning. If we are able to get a quorum of 12 Senators, we hope to report three pending nominations to the full Senate. Those are the nominations of: Wilma Lewis, to be the Assistant Secretary of Interior for Lands and Minerals Management; Richard G. Lewis, to be the Administrator of the Energy Information Administration; and Robert V. Abbey, to be the Director of Bureau of Land Management. So we will put that on hold until we get more Senators present.

The other purpose is to have a hearing to consider four additional nominees. These are: James J. Markowsky, who is to be the Assistant Secretary of Energy for Fossil Fuels; Warren F. Miller, to be an Assistant Secretary of Energy for Nuclear Energy and to be the Director of the Office of Civilian Radioactive Waste Management; Anthony Babauta, to be an Assistant Secretary of Interior for Insular Affairs; and Jonathan B. Jarvis to be the Director of the National Park Service.

Let me just go through a couple of points here. Let me note that the committee is aware of an allegation that was made against Mr. Jarvis related to the operation of an oyster farm in the Point Reyes National Seashore. The Department of Interior's Office of Inspector General has completed an inquiry into that allegation and has reported that it has found no evidence to support the allegation.

Without objection, I would put the Office of Inspector General's memorandum on that office's investigative findings in our record of today's hearing.

Let me defer to Senator Murkowski for any statement she has.

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

Senator MURKOWSKI. Thank you, Mr. Chairman. Hopefully, we will have enough members here to move through the three nominees as part of the business meeting.

I want to thank you for holding this hearing this morning for these nominees. I want to thank them for their willingness to serve. We're going to hear from two nominees for the Department of Energy that will be responsible for the two sources of energy that together provided 91 percent of our Nation's electricity last year, fossil fuels and nuclear.

As much as we all hope for the creation and expansion of other economic sources of energy, we must continue to invest in technologies that will allow the growth of these, our largest sources of domestically produced energy. I am pleased that the President has chosen to nominate two very qualified persons for these key positions, also pleased to see that the administration has decided to reinstate the position of Assistant Secretary of the Interior for Insular Affairs. This is an area I believe that is way too often overlooked or certainly forgotten in the functions of the Department. It needs representation at the Assistant Secretary level. I'm pleased that Delegate Bordallo is here this morning. I'm sure she will reaffirm that. I'm also glad to see that the President has selected a nominee that has a strong background and expertise in this area.

Certainly last but not least, the Director of the Park Service. This position has more impact on my State than any other State, as 65 percent of the lands controlled by the National Park Service are located within the State of Alaska. I'm pleased to note that Mr. Jarvis has spent a portion of his career in Alaska. I'm optimistic that he'll have a full understanding of the very unique opportunities and challenges the Park Service faces in my State. I look forward to discussing these issues as the nomination process continues.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Unfortunately, I have the absent myself in order to attend a meeting on health care which is going on at this point. I'm going to ask Senator Udall to take over as chair of the remainder of the hearing, and he will call on—let me go ahead and call on Senator Cantwell to do her introduction of Mr. Jarvis and then Delegate Bordallo to introduce Mr. Babauta.

**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR  
FROM WASHINGTON**

Senator CANTWELL. Thank you. Chairman Bingaman, Ranking Member Murkowski, Subcommittee Chairman Udall, and members of the committee: I'm honored to be here this morning to introduce President Obama's nomination to serve as the Director of the National Park Service, John Jarvis. It is a position that our late committee Chairman Senator Clinton Anderson of New Mexico once called "the greatest job in America."

I believe there are few souls as talented, enterprising, and experienced as John Jarvis to take the reins and move our park system into the next century. Mr. Chairman, our national park systems de-

pict what we are about as a Nation. They embody our values and our heritage. Our national park system is the envy of the world. At the same time, our park system faces a range of challenges from the impacts of climate change to billions in deferred maintenance to the imperative of creating partnerships to the mandate to welcome people of all ethnicities, backgrounds, and classes to the wonders of our natural places.

It is for all these reasons that John Jarvis is so eminently qualified. As a trained biologist, Mr. Jarvis moved up through the ranks of the Park Service from his first days as a park ranger on the National Mall during the 1976 Bicentennial. Mr. Jarvis's career includes a stint as the chief of natural and cultural resources at the North Cascades National Park in Washington State and as superintendent at Craters of the Moon National Monument in Idaho, Mount Rainier in my State, and at Wrangell-St. Elias National Park in Alaska.

Mr. Jarvis distinguished himself with the top ranks of superintendents nationwide by constant innovation, open dialog with various communities, and delivering results. One of those projects, the largest project in the Pacific West, the Elwha River Restoration Project, was a robust and complex plan to remove two hydroelectric dams and restore 70 miles of river to salmon runs with the Olympic National Park. Long delayed and over budget, Mr. Jarvis brought this project back into the national park system, assigned an entire new team, updated the cost, briefed Congressional appropriators, and sought and gained support of the National Park Service leadership, and got the project back on track.

Mr. Jarvis has been a tremendous Ambassador for our parks gateway programs, building relationships that are so essential to the park system. For example, at Craters of the Moon National Monument in Idaho Mr. Jarvis reached out extensively to rural communities on the Snake River plan and he helped reconnect the park to the community leaders who had been disenfranchised by the monument's establishment.

In his 7 years as the regional director of the Pacific West Region, the largest in the park system, Mr. Jarvis distinguished himself as a leader within the National Park Service. He was able to set a vision and guide the region as a whole while consistently managing the complex issues around the 58 units of the Park Pacific West Region. These include everything from forest fires, typhoons, volcano eruptions, floods, 54 million visitors, and certainly other unfortunate fatalities that sometimes come with fighting wildland fire recreation.

In 2004, he orchestrated a series of regional workshops on climate change, engaging top scientists in the field, and as the Pacific West Region he ordered that his 56 parks be carbon-neutral by 2016, when the agency celebrates its centennial. For the second year running, the region purchased enough photovoltaic systems to offset the region offices for travel and parks and produced 700,000 kilowatts of green power, enough to operate the 18 small park systems for a year.

Mr. Jarvis has developed a longstanding trust relationship with Native Americans. He recently facilitated the first comprehensive

agreement between eight tribes affiliated with the Olympic National Park.

Mr. Chairman, our Nation is fortunate to have such a qualified nominee to lead the Park Service as Mr. John Jarvis. His experience and vision are perfectly aligned with the charge that we have moving forward, to take our park system into this next century.

Senator UDALL [presiding]. Thank you, Senator Cantwell.

Next, I'm pleased to be able to acknowledge and call on Delegate Bordallo. Nice to see you. I can't think of a more effective advocate for Guam, and I know that I have made a commitment to you to travel to Guam and we will make that happen.

Delegate Bordallo.

**STATEMENT OF HON. MADELEINE Z. BORDALLO, DELEGATE  
FROM GUAM, U.S HOUSE OF REPRESENTATIVES**

Ms. BORDALLO. Good morning and hafa adai. Mr. Chairman Udall, it is good to see you again, and I am remembering your promise to visit our Territory.

Senator Murkowski and distinguished Senators of the committee: It is indeed a privilege to appear before you today on behalf of our community on Guam and to share with you a few words of support for Tony Babauta, a native son of Guam who has been nominated by President Obama as an Assistant Secretary of the Interior for Insular Affairs.

Today is a very proud day for our community. I am joined here at this confirmation hearing by many from Guam. I want to recognize in particular Senator Tina Muna-Barnes and Senator Frank Blas, Jr. I request, Mr. Chairman, that the resolution of support from the 30th Guam Legislature be included in the record.\*

Senator UDALL. Without objection.

Ms. BORDALLO. I commend President Obama for elevating this position to an Assistant Secretary. Tony is the most capable person to fill this elevated position. Tony grew up on Guam and the mainland. He is the son of Antonio and Mary Babauta of Agat. His father served many years in the United States Navy and is now retired. Tony also carries with him to proud traditions of the Chamorro culture.

I have known Tony for more than 20 years. Our association first began when he worked for me when I served as a senator in the 20th Guam Legislature. Tony has many years of service on the professional staff of the Guam Legislature, and during his service at the Guam Legislature Tony earned the respect of senators in both parties.

He subsequently went on to work here in the Nation's capital as a legislative assistant to my predecessor, Congressman Robert Underwood. Ten years ago Tony was appointed to serve on the professional staff of the House Committee on Natural Resources by then-Ranking Member George Miller. Chairman Nick Rahall increased Tony's responsibilities and in the 110th Congress he was appointed as staff director for the Subcommittee on Insular Affairs. During this time, Mr. Chairman and members of the committee, he has assisted in legislative matters pertaining to the insular areas.

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\*Document has been retained in committee files.



Tony has a wealth of experience and the knowledge of policy to help the Obama Administration with their work in the territories and the freely associated states. Tony has shown us he is more than capable in fulfilling the interests of the country in handling these issues for the administration, and I know that he will work well with Secretary Salazar.

So on behalf of the people of Guam, I urge you to favorably report the nomination of Tony Babauta to full Senate with the recommendation that he has been confirmed without hesitation.

Last, Mr. Chairman and members of the committee, today here with him are his lovely wife Barb and their daughter Gabriella.

As we say on Guam, si yu'us maase, meaning thank you for having me appear here today.

Senator UDALL. Thank you, Delegate Bordallo.

If the nominees would come forward, we'll proceed to an opportunity to hear from each of you.

The rules of the committee, which apply to all nominees, require that you be sworn in connection with your testimony. So if you would each stand and raise your right hand, I'll administer the oath.

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

Mr. MARKOWSKY. I do.

Mr. MILLER. I do.

Mr. BABAUTA. I do.

Mr. JARVIS. I do.

Senator UDALL. Thank you. You may be seated.

Before we begin with the statements, I want to ask three questions for each of you. You can respond together. The first question is: Will you be available to appear before this committee and other congressional committees to represent departmental positions and respond to issues of concern to the Congress?

Mr. MARKOWSKY. I will.

Mr. MILLER. I will.

Mr. BABAUTA. I will.

Mr. JARVIS. I will.

Senator UDALL. Are you aware of any personal holdings, investments, or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you've been nominated by the President?

We'll go starting here to my left with Mr. Markowsky and move across, because I know this is a little longer statement.

Mr. MARKOWSKY. All my personal assets have been reviewed by both myself and the appropriate ethics counselors within the Federal Government and I have taken appropriate action to avoid any conflict of interest.

Senator UDALL. Mr. Miller.

Mr. MILLER. All my personal assets have been reviewed both by myself and by appropriate ethics counselors within the Federal Government and I have taken appropriate action to avoid any conflict of interest.

Senator UDALL. Mr. Babauta.

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

Senator UDALL. Thank you.

Mr. JARVIS.

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

Senator UDALL. Finally, are you involved or do you have any assets held in a blind trust? I'll move across.

Mr. MARKOWSKY. No.

Mr. MILLER. No.

Mr. BABAUTA. No.

Mr. JARVIS. No.

Senator UDALL. Thank you.

Now we'll turn to the opening statements of each one of you. As you begin, please feel free to introduce any family members that are here and then, Mr. Markowsky, you could move to your opening statement.

**STATEMENT OF JAMES J. MARKOWSKY, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR FOSSIL FUELS**

Mr. MARKOWSKY. Chairman Udall and Ranking Member Murkowski and distinguished members of the committee: It is a great honor and privilege to appear before you today as President Obama's nominee for Assistant Secretary of Fossil Energy. I thank Senator Chu and President Obama for their support and confidence in recommending and nominating me. I also thank the committee for considering my nomination.

I would like to introduce my wife of 35 years and my daughter Lynn Berry, who are here with me today.

In 1948 my parents, who fled the Ukraine 4 years earlier, emigrated from occupied Germany to the United States. They would have never dreamed that their son would one day be nominated by the President of the United States to serve this great country. I am proud to be a naturalized citizen of the United States of America and humbled by the honor of being here today.

If confirmed, I have the rare opportunity and special responsibility to oversee vital components of our Nation's energy mix at a time in our Nation's history. I believe my technical background and experience have helped equip me to tackle the challenges facing fossil energy today, particularly the challenges facing coal. Our own country and indeed much of the world will continue to rely on coal as a primary energy source for many years. Our challenge is to ensure that this reliance is both economic and environmentally sustainable. Therefore we must push aggressively with a full commitment of resources to develop, demonstrate, and deploy those advanced combustion and emission control technologies and capture technologies that will sustain our environment and support our economy.

After receiving my Ph.D. in mechanical engineering from Cornell in 1971, I joined American Electric Power Service Corporation. For the next 29 years, I was fully involved in all aspects of conventional and advanced coal-fired power generation.

Starting in the mid-1970s, I was named program manager for AEP's pressurized fluidized bed combustion program, which resulted in the construction and successful operation of a 70 megawatt PFBC demonstration plant. This facility was partially funded by the Department of Energy and Ohio State's Coal Development Office.

As senior vice president and chief engineer at AEP in the early 1990s, I directed engineering organizations which were directly involved in the engineering and design for the conversion of the 800 megawatt Zimmer nuclear power plant to a 1300 megawatt coal-fired facility.

From 1993 until my retirement in 2000, I served as executive vice president. My responsibilities included providing overall administrative, operational, and technical direction for key areas within the AEP System's coal-fired and hydropowered generation systems. These areas included fuel procurement and transportation, coal mining, facility planning, licensing, and environmental compliance, and the engineering, design, construction, maintenance and the integrated operation of the fossil and hydro fleet. The power generation group was comprised of approximately 5,000 employees and was responsible for 21,000 megawatts of coal-fired generation and 800 megawatts of hydroelectric power generation.

Since 2000, I have participated in advancing two startup companies, one involved in developing a computer-based procurement platform for large electrical power components and the other a biodiesel company. From 2004 to 2005, I was the president of Research and Development Solutions, LLC. RDC LLC is a joint venture between EG&G, Parsons, and Science Applications International Corporation that provides research and development support services to DOE's National Energy Technology Laboratory in Morgantown, West Virginia, and Pittsburgh, Pennsylvania.

More recently, I have been involved in the National Research Council's Committee on America's Energy Future, where I chaired the electrical transmission and distribution subgroup.

My entire career has been in the energy area, engineering, designing, and building facilities and-or evaluating the technical, environmental, and economic feasibility of fossil energy facilities. If I am confirmed, I look forward to bringing these experiences with me to the Department of Energy to apply a lifetime of knowledge and achievement to addressing the ultimate challenge of my career, to make fossil fuels and especially our Nation's abundant coal resources as environmentally sustainable as they are economically competitive.

Mr. Chairman, members of this committee, I thank you for this hearing and I pledge to you, if confirmed as Assistant Secretary for Fossil Energy, I will work closely with you and others in Congress to use this rare opportunity I will have to contribute to a healthier, more competitive, and more secure America. I thank you and I look forward to answering your questions.

[The prepared statement of Mr. Markowsky follows:]

PREPARED STATEMENT OF JAMES J. MARKOWSKY, NOMINEE TO BE ASSISTANT  
SECRETARY OF ENERGY FOR FOSSIL FUELS

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

I thank Secretary Chu and President Obama for their support and confidence in recommending and nominating me. I also thank the Committee for considering my nomination. I would like to introduce my wife of 35 years, Carolyn, and my daughter, Lynn Berry, who are here with me today.

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Mr. Chairman, members of this committee, I thank you for this hearing and I pledge to you, if confirmed as Assistant Secretary for Fossil Energy, I will work closely with you and others in the Congress to use this rare opportunity I will have

to contribute to a healthier, more competitive, more energy secure America. Thank you, and I look forward to answering your questions.

Senator UDALL. Thank you, Dr. Markowsky.  
Mr. Miller.

**STATEMENT OF WARREN F. MILLER, JR., NOMINEE TO BE AN ASSISTANT SECRETARY OF ENERGY FOR NUCLEAR ENERGY AND DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT**

Mr. MILLER. Thank you, Mr. Chairman. Joining me today is my brother of 64 years, Deacon Arthur Miller, and his wife, my sister-in-law of 37 years, Sandra Miller. They both work full-time for the Catholic Archdiocese of Hartford.

Chairman Udall, Ranking Member Murkowski, and distinguished members of the committee: It is an honor and a privilege to appear before you today as President Obama's nominee for Assistant Secretary for Nuclear Energy and Director of the Office of Civilian Radioactive Waste Management.

I first wish to thank President Obama for asking me to join his administration in these capacities and Secretary Chu for his confidence in my appointment.

If confirmed, I look forward to working with this committee and the Department of Energy leadership team that the Secretary has assembled to advance the President's plans to secure our energy future and reduce our greenhouse gas emissions. I'm especially looking forward to working directly and closely with Under Secretary Johnson in achieving these goals.

I also want to note that I'm a resident of the great State of New Mexico. It is a point of home State pride for me to testify before the committee that Senator Bingaman chairs.

My personal journey to this nomination and to this hearing room today is a culmination of a lifetime of dedication to public service. I come from a humble background on the South Side of Chicago, where my parents instilled in me strong faith and demanded excellence in character and effort. Although they are no longer with us, I feel their spirits in this room, filled with love and support. That love and support of my parents, as well as my brothers, sisters, and extended family, sustained me as I left Chicago to attend the United States Military Academy at West Point.

Upon graduation, I served in the United States Army for 5 years in various positions of service, including a tour in Vietnam during the war. After returning from Vietnam, I left the military in 1969 and attended Northwestern University, where I earned a Ph.D. in nuclear engineering.

The sense of duty instilled in me by my parents at West Point and during my military service was important in my decision to dedicate my career to work at Los Alamos National Laboratory, one of this country's great research institutions dedicated to serving the Nation. At Los Alamos I worked as a research engineer and held various management posts, including deputy laboratory director for science in technology. Since retiring from Los Alamos, I've served on the faculty at Texas A&M University.

I believe this mix of professional experience has prepared me well to take on the nuclear energy and waste management port-

folios at the Department. I am eager to return to public service, for the opportunity to help address some of the great challenges of our times.

More specifically, I am motivated by the strong belief that nuclear power must play a significant role in our energy mix going forward. I know that Secretary Chu shares this belief and I am confident that I will have his strong support should I be confirmed.

Simply put, nuclear energy is today and must continue to be an important part of our clean energy strategy. Today we have 104 commercial nuclear power plants operating in the United States economically and safely, providing about 20 percent of our Nation's electricity and over 70 percent of our low carbon electricity.

A new generation of reactors is now poised to be deployed, with the Nuclear Regulatory Commission considering 26 license applications. I believe these applications represent the leading edge of a wave of new nuclear power plants that will be deployed in the coming decades to address electricity needs as well as process heat for industrial applications.

As we prepare to restart the nuclear industry in the United States, I think it is critical to take an integrated approach that considers the entire nuclear fuel cycle. It is for that reason I am excited about the opportunity to serve as both the Assistant Secretary for Nuclear Energy as well as the Director of the Office of Civilian Radioactive Waste Management.

Again, if confirmed I will work to forge an integrated approach to nuclear power. Much of my attention will be directed to helping deploy a new fleet of reactors quickly, economically, and safely, generating much-needed carbon-free electricity. At the same time, I will be working to help the Secretary develop new approaches and strategies for managing spent nuclear fuel and high-level waste.

I understand that Secretary Chu remains committed to meeting the Department's obligations for managing and ultimately disposing of spent nuclear fuel and high-level radioactive wastes. He has announced that he will convene a blue ribbon panel of experts to evaluate alternative approaches for meeting these obligations. The panel will provide the opportunity for a meaningful discussion on how best to address this challenging issue and will provide recommendations that will form the basis for working with Congress to revise the statutory framework for managing and disposing of spent nuclear fuel and high-level radioactive waste.

If confirmed, one of my highest priorities will be to tackle this critical set of issues in a way that is integrated with the Department's programs to support and promote new nuclear power.

I am also aware of the many other important programs for which I will be responsible if confirmed. These range from conducting research, development, and deployment programs for novel new reactor designs to providing plutonium 238 heat sources to NASA for space missions. I stand ready to move these programs forward.

In summary, I am honored to appear before you today as a nominee. I am eager to take on the vital challenges of moving nuclear power forward in the United States.

I will be happy to take your questions. Thank you.  
[The prepared statement of Mr. Miller follows:]

PREPARED STATEMENT OF WARREN F. MILLER, JR., NOMINEE TO BE AN ASSISTANT  
SECRETARY OF ENERGY FOR NUCLEAR ENERGY AND DIRECTOR OF THE OFFICE OF  
CIVILIAN RADIOACTIVE WASTE MANAGEMENT

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I also want to note that I am currently a resident of the great state of New Mexico. It is a point of home-state pride for me to testify before Chairman Bingaman today.

My personal journey to this nomination and to this hearing room today is the culmination of a lifetime of dedication to public service.

I come from a humble background on the South Side of Chicago, where my parents instilled in me a strong faith and demanded excellence in character and effort. Although they are no longer with us, I feel their spirits in this room, filled with love and support.

That love and support of my parents, as well as my brothers, sisters and extended family, sustained me as I left Chicago to attend the United States Military Academy at West Point. Upon graduation I served in the United States Army for five years in various positions of service, including a tour in Viet Nam during the war.

After returning from Viet Nam, I left the military in 1969 and attended Northwestern University, where I earned a PhD in Nuclear Engineering.

The sense of duty instilled in me by my parents, at West Point, and during my military service was important in my decision to dedicate my career to work at Los Alamos National Laboratory, one of the nation's great research institutions dedicated to serving the country. At Los Alamos, I worked as a research engineer and held various management posts, including Deputy Laboratory Director for Science and Technology. Since retiring from Los Alamos, I have served on the faculty at Texas A&M University.

I believe that this mix of professional experiences has prepared me well to take on the nuclear energy and waste management portfolios at the Department. I am eager to return to public service for the opportunity to help address some of the great challenges of our times. More specifically, I am motivated by the strong belief that nuclear power must play a significant role in our energy mix going forward. I know that Secretary Chu shares this belief, and I am confident that I will have his strong support should I be confirmed.

Simply put, nuclear energy is today—and must continue to be—an important part of our clean energy strategy. Today we have 104 commercial nuclear power plants operating in the United States economically and safely, providing about 20% of our nation's electricity and 70% of our low-carbon electricity. A new generation of reactors is now poised to be deployed, with the Nuclear Regulatory Commission considering 26 license applications. I believe these applications represent the leading edge of a wave of new nuclear power plants that will be deployed in the coming decades to address electricity needs as well as process heat for industrial applications.

As we prepare to restart the nuclear industry in the United States, I think it is critical to take an integrated approach that considers the entire nuclear fuel cycle. It is for that reason that I am excited about the opportunity to serve as both the Assistant Secretary for Nuclear Energy and as the Director of the Office of Civilian Radioactive Waste Management.

If confirmed, I will work to forge an integrated approach to nuclear power. Much of my attention will be directed to helping deploy a new fleet of reactors quickly, economically and safely, generating much-needed carbon-free electricity. At the same time, I will be working to help the Secretary develop new approaches and strategies for managing spent nuclear fuel and high level waste.

I understand that Secretary Chu remains committed to meeting the Department's obligations for managing and ultimately disposing of spent nuclear fuel and high-level radioactive waste. He has announced that he will convene a "blue ribbon" panel of experts to evaluate alternative approaches for meeting these obligations. The panel will provide the opportunity for a meaningful discussion on how best to address this challenging issue and will provide recommendations that will form the

basis for working with Congress to revise the statutory framework for managing and disposing of spent nuclear fuel and high-level radioactive waste. If confirmed, one of my highest priorities will be to tackle this critical set of issues in a way that is integrated with the Department's programs to support and promote new nuclear power.

I am also aware of the many other important programs for which I will be responsible, if confirmed. These range from conducting research, development and deployment programs for novel, new reactor designs, to providing Pu 238 heat sources to NASA for space missions. I stand ready to move these programs forward.

In summary, I am honored to appear before you today as a nominee. I am eager to take on the vital challenges of moving nuclear power in the United States forward.

Senator UDALL. Thank you, Dr. Miller.

Before I turn to Mr. Babauta, I wanted to acknowledge that we've been joined by the Congresswoman from the United States Virgin Islands, Ms. Christensen.

Mr. Babauta, you were introduced by the woman who represents the most western point of the United States and the woman who represents the most eastern point of the United States has joined us in Delegate Christensen. I served with her in the House, as I did Delegate Bordallo. They're both very, very effective advocates for these important areas of the United States.

**STATEMENT OF ANTHONY M. BABAUTA, NOMINEE TO BE AN ASSISTANT SECRETARY OF THE INTERIOR FOR INSULAR AFFAIRS**

Mr. BABAUTA. Thank you very much, Mr. Chairman, Senator Murkowski, and members of the committee. It is truly an honor and a privilege to be here today as President Obama's nominee for Assistant Secretary of the Interior for Insular Areas. The reestablishment of this position by the President and Interior Secretary Salazar after more than 15 years of absence has signaled recommitment and recognition of our fellow Americans outside the lower 48, Alaska, and Hawaii.

I come before this committee much obliged, humbled, and most keenly aware of the unique responsibility that this position entails. Before going any further, I would like to thank my family with me this morning, especially my wife Barbara and my daughter Gabriella, close friends, colleagues, and Members of Congress, all of whom in various indelible ways have made my being here possible.

Since the birth of my daughter Gabriella, who is now 6 and was born with some physical disabilities, I have been instilling in her one message, which I would like to make part of the record: Sweetheart, sweetheart, you can do and be anything you want if you study earnestly, work hard, and stay focused. I believe 1 day she will better appreciate such guidance, as well as this historic moment for our family and for all island communities.

My entry into public service is no mere coincidence. I am a Guam native, a Chamorro, born on the island, and a son of Agat. My father's United States military service necessitated our family relocating from Guam at an early age to live in various parts of the country. My mother, having given up her own professional Federal career to raise me and my two sisters, volunteered her time to schools and organizations in each community we resided. Dad's military service and mom's voluntarism bestowed upon me at a



very early age a desire, a firm determination, to serve this country and my community.

We moved back to Guam as I entered high school and upon graduating from Father Duenas Memorial I left home to attend college at Gonzaga University in Spokane, Washington. While attending college I became involved in the island's local government by working for its legislature. Some of my early mentors were Belle Arriola, former Governor Ricky Bordallo and his wife and current Guam Delegate Madeleine Bordallo, as were numerous others dedicated to serving and representing Guam.

11 years ago, I left the island once more to work on Capitol Hill. I began as a legislative assistant for another mentor of mine, Robert Underwood. A year later I was asked to join the Democratic staff of the House Resources Committee, which is where, under Ranking Member George Miller and current Chairman Nick Rahall, I developed a deeper understanding of insular issues and the legislative process, first as a professional staffer and eventually as the staff director of the Subcommittee on Insular Affairs.

During my tenure I worked directly on legislation renewing the Compacts of Free Association with the Marshall Islands and Micronesia, creating a nonvoting delegate for the Northern Mariana Islands, authorizing the Guam War Claims Review Commission, providing a self-determination process to Puerto Rico, and empowering the Virgin Islands government control over its local tax structure.

I believe that my upbringing, career experiences, and genuine commitment to the insular areas afford me the requisite credentials to serve as Assistant Secretary. To the table I bring a forward-thinking approach, cognizant of the often practical, cultural, social, and economic challenges our insular areas and their leaders face. In addition, I have earned respect among colleagues I have worked with on the Hill and with island leaders throughout the Pacific and the Caribbean. I believe all are aware that I am collaborative, firm, thoughtful, and realistic in my approach to issues.

If confirmed, my vision is one that will be hands-on, one where priorities will be established early and our ability to confront multidimensional challenges is enhanced and cultivated daily.

If confirmed as Assistant Secretary, my commitment is to work toward improving the quality of life in the insular areas by providing the necessary leadership and insisting on measurable results. I believe in forging a new beginning for the islands, moving forward and rejecting the one-size-fits-all approach. I believe we must embrace an approach that contains real measures for policy success.

For more than a century under the American flag, the United States insular areas have grappled with issues from working to protect their indigenous cultures and languages to tackling Federal policies that impact and oftentimes hinder their economic, social, and political development. Coupled with this unique relationship between the United States and her territories lies an endemic duty to ensure and effectuate policies that are mindful foremost of insular needs and the challenges that encumber such developments.

Throughout our country's periods of peace and war, United States territories along with our relationships with other affiliated Pacific Islands have been integral to both the security and growth

of our democracy. We have a responsibility to foster sustainable development, providing a path for energy independence, improving infrastructure, responding to economic challenges, and promoting self-government.

I am confident that with the right leadership in place at the Department of the Interior, our commitment to cooperation and genuine concern for the islands and the peoples' welfares will be fortified. The tasks before us are certainly vast, but never impossible. If we come together and solidify our commitment and maximize our effectiveness, we will and we can move forward to improve the life on our islands.

If confirmed, I look forward to working with this committee to address all these challenges. Thank you very much, Mr. Chairman.  
[The prepared statement of Mr. Babauta follows:]

PREPARED STATEMENT OF ANTHONY M. BABAUTA, NOMINEE TO BE AN ASSISTANT  
SECRETARY OF THE INTERIOR FOR INSULAR AFFAIRS

Thank you, Mr. Chairman, Senator Murkowski, and Members of the Committee. It is truly an honor and a privilege to be here today as President Obama and Secretary Salazar's nominee for Assistant Secretary of the Interior for Insular Areas at the Department of the Interior. The re-establishment of this position by the President and Secretary Salazar, after more than fifteen years of absence, has signaled re-commitment and recognition of our fellow Americans outside the lower forty-eight, Alaska, and Hawaii. I come before this Committee much obliged, humbled and most keenly aware of the unique responsibility that this position entails.

Before going any further, I would like to thank my family, especially my wife Barbara, close friends, colleagues and Members of Congress—all of whom, in various indelible ways, have made my being here possible. Since the birth of my daughter, Gabriella, who is now six and was born with some physical disabilities, I have been instilling in her one message which I would like to make a part of the record—Sweetheart you can do and be anything you want if you study earnestly, work hard, and stay focused. I believe one day she will better appreciate such guidance as well as this historic moment for our family and for all island communities.

My entry into public service is no mere coincidence or happenstance. I am a Guam native, a Chamorro—born on the island and a son of Agat. My father's U.S. military service necessitated our family relocating from Guam at an early age to live in various parts of the country. My mother, having given up her own professional federal career to raise me and my two sisters, volunteered her time to schools and organizations in each community we resided. Dad's military service and Mom's volunteerism bestowed upon me, at a very early age—a desire and a firm determination to serve this country and my community.

We moved back to Guam as I entered high school and upon graduating from Father Duenas Memorial I left home to attend college at Gonzaga University. While attending college I became involved in the island's local government by working for its legislature. Some of my early mentors were Belle Arriola, former Governor Ricky Bordallo and his wife and current Guam Delegate Madeleine Bordallo—as were numerous others dedicated to serving and representing Guam.

Eleven years ago, I left the island once more to work on Capitol Hill. I began as a legislative assistant for another mentor of mine, Robert Underwood. After a year and some with Mr. Underwood, I was asked to join the Democratic staff of the House Resources Committee—which is where, under Ranking Member George Miller, and current Chairman Nick Rahall, I developed a deeper understanding of insular issues and the legislative process first as professional staff and eventually as the staff director of the Subcommittee on Insular Affairs, Oceans, and Wildlife. During my tenure, I worked directly on legislation renewing the Compact of Free Association with the Marshall Islands and Micronesia, creating a non-voting delegate seat for the Northern Mariana Islands, authorizing the Guam War Claims Review Commission, providing a self-determination process to Puerto Rico, and empowering the VI government control over its local tax structure.

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and with island leaders throughout the Pacific and the Caribbean. I believe all are aware I am collaborative, firm, thoughtful, and realistic in my approach to issues. If confirmed, my vision is one that will be hands-on, one where priorities will be established early and our ability to confront multi-dimensional challenges is enhanced and cultivated daily.

If confirmed as Assistant Secretary, my commitment is to work toward improving the quality of life in the insular areas by providing the necessary leadership and insisting on measurable results. I believe in forging a new beginning for the islands. I believe that if we intend to move forward, we must reject the one-size-fits-all approach. I believe we must embrace an approach that contains real measures for policy success.

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Throughout our country's periods of peace and war, U.S. territories, along with our relationships with other affiliated Pacific Islands, have been integral to both the security and growth of our democracy. We have a responsibility to foster sustainable development; providing a path for energy independence, improving infrastructure, responding to economic challenges, and promoting self government.

I am confident that with the right leadership in place at the Department of the Interior, our commitment to cooperation and genuine concern for the islands and the peoples' welfare will be fortified. The tasks before us are certainly vast but never impossible. If we come together, solidify our commitment and maximize our effectiveness, we will and can move forward to improve life on our islands. If confirmed, I look forward to working with this Committee to address these challenges.

Senator UDALL. Thank you, Mr. Babauta.  
Mr. Jarvis.

**STATEMENT OF JONATHAN B. JARVIS, NOMINEE TO BE  
DIRECTOR OF THE NATIONAL PARK SERVICE**

Mr. JARVIS. Thank you. Good morning. I am accompanied this morning by my wife Paula, who has moved nine times in the national parks and raised our kids in the national park system, and my brother Destry.

Thank you, Mr. Chairman, Senator Murkowski, members of the committee. I am truly honored that President Obama and Secretary Salazar have demonstrated their confidence in me by nominating me to lead the National Park Service. If confirmed, I pledge to you to work closely with the Secretary, Members of Congress, our many partners, and with the public in particular in the stewardship and enjoyment of our national parks.

My father was in the Civilian Conservation Corps during the Depression and connected deeply with the forests and streams of this Nation, and he instilled that passion in me and my brother. We were raised in the Shenandoah Valley backed up against national forest land, where we hunted, fished, and roamed.

I graduated from college in 1975 with a degree in biology and immediately took a trip across this country, camping in many of our national parks. In 1976 I was hired to staff the Bicentennial Information Center here in Washington, helping millions who came to celebrate their Nation's birthday. I spent the following winter with President Jefferson in his memorial, where I absorbed excerpts on the wall from the Declaration of Independence: "We hold these truths to be self-evident: that all men are created equal; that they

are endowed by their creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness.”

From then until now, the moment that I sit before this committee, I have devoted a career to the national park system, which I believe embodies these principles.

The cultural parks of our country are places where civic engagements have shaped who we are as a people, Selma to Montgomery, Brown versus Board of Education, Manzanar, the Statue of Liberty, Flight 93. These are parks where we learn not only of the people who left their marks on our future, but through this intimate contact we learn how to take the next generation to a higher and better place.

The natural parks of this country, in addition to their intrinsic beauty, stand as testimony to this Nation’s willingness to impose self-restraint. For example, President Abraham Lincoln set aside Yosemite during our Civil War.

The national park system is a collective expression of who we are as a people. They’re an aggregate of what we Americans value most about ourselves. They deliver messages to future generations about the foundation experiences that have made America a symbol for the rest of the world. Of course, our great parks are places we pursue happiness as a respite from a fast-paced world.

In my first 26 years with the national park system, I was an interpretive ranger, a protection ranger, a biologist, and a superintendent in 7 parks in 7 States. For the last 7 years, I have served as the regional director for 58 units of the national park system in Washington, Oregon, Idaho, California, Nevada, Hawaii, Guam, Saipan, and American Samoa. If confirmed, I will be the first director to have served in bush Alaska.

In each place, I have always worked hard to become a contributing member of the community and encouraged my staff to do the same. As regional director, I set high standards for the parks to achieve environmental and financial sustainability. We instituted programs to connect urban youth of Los Angeles to the parks. We learned that we can attract the public to parks for their health benefits. We facilitated good science and began to interpret the changes we could link to climate change. We worked with gateway communities so that they could achieve both preservation and economic goals.

Throughout my lifelong connection to national parks, a constant source of inspiration has been the extraordinary employees of the National Park Service as well. They’ve formed my second family among the many paths of my career. I am proud to be one of them.

Wallace Stegner said: “National parks are the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst.” Never in its 200 years has this Nation needed the national park system more. It stands as a collective memory of where we have been, what sacrifices we have made to get here, and who we mean to be. By investing in the preservation, interpretation, restoration of these symbolic places, we offer hope and optimism to each generation of Americans.

If confirmed, my pledge to you and to the American people is that I will bring all my energies to be the very best steward of America’s best places and America’s best idea. Thank you.

[The prepared statement of Mr. Jarvis follows:]

PREPARED STATEMENT OF JONATHAN B. JARVIS, NOMINEE TO BE DIRECTOR OF THE  
NATIONAL PARK SERVICE

Thank you, Mr. Chairman, Senator Murkowski, and Members of this Committee. I am truly honored that President Obama and Secretary Salazar have demonstrated their confidence in me by nominating me to lead the National Park Service (NPS). If confirmed, I pledge to work closely with the Secretary, with Members of Congress, with our many partners, and with the public, in the stewardship and enjoyment of our national parks.

My father was in the Civilian Conservation Corps during the depression and he, like so many other young men of the time, connected deeply with the forests and streams of this great nation and instilled that passion in me and my brother as kids. We were raised in the Shenandoah Valley of Virginia, backed up against national forest land where we hunted, fished and roamed. I knew from that time I wanted to pursue a career related to the protection and enjoyment of the outdoors. I graduated from the College of William and Mary in 1975 with a degree in Biology and immediately took a road trip across the country, camping in many of our great national parks, like Yellowstone, Glacier, and Olympic. From that trip forward, I was hooked on the National parks.

In 1976, I was hired by the NPS to staff the Bicentennial Information Center here in Washington, helping to host the millions who came to celebrate their nation's birthday. I spent the following winter with President Jefferson in his Memorial. Often alone there for hours, with the wind howling across the Tidal Basin, I absorbed his writings inscribed on the wall including excerpts from the Declaration of Independence:

We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness,

From that time to this moment that I sit before this Committee, I have devoted a career to the National Park System which I believe embodies these principles:

The cultural parks of our country are the places where civic engagements, often confrontational, occasionally bloody, have shaped who we are as a people: Selma to Montgomery, Brown versus Board of Education, Manzanar Japanese Internment Camp, the Statue of Liberty, and Flight 93. These are parks where we learn not only of the people who left their marks on our future, but through this intimate contact, we learn how to take the next generation to a higher and better place.

The natural parks of our country, in addition to their intrinsic beauty, stand as testimony to this nation's willingness to impose self restraint. For example, President Abraham Lincoln set aside Yosemite during our civil war because perhaps he knew our country would need such places for healing.

The 391 units of the National Park System are a collective expression of who we are as a people, where our values were forged in the hottest fires. They are an aggregate of what we Americans value most about ourselves. They also deliver messages to future generations about the foundation experiences that have made America a symbol for the rest of the world. And of course our great parks are places we pursue happiness, as a respite from a fast paced and congested world. In my thirty-three years with the NPS, I have met thousands of visitors on the trail. They smile, they offer greetings, and most are not looking at their Blackberries.

I have served as a field park ranger in the most classic sense: delivering interpretive talks, working the information desk, conducting search and rescues, riding horse patrol, and ski patrol. I have fought fires, trapped bears, forded glacial rivers, rappelled off cliffs, made arrests, and helped thousands of visitors have a great experience in their parks. In my first 26 years of service in the NPS, I was an interpretive ranger, a protection ranger, a biologist and Superintendent in seven parks in seven states. For the last seven, I have served as the Regional Director for 54 national park units in Washington, Oregon, Idaho, California, Nevada, Hawaii, and the Pacific Islands of Guam, Saipan and American Samoa. My wife and I have moved nine times and lived in rural west Texas, the Snake River Plain of Idaho and if confirmed, I will be the first Director to have ever served in bush Alaska. In each place, I have always worked hard to become a contributing member of the local community and have encouraged my staff to do the same. Gateway communities and parks have an important relationship that needs to be grown through mutual respect and cooperation, particularly when tourism is an essential part of the economy.

I do not need to tell you of the challenges before us: the economy, climate change, connecting urban kids to nature, the concerns over obesity, and a concern about a

loss of cultural literacy. I believe that the National Park Service has a role and a responsibility in each of these. As Regional Director in the Pacific West, I set high standards for the parks to achieve environmental and financial sustainability. We instituted programs to reach out and connect to the urban youth of the Los Angeles basin and the central valley of California. We studied and learned that we can attract the public to the parks for their health benefits and have pioneered cooperative efforts with partners in the health and fitness community. We facilitated good science and began to interpret the changes we could link to climate change. And we worked through our community assistance programs to help gateway communities to achieve both preservation and economic goals. In each case, the extraordinary employees of the National Park System responded to these goals with energy and enthusiasm.

Throughout my life long connection to national parks, a constant source of inspiration has always been the extraordinary employees of the National Park Service. They formed my second family along many paths of my career. It is with all of them in mind that I find the personal confidence to take on the daunting task of leading the agency in these very challenging and complex times. The employees of the National Park Service do great work every day across the nation, whether preserving places, cultures, flora, fauna and vast natural ecosystems or giving flight to the imaginations of millions of park visitors exploring a given park. At times the men and women of the National Park Service are asked to do difficult, dangerous and nearly impossible work. I am proud to be one of them.

Wallace Stegner said: National parks are the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst."

Never in its 200 years has this nation needed the National Park System more. It stands as a collective memory of where we have been, what sacrifices we have made to get here and who we mean to be. By investing in the preservation, interpretation and restoration of these symbolic places, we offer hope and optimism to the each generation of Americans. If confirmed, my pledge to you and to the American people is that I will bring all my energies to be the very best steward of America's best places and America's best idea. Thank you.

Senator UDALL. Thank you, Mr. Jarvis.

Thanks to the panel for your substantive and informative testimony.

Let me turn immediately to Senator Shaheen. I know she has a conflict, and then I'll turn to Senator Murkowski for questions and comments.

Senator Shaheen.

Senator SHAHEEN. Thank you very much, Mr. Chairman. Thank you to you and the ranking member for giving me this opportunity to go first.

I want to congratulate all of our nominees this morning. But I really asked if I could have the opportunity to speak because I'm very concerned about an issue affecting the National Park Service, and it's important enough for me to request the opportunity to raise it directly with you, Mr. Jarvis. My guess is you probably have a suspicion about what I'm going to ask.

I'm very concerned about the right-sizing implementation plan that came out in the fall of 2008 because of its impact on the New England Region. The plan would reduce the Boston office, actually close the Boston office. It would eliminate 40 percent of the positions in the New England Region for the rivers, trails, and conservation assistance program and would downsize the staff from 107 to 45, this at the same time that we passed an American Recovery and Reinvestment Act which has allocated over \$100 million to National Park Service programs managed by the New England Region in this fiscal year 2009, and a recently passed Parks Omnibus Bill which authorizes two new national trails, a new national wild and scenic river, a new wild and scenic river study, a new heritage area in Massachusetts and New Hampshire, and several new

park studies and boundary adjustments, which are all proposed at this time to be done by that staff in Boston.

While New Hampshire has only one small national park, we rely heavily on the New England Region's rivers, trails, and conservation efforts and we benefit tremendously, as does all of the New England Region, from the efforts that are done out of that Northeast office.

So I would like to know, Mr. Jarvis, what your perspective is on this issue and whether you're thinking about looking at the recommendation that came out in 2008 and would be open to reconsidering that recommendation.

Mr. JARVIS. Thank you, Senator. In the implementation of all of these either new areas or our investment from the Recovery Act, we are sort of maxed out in terms of our capacity to provide delivery on all of these new responsibilities. Having said that, at the same time we are always looking for opportunities to become more efficient in the way our operations and our facilities, or opportunities to share resources or combine facilities.

I am, let's say, a little bit familiar of what has gone on in the Northeast Region. As an analogy to that system, we took a look in the Pacific West, where we have offices in Seattle, in Oakland, and in Honolulu, and did a review and determined that all three offices were viable and needed because of the inherent differences of these geographic areas. We did find some efficiencies.

So really my commitment to you is to take a very close look at what is being proposed in the Northeast Region and work with your office to find a solution.

Senator SHAHEEN. Thank you very much. I appreciate that. I think you will find that we in the Northeast have also very different challenges than much of the rest of the country. So I appreciate that commitment. Thank you.

Thank you, Mr. Chairman and Ranking Member Murkowski.

Senator UDALL. Thank you, Senator Shaheen.

Let me turn to the ranking member, Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Gentlemen, I appreciate your willingness to serve, appreciate your statements here today.

Mr. Jarvis, let me start with you. This relates to legislation that Congress recently passed relating to exercising Second Amendment rights within our national parks. There are some comments, perhaps coming from inside the Department and National Park Service, that seem to reflect some apprehension, some reluctance perhaps to enforce this law. So if confirmed, what will you do to ensure that gun owners feel welcome within the national parks and how will you be working with the park rangers to make sure that there's adequate training to handle some of these changes coming up?

Mr. JARVIS. As you know, the law has a delayed implementation to February 2010. Frankly, that gives us an opportunity to train our rangers in the field, all of our employees, so that they are ready and prepared and open to the implementation of this new law in February.

The last thing we want is to create confusion amongst the public and the users who are bringing their weapons to the parks. So in

part is to make sure that every one of our rangers understands the application of State law in each case, that any facilities in our parks where weapons might be prohibited, such as government buildings where there are employees working, we make sure that they are consistently signed, that public information is provided as well.

So in this interim period, it's actually good for us and we are getting the policies in place, the signing and training so all of our parks are ready.

Senator MURKOWSKI. I appreciate that, and I certainly do encourage that level of awareness, education, and training to follow through with the law that the Congress has passed.

Dr. Miller, let me ask you. You mentioned the blue ribbon commission that we anticipate. Earlier this summer, I had sent to Secretary Chu a letter that outlined my concerns and actually my disappointment over the administration's position on Yucca Mountain. I also urged the Secretary to ensure that any blue ribbon commission maintains a level of independence and certainly has the expertise that will be necessary to inspire confidence in their policy recommendations.

Can you very briefly inform me as to what level of engagement you might anticipate having with the blue ribbon commission if you are confirmed, and if it is formed, and have you had any conversations with Secretary Chu about the composition of this commission?

Mr. MILLER. Thank you. Thank you very much, Senator. First let me say that the blue ribbon commission I know is very high on Secretary Chu's agenda and priority list. I personally have not discussed the details of either the charter nor the membership with Secretary Chu, but I just know from the few things I've learned that independence and expertise are critical and I think he believes the same thing, the same way you believe on that.

As far as if I'm confirmed in these two positions my interface with the blue ribbon commission, I first hope upon confirmation I'll delve right into the details of its formation and standing it up. But after it is, after it's in place, it's my understanding that it will have a staff, but I know that staff will need a lot of technical backup. They'll ask lots of questions. I would expect that our staff, Federal staff as well as our laboratories, will be supportive of that blue ribbon commission.

Senator MURKOWSKI. Thank you. I appreciate that.

Mr. Babauta, one of the more pressing issues that are facing the territory is the economic impact that the extension of the United States immigration and minimum wage laws has had on the Northern Marianas and American Samoa. I see a Delegate here behind you. While these issues fall outside of Department of Interior's jurisdiction, the Department does have the responsibility for coordinating the overall Federal policy when it comes to the island.

With the reestablishment of this position as Assistant Secretary for Insular Affairs, which I think is a very good thing, a good direction, what steps do you intend to take to ensure that issues of importance to the islands, such as these relating to immigration, to minimum wage will get the attention of the White House on these matters, which are very important?



Mr. BABAUTA. Thank you very much, Senator Murkowski. Just let me take a moment to not only thank you for your interest in these issues, but also that of your father, who was a real leader on issues that involved the insular areas.

With respect to the Federal immigration laws that will be applied to the Northern Marianas and also the minimum wage laws, U.S. minimum wage laws that are being applied to both American Samoa and the CNMI, if confirmed as Assistant Secretary, I think the very fact that you do have an Assistant Secretary at the Department of the Interior that is able to engage with other Federal agencies at a high level to help and collaborate the implementation of immigration laws in the CNMI is an important factor.

The passage of the legislation was not intended to harm in any way the economic growth of the Northern Marianas. It was actually anticipated that the consistency of immigration law in the Northern Marianas would be a greater factor in the economic growth of the area.

I also feel that with the work of the inter-agency group on insular affairs or insular areas, which was first created by President Clinton and continued under President Bush, but under President Bush without the involvement of the White House, the direct involvement of the White House, we are continuing to work with them to change the executive order, which is currently under consideration, to have a more active role by the White House in our governmental affairs, as it was originally crafted by President Clinton.

Senator MURKOWSKI. Thank you.

Mr. Chairman, my time has expired. I do have many more questions, including a very important one for Dr. Markowsky on funding for the Arctic Energy Office. I have a meeting at 11, so I'm going to have to submit my questions for the record and will look forward to the responses from each of you.

But thank you for your participation here in the hearing this morning.

Senator UDALL. Thank you, Senator Murkowski.

Senator BENNETT.

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

Mr. Jarvis, I too have a meeting at 11:00, so I will be quick. But I want to get these questions into the record. I appreciate your willingness to enter public service. As you perhaps have learned from your own experience with your father as you've described it, the pay isn't always good and the hours are long, but we appreciate your willingness to do this.

Now, we've seen an increasing role of the Park Service in matters that fall outside of Park Service boundaries and Park Service legal authority. Specifically, we've just seen in Utah within the past few months the cancellation of oil and gas leases on BLM land by the Secretary, and one of the reasons he cited was lack of consultation with the Park Service.

Now, we have learned subsequently with the review done by David Hayes that there was in fact consultation with the Park Service. But we've also learned by virtue of focusing on this issue that consultation with the Park Service is in fact not required by law. The precedent that has been set could mean that the Park

Service has veto power over what is done on lands outside the parks, particularly with respect to energy development, and that's very troubling to me.

So I raise this with you and would like to get your views on the Park Service's role and responsibility with respect to matters that are outside of park boundaries. Of course, this comes to the issue of buffer zones. Creating buffer zones is a de facto way of enlarging national parks.

The ability to enlarge national parks under the law lies with the Congress. But if they are saying, well, we need to protect the park with a buffer zone, and then somebody says we need to protect the buffer zone with a buffer zone, you see where this is going and it's a creeping power grab. You are going to be in the center of this controversy and I think you ought to have an opportunity on the record prior to your confirmation to talk about it. So I'm giving you that opportunity, whether you want it or not.

Mr. JARVIS. I take it gladly, Senator. Thank you.

In my 33 years of experience working in national parks across the country in bush Alaska, in the arid West of Idaho, and more recently with parks in Nevada and Oregon and other places, I'm not a believer in buffer zones. Put that on the record. But I am a believer of engagement with communities and land managers around us, and I have done that actively through my career.

We are inextricably linked in national park units to what goes on around us. We have no veto power over it, nor would I seek that. But I do believe that there is a relationship that must be built over time, a trust relationship between the values that are held within units of the national park system and the responsibilities and values of our adjacent land managers. There must be developed a mutual respect.

Over the years my approach has always been to get to know my neighbor long before I needed to, to sit down with the rancher and drink coffee and tell stories before, and in many cases long before, any type of conflict would ever come up. The same with my adjacent land managers, whether they be BLM, the U.S. Forest Service, the U.S. Fish and Wildlife Service, State lands, private lands, any of those.

Because we bring great things to the table in many cases. We can help with the economy. We can help protect migratory species and all of those. I hope, if confirmed as Director, I bring this to my role as Director of the National Park Service to do the same with all of my neighbors in the other land management agencies, really to prevent in many ways the kind of open conflict that has been created so many times between conflicting ideas about how these lands should be managed.

Senator BENNETT. Thank you. Obviously, that is a thoughtful and appropriate response, and I hope you can prevail within the boundaries of the Interior Department to see to it that communication, yes; coordination, yes; but veto power and creeping de facto boundaries, no. Is that a correct summary of what I heard you say?

Mr. JARVIS. That is a correct summary, Senator.

Senator BENNETT. Thank you very much. I appreciate that.

Thank you, Mr. Chairman.

Senator UDALL. Thank you, Senator Bennett.

Senator BARRASSO.

Senator BARRASSO. Thank you, Mr. Chairman.

Let me congratulate all of you, as well as your families. Thank you for your willingness to serve.

Mr. Jarvis, I had a couple of questions. I wanted to thank you for coming to my office last week to visit. I have some concerns right now about what's going on in the National Park Service. I'm concerned that this administration is promoting an ideological agenda for the parks, one that will result in reduced public access and increasing maintenance backlogs.

You are aware now that the Department of Interior decided just last week, after our meeting they decided, just last week to put a new lower limit on the number of snowmobiles allowed into Yellowstone National Park. The people of Wyoming are not happy at all about this decision by the administration because we view year-round access to our crown jewels, the crown jewels of our State and of the country, as critical.

There was an editorial in Monday's Casper Star Tribune that, Mr. Chairman, I'd like to introduce as part of the record.\*

Senator UDALL. Without objection.

Senator BARRASSO. It said: "It isn't for lack of demand that fewer snowmobiles are entering Yellowstone National Park." I won't read the whole thing, just some excerpts. "Inconsistent Federal policies, endless litigation, conflicting court rulings are primarily to blame for the decline of recreationists." "On Thursday," it says, "the Interior Department announced a new limit of 318 snowmobiles for the next two winters. The new limit was even below the National Park Service's 2007 proposal of 540." It goes on that "It's important to note that part of the Park Service's mission is to make sure that people have access to Yellowstone throughout the year. At one time as many as 1400 snowmobiles were allowed. There were complaints, though, about air and noise pollution, but new technology has made the machines cleaner to operate, while the proposed limit and the number of actual snowmobiles has been shrinking."

In your opening statement you talked about the national parks, both the cultural parks and the natural parks, and you said in the natural parks we want to pursue happiness and work with gateway communities, you said, to achieve economic goals. But the editorial goes on, it says: "Yellowstone gateway communities suffer the business consequences as potential visitors cancel their reservations and go elsewhere, hurting hotels and businesses that rent snowmobiles. No one can effectively plan for a season when proposals keep changing and court rulings are in conflict."

So I'll make sure you get a copy of the entire editorial.

So I just have concerns about what I view as an ideological approach by the administration, which to me is ignoring the law that created the park and promotes an ideologic agenda.

So I go to the law that was written in 1872, before the Park Service even began in 1916, but the law in 1872 when Yellowstone National Park was created, and the law says—and it is right here in this beautiful book that came out last year, actually in 2007, "The Future of America's National Parks." It goes through a time

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\*Document has been retained in committee files.

line of the national parks. It starts 1872, "Yellowstone is created when Congress sets aside 2.2 million acres of wilderness to be forever 'a public park or pleasuring ground for the benefit and enjoyment of the people.'" "For the benefit and enjoyment of the people." That is the highlight of this book, "The Future of our National Parks."

So the question now when I look at what the administration is doing is, do you support the 1872 statute creating our first national park as for the benefit and enjoyment of the people?

Mr. JARVIS. Thank you, Senator. The simple answer is absolutely yes. Throughout, again, my career, if I needed my batteries recharged I would go out into the national parks and talk to the public, in some cases just watch the public, see families enjoying themselves, see visitors from around the world, just being there and experiencing these places.

It has always been part of my mission to deliver these extraordinary experiences in these extraordinary places to all Americans. As a matter of fact, one of my top goals as Director if confirmed will be to—is relevancy, is to connect all Americans to their national parks through the variety of ways, through partners and gateway communities and the like.

So absolutely I am committed, and there is no ideology here other than the national parks are one of the greatest ideas we have and that they are to be shared with all the people.

Senator BARRASSO. So to get the batteries recharged, as you said, you go out into the parks. To me that means you actually have to have access to the parks. What the administration has done this past week and what they have published to me is going to cut significantly public access to the parks, to Yellowstone Park, for snowmobilers in the winter. That is a place where people go to visit, enjoy the grandeur, come to our State and to the various communities, and then into the park.

But this is actually going to reject the opportunity for people to go and do the sorts of things that you say are so important to you.

Mr. JARVIS. Senator, maybe fortunately, because of my career I've never had any responsibilities for Yellowstone. But now, if confirmed, I inherit this issue. Clearly, and as articulated in that editorial, the community has been whipsawn by competing court decisions and uncertainty in the communities and in the businesses in the park about the future, whether, how many, and where, and all of those kinds of things associated with access.

One of my goals as Director if confirmed will be to work very closely with all of the stakeholders on this issue, particularly the gateway communities, in achieving what I characterize as a sustainable decision, something that can withstand the court challenges, provide assurances to the future about access to Yellowstone in the winter.

Senator BARRASSO. Mr. Chairman, my time has expired, but I'll stay around for a second line of additional questioning.

Senator UDALL. Thank you, Senator Barrasso.

Before I recognize Senator Wyden, I wanted to also for the record acknowledge that the first Delegate from the CNMI was here, Delegate Sablon. I know, Mr. Babauta, you had a role in crafting that

legislation and that's a success story we should all be proud of. The CNMI now have representation here in the U.S. Congress.

I know, Dr. Miller, you mentioned your connection to New Mexico. I'm a proud Coloradan, so I also wanted to acknowledge that Assistant Secretary and Chief of Staff for Interior Tom Strickland has joined us, as well as the Deputy Assistant Secretary Will Shafroth. I know there are a lot of other hardworking executive branch representatives here, but I want to acknowledge these two special and hardworking Coloradans for taking the time to join us.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman, and thank you for all your advocacy for our parks.

Mr. Jarvis, as we talked yesterday, I want to make clear that the people of my State, Oregonians, believe that there is no place anywhere like Crater Lake. The quiet, the silence, is treasured by the people of our State. Suffice it to say Oregonians are just up in arms about the prospect now of an application from a Bend company to fly helicopter tours over Crater Lake National Park.

We're not just talking about a handful. We're talking about hundreds and hundreds of them a year. Now, to give you an idea of how strongly folks in my home State feel about this, Oregonians chose Crater Lake to put on the Oregon quarter for all the country to see because we have worked so hard to protect the wonder of this natural experience.

I just want you to know that Oregonians are not going to allow our State's identity to be so thoroughly diminished for so little potential gain. I in particular wanted to come this morning to make sure that you understood the importance of Crater Lake to Oregonians and to get your views on the record. So as we talked yesterday, and I indicated to you yesterday that I'd be asking you this question, what is your position this morning on the issue of helicopter flights over Crater Lake?

Mr. JARVIS. Thank you, Senator.

As you know and as we talked yesterday, I served as the park biologist at Crater Lake National Park. Both of my kids were born when we lived there. The first winter that we spent there, we had 22 feet of snow on the ground at our house. Crater Lake is a special place.

We also during that period were doing research associated with the sound at Crater Lake National Park and determined that it was soundbooth quality in terms of the quiet at Crater Lake, which is part of that extraordinary experience that visitors have when they come and see this, this world-class 2,000-foot deep lake.

The current air tour management planning program allows for an operator, an air tour operator, to make application to begin air tours over a national park unit. The two responsible agencies for making the final determination are the FAA and the National Park Service. The FAA has legislative responsibilities for air safety and the National Park Service has legislative responsibilities for a determination of impacts. So that would fall to me.

I have staff and a team that would look at this very closely. I believe that we would make a determination—I can't predict the final outcome on this, but I do believe that it would be our respon-

sibilities to assure that the visitor experience and that ultimate quiet that you find at Crater Lake is preserved.

Senator WYDEN. That's sort of a recitation of current law. Now, if you're going to say you want to maintain the visitor experience, you'll tell me this morning something that addresses your at least orientation to the idea of helicopter overflights. One of the other reasons I'm so concerned about these overflights is the track record of these in other places, like the Grand Canyon, has not been a particularly good one.

So what else can you offer up to me this morning other than a recitation of the current law? Because I'm very up on the current law. I'm up on what the Park Service role is. I'm up on what the role of the Federal Aviation Administration is. But when I'm about to vote for somebody to be confirmed at the Park Service, the people that I represent in Oregon, they want to know something more than your position on current law.

So what else can I do to assure them that my vote for somebody as the head of the Park Service is going to be a vote to make sure that an icon of our State, one of our State's treasures, is going to be protected.

Mr. JARVIS. Senator, Crater Lake National Park has a special place in my experience and my memories. Because there is a legal process to get to the outcome, the determination, of to allow an interim operator to fly flights, I cannot make you an absolute commitment, as to what the outcome of that is, because it's a public process.

But I can make you this commitment: that the resources of Crater Lake National Park that are dear to Oregonians as well as the American public, and one of those key resources in my mind is that extraordinary experience of standing on the rim looking down at that lake unobstructed in the dead of quiet, the only sound you hear is the rustle in the pines and the mountain hemlocks and the Clark's nutcrackers, will be preserved.

Senator WYDEN. You're making some headway.

[Laughter.]

Senator WYDEN. Look, I understand there is a legal process. We just want you to be a guardian of Oregon's fragile beauty. Can I put you down as a guardian?

Mr. JARVIS. I am a guardian.

Senator WYDEN. Very good.

One last question if I might, Mr. Chairman. I'm over my time. Is that acceptable?

Senator UDALL. Yes.

Senator WYDEN. We had a hearing last week, Mr. Jarvis, on S. 1270, my legislation to expand the Oregon Caves National Monument. This has been an area where there's been longstanding Park Service support. It goes back to the 1930s. In fact, the original land withdrawn for the monument in 1907 envisioned a larger monument than we have now.

At the hearing that we had last week, the Park Service wasn't able to endorse my legislation even though it's consistent with the agency's own general management plan for the Oregon Caves monument. The management plan recommends an expanded

boundary and the agency affirmed at the hearing that it's still valid and still the agency's position.

So what we're trying to do is figure out what to do about the agency's inconsistent position. We've got a piece of legislation that's in line with where the agency has been and yet last week as we went through various ways to try to get the agency on record, it seemed to me that the agency wasn't supporting or working to advance its own management plan on the protection of another Oregon resource.

So we want to get this worked out. What can you tell us this morning in terms of working with me to protect the Oregon caves from the threats that your own agency has documented?

Mr. JARVIS. Thank you, Senator. This is an issue with which I am intimately familiar. As you know, Oregon Caves is one of the parks in the Pacific West Region. I've been involved in the last 7 years in working locally with the United States Forest Service in developing the general management plan, which called for the protection of the watershed for Oregon caves.

As you know, sometimes, even though you've worked out all the details at the local level, when it comes back here there are new challenges presented. I think the key challenge is to work that I need to do as Director if confirmed, is to walk across the street to the United States Forest Service and sit down and talk about these issues at the most senior level, about where it makes sense to have lands exchanged or transferred, that make just better sense in terms of visitor experience or resource protection.

That's my commitment to you, that we are going to be on top of this.

Senator WYDEN. I thank my colleagues for the extra time. Do walk across the street. Do it in a hurry, because we have been waiting and waiting. Again, the legislation I have is in line with your own management plan. We look forward to working with you in the days ahead.

Thank you, Mr. Chairman.

Senator UDALL. Thank you, Senator Wyden.

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

Mr. Jarvis, to just kind of continue on the discussion about snowmobiles in Yellowstone. When we had a chance to visit last week, were you aware that this announcement was forthcoming?

Mr. JARVIS. I sat in on one of the briefings when they were talking about it, but obviously at that point I had no role in it.

Senator BARRASSO. Did they solicit your input into it?

Mr. JARVIS. No, they did not.

Senator BARRASSO. Did it seem odd that you were going to be the head of the National Park Service and they wouldn't solicit your input into something as important to the Nation?

Mr. JARVIS. It seemed odd they were going to release it just prior to my hearing.

[Laughter.]

Senator BARRASSO. Yes, sir, you got to believe it. Paula's moved nine times. I feel sorry for her. But you've been with the National Park Service 33 years. You have no doubt conferred with your colleagues about park issues across the country. Have you ever com-

mented on efforts to limit snowmobiles in Yellowstone National Park to your colleagues or anyone else?

Mr. JARVIS. No, not really, not in any type of official capacity. I've had very little involvement in my career with Yellowstone.

But let me just say that I have had plenty of involvement with snow machines. I've worked in winter parks most of my career and have used snow machines as a means of access in Alaska and in Washington State and Idaho and other places.

Senator BARRASSO. So what's your position on the issue? Yellowstone Park, number of snowmobiles, the access, the communities, the economics, the love of the outdoors, the desire to be there?

Mr. JARVIS. I think that, first of all, my impression of the current situation is that we have made significant improvements in the quality of the experience. The snow machine industry has responded I think very effectively with machines that are much quieter and much cleaner. I believe that the guiding operations have significantly reduced, if not eliminated, effects on wildlife. I believe that the public's experience both in the snow coaches and on snow machines is at a very high level. I understand we're getting very, very high satisfaction measures from the public.

But as I mentioned, we have a volatile situation, particularly between the two dueling courts, that results in an unsure future. I think that's something that you certainly have my commitment to work with you and other members that are very, very concerned about this to find a solution that provides great experiences in winter access to Yellowstone.

Senator BARRASSO. Because the New York Times had an editorial last weekend that said there shouldn't be any winter access by snow machines in Yellowstone Park, period. So you support snowmobile access to Grand Teton and Yellowstone National Parks; is that what I hear you say?

Mr. JARVIS. At this point I cannot commit one way or the other. I don't know the details of this. But I do commit to winter use and winter access and a sustainable decision, one that can provide continuity and planning for the gateway communities and for the park itself.

Senator BARRASSO. Planning, if you say no, there's no snowmobiles, that's an absolute answer, but that's not the one that anybody in Wyoming is looking for. So you said that you're committed to winter access. I want to know that you're committed to winter access for snow machines in Yellowstone National Park.

Mr. JARVIS. We have, as I say, we have litigation in this case, two dueling courts. We have to do an interim rule. Hopefully we can kick in immediately to do the environmental impact statement for the final rule, which will analyze with the best available science, the working group that is out there, all of the stakeholders, on a range of alternatives.

But at this point it would be incorrect for me to make a commitment to one or the other. We have to go through the process. I think that's the key.

Senator BARRASSO. On November 17 of this past year the National Park Service released a statement about winter use in Yellowstone, and this is the quote: "Monitoring data from the past four winters shows excellent air quality, few wildlife disturbances, and



reduced sound impacts”—the things that you just mentioned. “All were at fully acceptable levels”—air quality, wildlife, sound, all at fully acceptable levels—“and below the levels recorded during the historic unregulated use of the parks,” which show that the limited use of guided, as you said, and best available technology snowmobiles has worked.

So the science appears to support current management of the snowmobiles in the park. Do you agree with that National Park Service statement of November 17?

Mr. JARVIS. Absolutely. I think all of those indicators have been—all of these programs that we’ve implemented as a system, as you mentioned, have significantly improved not only the quality of the environment in this case, but also the public experience. What we’re trying to reach now is something that is sustainable into the future, applying all of those standards.

Senator BARRASSO. Because when you talk about a sustainable decision, those things seem to point to the idea of trying to find this in a way, and I don’t know whether there are additional criteria that you would use beyond air quality, wildlife disturbance, sound impact.

Mr. JARVIS. No, I think at this point we have—I don’t think we have time left in this process to really add any new factors here. I think that those are obviously the key environmental factors, but there’s also local economy and then certainly the public’s experience as well.

Senator BARRASSO. Then when we visited we talked about the impact of snow machines on the park in the winter versus the impact of automobiles in the summer. Do you know if the administration has any intentions to cut visitation numbers in Yellowstone and Grand Teton Park year-round in terms of automobile access, vehicles in the summer?

Mr. JARVIS. I have heard no indication of that for those two parks at all.

Senator BARRASSO. Is that anything that would be on your agenda?

Mr. JARVIS. Certainly not.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

Senator UDALL. Thank you, Senator Barrasso.

I think we’ve, if not exhausted, we’ve certainly had a welcome and substantive discussion here with the Senators that have joined us. I’m going to move to adjourn the committee, but I want to note for the record that members will have until 5 p.m. tomorrow to submit additional questions for the record.

Let me thank all of you gentlemen for your willingness to serve the United States of America. If confirmed, we look forward to working with you.

The committee on Energy and Natural Resources is adjourned.

[Whereupon, at 11:23 a.m., the hearing was adjourned.]



## APPENDICES

### APPENDIX I

#### Responses to Additional Questions

##### RESPONSES OF JONATHAN B. JARVIS TO QUESTIONS FROM SENATOR MURKOWSKI

###### MAINTENANCE BACKLOG

*Question 1.* Recently the Bureau of Reclamation has testified against certain legislation because “it would further add to their backlog.” Despite the fact the National Park Service has a \$9 billion dollar maintenance backlog, far larger than Reclamation’s, the Park Service rarely cites this problem as a reason for not supporting legislation. At what point will the Park Service be willing to oppose legislation because of backlog concerns?

Answer. Enactment of legislation that expands authorizations or authorizes new responsibilities provides new opportunities for the National Park Service to address the priorities of the American public to protect important historic, cultural and natural resource features. The enactment of legislation does not necessarily require that additional funding be budgeted or allocated and redirected from addressing maintenance needs. If confirmed, I will be committed to addressing the maintenance needs of the National Park Service.

*Question 2.* Despite record increases in appropriations the last eight years, many still claim the Park Service requires even more funding. Additionally, even with these increased funds the maintenance backlog continues to grow. How would you seek to resolve these counterintuitive results?

Answer. I believe that a key ingredient of good management of the National Park Service’s facilities is focusing funding on the highest priority projects and keeping facilities from falling into disrepair. Congress’s enactment of the American Recovery and Reinvestment Act is helping the Park Service address a significant number of deferred maintenance projects.

###### NIETCS

*Question 3.* If confirmed, how will you ensure expeditious processing of permitting for transmission projects in National Interest Electric Transmission Corridors that cross national parks? Do you intend to follow the interim guidelines issued by DOE on milestones for environmental review?

Answer. In May 2007, the Department of Energy designated two National Interest Electric Transmission Corridors: the Mid-Atlantic Area National Corridor and the Southwest Area National Corridor. If confirmed, I will ensure that the National Park Service acts as quickly as possible within its legal, regulatory, and policy requirements on proposals in these corridors, while ensuring that park resources and values are protected when it authorizes activities to occur within park boundaries. The Park Service has guidance available to aid both park resource managers and prospective applicants through the permitting and compliance process.

The Park Service is committed to working collaboratively and cooperatively on energy transmission projects.

###### DRAKES BAY OYSTER COMPANY

*Question 4a.* Much has been written about your position on the Drakes Bay Oyster Company and the reports the Park Service wrote on the issue. In May 2009, the National Research Council found “a lack of strong scientific evidence that the present level of oyster farming operations by Drakes Bay Oyster Co. has major adverse effects on the ecosystem of Drakes Estero, a body of water north of San Fran-

cisco within Point Reyes National Seashore, which is owned by the National Park Service.”

Even after that document was reworked in response to their initial comments, the NRC found that the National Park Service report in some instances “selectively presented, over interpreted, or misrepresented the available scientific information on DBOC operations by exaggerating the negative and overlooking potentially beneficial effects.”

Over the past decade there seems to have been a number of instances where the National Park Service and other divisions of the Department of the Interior have been accused of doctoring data or ignoring important but incomplete data when making decisions. In 1998 your sister agency, the U.S. Forest Service, mailed a letter to the Oregon Caves National Monument director pointing to the failure to fully use both scientific data, as well as the national forest plan in the development of the study to expand the cave. Then, in 2001, the U.S. Fish and Wildlife Service was accused of planting hair for a pet Canadian Lynx as part of a population study.

I am sure there is more to the Point Reyes story, but if confirmed are you committed to presenting all science in National Park Service reports, not just the science that supports what the agency wants to do?

Answer. Yes, I am committed to ensuring the best available science is made available to the public.

*Question 4b.* Given the conclusions of that National Research Council report, as well as those in the IG report on this situation, in your mind what responsibility did you have as Region Director to punish the malfeasance illuminated in those reports?

Answer. As Regional Director for the region that includes Point Reyes National Seashore, I was the manager directly responsible for oversight of this situation and took corrective actions where appropriate.

*Question 4c.* Do you believe that sound science and the use of the best and most complete scientific information leads to the best land management decisions?

Answer. Yes, I strongly believe sound science is the foundation for making good management decisions. I have been a strong advocate of developing additional science expertise and capacity in the National Park Service to ensure sound science information is available to park managers. In the past five years, the Service’s Inventory and Monitoring Programs have provided us key data to use when considering management actions. In turn, we have developed the Cooperative Ecosystem Studies Units to build additional scientific opportunities in parks for academic institutions.

*Question 4d.* If confirmed, will you commit to not tolerate any misrepresentation of scientific information and to faithfully report all potential effects of development, good or bad, even if that development is not supported by the Park Service?

Answer. Yes, I am committed to considering all available scientific information regarding potential effects—both beneficial and adverse—of development on Park Service lands. I will not tolerate intentional misrepresentation of scientific information.

#### YUKON RIVER/YUKON CHARLEY RIVER NATIONAL PRESERVE

*Question 5a.* In 1996, over the strong objections of the State of Alaska, the National Park Service adopted regulations which extended its management and enforcement authorities over state-owned navigable waters within units of the National Park System. It has come to my attention that the Park Service has issued citations to commercial operators, requiring them to get permits to operate on the Yukon River within the Yukon Charley River National Preserve, even though they do not use the upland areas of the preserve. ANILCA states that only public lands are included as a portion of a conservation system unit and that state or private lands are not subject to the regulations. Furthermore, ANILCA states that public lands do not include state-owned lands, including submerged lands beneath navigable waters.

Do you believe the Park Service should regulate the Yukon River?

Answer. On the Yukon River, the National Park Service applies its regulations, including 36 CFR 1.2, only within the legislated boundary of Yukon-Charley Rivers National Preserve. Regulating uses within National Park System units to protect natural and cultural resources, park values and visitor safety is one of our fundamental responsibilities.

*Question 5b.* Does the Park Service have the legal authority to regulate navigable waters within States?

Answer. I am told that the National Park Service has the legal authority to apply 36 CFR 1.2 within park boundaries.

*Question 5c.* If confirmed, what steps will you take to ensure a solution to this pressing issue?

Answer. I understand that the National Park Service has issued citations in one case in the past three years, and that compliance with permitting requirements for activities such as commercial uses along the river is generally high. I also understand that the State of Alaska disagrees with our interpretation of our legal authority. If confirmed, I will continue to work with the State of Alaska to resolve this disagreement, and will ensure that the Park Service works cooperatively to provide information to users so that users are not adversely affected while disagreements among governments are resolved.

#### CAPE KRUSENSTERN CARIBOU HUNTING

*Question 6.* Recently, there have been a number of issues regarding the effects of air taxi operators dropping off over 380 hunters each fall on the Noatak River, in Cape Krusenstern National Monument. As a result of this large number of non-local hunters, the migration pattern of caribou in the region is diverted, resulting in an alternate migration pattern. Can you please outline how you would resolve a problem like this, if you are confirmed?

Answer. I understand that the National Park Service has been engaged in a public process to address the hunting of caribou in this area within Noatak National Preserve, which is open to both subsistence and sport hunting. I also understand that the National Park Service has reached out to subsistence advisory groups and the local government and has launched a public scoping process on a big game transportation services plan. If confirmed, I will work with the Park Service's Alaska Region to continue the development of a plan that addresses commercial hunting interests and subsistence rights, while ensuring protection of our resources. In addition, if confirmed, I will support the Service's continued participation, with the Alaska Department of Fish and Game, other Department of the Interior bureaus, village and regional entities, guides, and transporters in a work group dealing with caribou management issues in Northwest Alaska.

#### PREDATOR CONTROL

*Question 7.* The Alaska Department of Fish and Game recently implemented a new predator control effort east of Fairbanks in hopes of boosting caribou numbers in the Fortymile herd that ranges from the Steese Highway to the Canadian border. The National Park Service has expressed concern over this program, but the State has taken the necessary precautions to make sure they do not over-control the wolves. The intended outcome of this effort is to increase the caribou population in this herd from 40,000 to between 50,000 and 100,000. Will you support this policy of the State of Alaska and the agreement that was reached between the State of Alaska and the National Park Service?

Answer. The National Park Service has been working collaboratively with the State of Alaska in managing wildlife on park and preserve lands. The National Park Service and the Alaska Department of Fish and Game have different statutory frameworks, and a cooperative relationship is essential to fulfilling their respective mandates. If confirmed, I will work to ensure that the National Park Service remains supportive of these cooperative efforts.

#### CAPE WIND

*Question 8a.* The offshore wind development in Nantucket Sound, commonly referred to as the "Cape Wind" project, has been under development since 2001. After extensive review pursuant to the National Environmental Policy Act, MMS issued a Final Environmental Impact Statement earlier this year. I understand that the last hurdle to this project is the National Park Service's review under the National Historic Preservation Act.

Opponents of the project, led by the Alliance to Protect Nantucket Sound, are now advocating that Nantucket Sound be listed on the National Register as a Traditional Cultural property. The Commonwealth of Massachusetts is on record as opposing such a designation. In addition, MMS has stated that extensive testing of the submerged lands indicated "absolutely no evidence of a site or any cultural materials whatsoever."

Do you believe it is appropriate to designate 560 square miles of open water as a Traditional Cultural Property?

Answer. Decisions as to whether a property is considered to be eligible for or listed in the National Register of Historic Places are made by the Keeper of the National Register in accordance with federal regulation. I understand that the Keeper of the National Register has not made such a determination with respect to Nan-

tucket Sound. Without review of the appropriate documentation, I have no opinion as to whether it is appropriate to designate this property as a Traditional Cultural Property.

*Question 8b.* What kind of precedent would such a designation set?

Answer. Without more information on what might be requested and how the request might be supported, I do not know the answer to this question.

*Question 8c.* I understand that your brother, Destry Jarvis, is a consultant to the Alliance to Protect Nantucket Sound and is pushing for this designation which would halt the development of the Cape Wind project. If confirmed, what steps will you take to ensure conflicts of interest do not occur when determining the outcome of this issue?

Answer. I will recuse myself from involvement in the Cape Wind project.

#### INDEPENDENCE NATIONAL HISTORICAL PARK/PRIVATE MANAGEMENT

*Question 9a.* In 1999, the Gateway Independence Visitor Center Authorization Act authorized the Secretary of the Interior to execute a detailed management agreement with the Independence Visitor Center Corporation to construct and operate the Independence Visitor Center on federal land at Independence National Historical Park in Philadelphia. The Independence Visitor Center itself is owned by the federal government and administered by NPS, which has contracted with a private entity, the Independence Visitor Center Corporation, to operate the facility. The Congressional intent is stated as: "The purpose of this Act is to authorize the Secretary of the Interior to enter into a cooperative agreement with the Gateway Independence Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall."

However, in the decade since the enactment of the Act, in lieu of a long-term and detailed management agreement, the NPS issued a temporary Special Use Permit to the Independence Visitor Center Corporation in November 2001 and then has extended that Special Use Permit twenty separate times over nine years to allow additional time to finalize a formal Agreement.

Would you support getting the detailed and long-term operating agreement executed between the National Park Service and Independence Visitor Center Corporation? If so, when can we expect that a detailed and long-term operating agreement between the National Park Service and Independence Visitor Center Corporation will be executed?

Answer. Yes, I support the effort to reach a conclusion on this agreement. I understand that the Park Service has been working diligently to bring this complex and unique operating agreement to a point that both parties will sign it. I am told that there are only a few legal and policy matters where agreement has not been reached, and it is expected that a final document will be signed this summer.

*Question 9b.* Does the National Park Service delegate responsibility for the management of national parks (or any portion thereof) to private entities? If so, under what circumstances?

Answer. The National Park Service delegates management responsibility for parks only where specifically authorized by Congress. For example, Congress has authorized the Secretary of the Interior to enter into cooperative agreements allowing partner organizations to operate the First Ladies National Historic Site, the James A. Garfield National Historic Site, and the Hawthorn Hill site within the Dayton Aviation Heritage National Historical Park. The visitor center at Independence National Historical Park is an example of where Congress has specifically authorized a private entity to build and operate a facility to serve park visitors. Many national parks also utilize authority granted by Congress to allow non-profit organizations to operate bookstores and conduct educational programs. Other examples of the private sector providing program support activities are discussed in answer "c," below. Moreover, such agreements do not necessarily constitute a delegation of the National Park Service's management responsibilities.

*Question 9c.* Aside from commercial and vendor contracts, is the Department of the Interior or National Park Service empowered to provide direct funding to private entities operating in or around national parks? If so, under what circumstances?

Answer. In some circumstances, the Secretary of the Interior has received specific authority from Congress for a particular unit, area, or site allowing funds to be transferred to private entities "in and around national parks." Specific authorities have also been provided to carry out programs related to historic resources, national trails, heritage areas, cooperation with local and state governments, outdoor recreation, and education and training. In addition to specific authorities, the National Park Service has general authorities allowing the Secretary to transfer funds to partners to assist in carrying out the programs of the Park Service, conduct sci-

entific research with universities, and provide youth conservation activities. The agreements give the Service the ability to monitor these partnerships, and ensure that the appropriate activities are being performed as intended by Congress.

## STIMULUS

*Question 10.* In your opinion, how do you believe that National Park Service stimulus projects are proceeding? Is the pace of commencing the various projects satisfactory?

Answer. The National Park Service is moving forward in an open and transparent fashion with the America's Recovery and Reinvestment Act projects. The Park Service has made a commitment that projects will be underway at 107 parks by early September. If confirmed, I will ensure that the Park Service fulfills its Recovery Act commitments.

## NPCA

*Question 11.* The National Park Service and the National Parks Conservation Association often work closely together on a number of issues. Can you please discuss the role of the NPCA has had in the decision making process during your tenure in the (Pacific) West Region?

Answer. The National Parks Conservation Association is one of many organizations I have communicated with as Regional Director. It is my practice to listen to many points of view in order to be fully informed about issues, and that includes viewpoints from interest groups such as the NPCA, as well as staff, official partners and associations, governmental officials, and others. When making decisions, my primary guidance comes from the laws passed by Congress, National Park Service Management Policies, and our agency's collective expertise.

## BORDER ISSUES/ORGAN PIPE

*Question 12.* Impairments at Organ Pipe are being caused by illegal border crossers. The NPS has been unable to stop this, yet the agency has hamstrung the operations of the Border Patrol by limiting their tactics. Will you work to meet your mandate as articulated by the Organic Act or continue the practice of land management by neglect and micro-management of the Border Patrol?

Answer. The National Park Service Southwest Border Strategy identifies the need to assist the Department of Homeland Security in the performance of their mission, and we work closely with Homeland Security as much as possible. In addition to impacts from illegal border crossings, Organ Pipe also faces challenges mitigating impacts from enforcement tactics that over the years have led to the development of unplanned roads, vehicle tracks across miles of desert, and associated resource damage from rapidly built surveillance and fence infrastructure.

Through coordinated national and field efforts and ongoing collaborative education opportunities between the Organ Pipe staff and the Border Patrol assigned at the park, we are working to attain an acceptable balance between what often appears to be conflicting missions. If confirmed, I will work with all of the involved agencies to ensure that the international borders that National Park System lands share are secure and that park resources receive the highest level of protection possible.

## ADVISORY BOARDS

*Question 13.* How do you plan to use advisory boards in your decision-making process? What are the advantages and disadvantages of this approach?

Answer. I have found that Advisory Boards can be useful in helping park managers stay current on citizens' views on park-related issues, on an ongoing basis, and not only when disputes arise. Advisory boards help us establish collaborative relationships with the American people—which is key to the preservation of our heritage resources. We cannot successfully protect park resources and values without citizen support. Advisory boards and committees also provide a mechanism for obtaining specialized knowledge and expertise from citizens on a range of issues. I am mindful that advisory boards often include citizens with strongly-held opinions. Ultimately, the National Park Service itself is the final decision maker on any issue raised.

## NEW NPS UNITS

*Question 14.* There has been a proliferation of park units and other designations such as heritage areas in recent years. As Director, what can you do to urge Congress to show restraint, and allow the Park Service to focus on existing priorities?

Answer. Congress alone has discretion to designate new national parks, national heritage areas, and most other units of the National Park System. The National Park Service has a formal study process through which (at the direction of Congress) we provide the best available information on the status of resources and the eligibility of areas for inclusion in the National Park System. The Secretary of the Interior then transmits our technical study reports to Congress for action as appropriate. If confirmed, I assure you that I will carefully review the recommendations of these studies and discuss them with the Secretary prior to their transmittal to Congress.

#### CONDEMNATION

*Question 15.* Have you ever recommended use of the National Park Service's condemnation authority? If you have, please explain.

Answer. No. However, prior to my becoming Regional Director, in 1999 the Pacific West Region's Land Resources Office requested that the Field Solicitor file a complaint in condemnation for a 0.50-acre tract, at Haleakala National Park, which was lost by The Nature Conservancy at a tax sale. The Pacific West Region's Land Resources Office negotiated for years with the owner but was unable to acquire the total interest in the property. The owner threatened and started work on a structure on the tract in which the government owned an undivided interest. As a result, the National Park Service moved to acquire the property by eminent domain. The Department of Justice accepted the complaint on 06/15/2000, and the federal court in Honolulu vested full title in the United States by Stipulation on 04/02/2003. This final action occurred shortly after I became the Regional Director.

I understand that no other condemnation actions were initiated or completed during my tenure as Regional Director of the Pacific West Region.

#### CONDEMNATION/FLIGHT 93 MEMORIAL

*Question 16.* Recently, there has been quite a bit of attention surrounding the Park Service's use of condemnation authority in order to acquire land for the Flight 93 memorial. One landowner was even subjected to condemnation procedures before negotiations even commenced. Can you provide an update on the status of those condemnation procedures? Were all alternatives exhausted before condemnation proceedings were initiated?

Answer. Congress provided specific authority to the National Park Service at the Flight 93 National Memorial to acquire land through condemnation, if necessary. I understand that negotiations have successfully concluded with 6 of the 8 property owners located in the proposed construction area of the Flight 93 National Memorial. Of the 6, the Park Service has closed with 3 owners and expects to close with the other 3 in the next month. Of the remaining 2 owners, negotiations continue with one landowner and the Park Service expects the negotiations to be successful. Only one parcel will be acquired, via an agreement with the landowner signed January 16, 2009, through "friendly" condemnation, a process by which condemnation is used as a means to allow the courts to determine fair compensation.

#### LOBBYING

*Question 17.* Do you believe NPS employees should be allowed to get involved in lobbying legislative bodies and land use regulatory bodies? What limits would you place on this kind of lobbying and what would you do to enforce these limits?

Answer. Federal government employees, acting in their official capacities, are prohibited by law from using appropriated funds to promote support or oppose pending legislation, regulation, or certain other matters. However, the law authorizes communication through official channels for the efficient conduct of public business. Because I believe good communication is the foundation for problem-solving, I think it is vitally important to encourage the exchange of information, consistent with the law, between Park Service employees and the different governmental officials and entities that have interests and issues related to national parks. If confirmed, I will seek to ensure that Park Service employees understand and obey the laws and rules governing communications on public policy matters by federal employees.

#### NATIONAL HISTORIC LANDMARKS

*Question 18.* There are a small number of National Historic Landmarks in the Pacific established to honor Americans who fought in the Pacific during WWII. Among those is one on the island of Peleliu in Palau, which is about to honor the battle's 65th anniversary. There has been a strong desire over the years, from veterans and their families to the Palauan government, to protect the Peleliu battlefield as a



NHL. What in your opinion can the National Park Service do to assist efforts to preserve this site, especially given the strong interest here and in Palau to do so?

Answer. I have been personally interested in the preservation of Peleliu Battlefield, which was designated a National Historic Landmark in 1985. As Regional Director, I looked for various ways to assist preservation efforts, such as through National Park Service's American Battlefield Protection Program, which provided grants to the Peleliu Historical Society in 2006 and 2008, and through historic preservation technical assistance. In 2003, the region concluded a special resource study that found that although the battlefield site was nationally significant and suitable for addition to the National Park System, it was not feasible for addition to the System due to local concerns. I am interested in further discussions with the local community and would be willing, if appropriate, to revisit the study.

#### ORGANIC ACT

*Question 19a.* The Park Service's Organic Act says that the National Parks are established to: "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Over the last several decades, there has been a rather protracted and sometimes heated debate over which of the dual directions the Park Service should be driven to fulfill. You rightly or wrongly have been labeled as a person who opposed the last administration in opening more National Parks to more visitors.

If part of the agency's prime directive is to leave the parks unimpaired for the enjoyment of future generations, does this not imply that the current generations should be able to enjoy the National Parks and their visits should be encouraged?

Answer. Yes, it does imply that current generations should be able to enjoy the National Parks and their visits should be encouraged. That is how the National Park Service Management Policies interpret the 1916 Organic Act, and I support the Management Policies' interpretation.

*Question 19b.* Where do you personally stand on the issues of snowmobiles in National Parks? Do you support having parks open for snowmobiles? And if so, how many snowmobiles would you recommend be allowed in Yellowstone each day in the winter?

Answer. As I stated at my confirmation hearing, this is a challenging situation with litigation in two Federal Courts, each issuing different rulings in the same or related matters. In keeping with the mission of the National Park Service, I believe we can find a way to protect park resources while providing for visitors to enjoy such a magnificent place. I support an open process that involves all interested parties in examining the types and numbers of snowmobiles and snowcoaches that may be allowed in Yellowstone in winter, and that applies the best science and knowledge that we have gained over the years.

#### WATER-COOLED SOLAR PROJECTS

*Question 20.* It has been reported that in your capacity as director of the Park Service's Pacific West Region, you wrote to the BLM Director in Nevada the following on water-cooled solar projects: "It is not in the public interest for BLM to approve plans of development for water-cooled solar energy projects in the arid basins of southern Nevada, some of which are already over-appropriated."

Given President Obama and Secretary Salazar's desire to develop additional solar and wind energy, with many projects likely to be located in Nevada, could you describe what you meant by that statement and what steps you will take, if confirmed, to help with the establishment of additional renewable energy production in the arid west?

Answer. In my letter to the BLM Nevada State Director, I began by emphasizing the importance of promoting renewable energy projects and the need to meet our nation's energy needs in an innovative and environmentally responsible manner. As stewards of this nation's premier natural and cultural resources, we have a responsibility to ensure that we do not lose sight of protecting our resources while pursuing renewable energy. Development of solar thermal projects that result in further overdraft of already stressed groundwater systems in the desert southwest would be not be in the public interest, in my opinion. If confirmed, I will ensure that our staff works actively with the BLM and other agencies to site projects in the most environmentally responsible locations and to ensure protection of our natural and cultural resources.

## CALIFORNIA STATE PARKS

*Question 21.* On June 8th you sent a letter to Governor Schwarzenegger threatening that the parks in California that may close due to the financial crisis facing the State must be returned to the Federal Government. If they are, in fact, closed to the public. Over the years you have been quoted about the need for more funding for the National Park Service. What happens to that property, if it is returned to the Federal Government. If it is returned to the Park Service, and, by your own words the Park Service doesn't now have enough funding to manage the lands it is currently entrusted to manage, how would you manage the Parks you are threatening to take back from the State of California?

Answer. The National Park Service has compliance responsibilities for the Land and Water Conservation Fund State Assistance Program and for the Federal Lands-to-Parks Program. My letter to the Governor was intended to remind the State of its obligation to enforce the terms of the transfers. In this regard, I note that reverted park land does not come to the National Park Service. It goes to the federal surplus property disposal agency, which is either the General Services Administration or, by delegated authority under the Base Realignment and Closure Act, the military for re-disposal. More importantly, my letter was intended to open discussions with the State regarding the measures that could be taken to keep parks open and maintain the State's eligibility for future assistance under these programs in light of the current budget crisis. Productive conversations are underway.

## COLORADO STATE COMPACT

*Question 22a.* In some of your visits to Members' offices you have mentioned the Park Service's desire to renegotiate the Colorado River Compact to "balance the values to all resources."

At what point in time did the Park Service become the lead agency on the Colorado River Compact?

*Question 22b.* Have you briefed the Nevada and California delegations on your desire to re-negotiate this compact?

Answer. I understand that the National Park Service has taken no position on renegotiating the Colorado River Compact and is not, and does not seek to be, the lead agency in implementing its provisions. No congressional briefings have been held on the NPS renegotiating this Compact. During my member visits, I did discuss Colorado River issues. However, these discussions were not intended to indicate that the Park Service wants to renegotiate the Compact.

## SAN FRANCISCO FERRIES

*Question 23a.* In 2006, Alcatraz Cruises was selected to provide ferry services from San Francisco to Alcatraz on the following basis: Construct a brand-new high tech departure facility at Pier 33 in San Francisco and to provide a 600 passenger, state of the art, environmentally-friendly, hybrid multi-hulled vessel that was powered by wind and solar energy, i.e. a "Solar Sailor." Since signing that contract the Park Service has allowed at least two increases in fares (a 57% total increase in fares) for that boat trip out to Alcatraz.

Has the Alcatraz Cruises Company fulfilled the promises it made to the Park Service related to facilities and boats?

Answer. Alcatraz Cruises Company is fulfilling the requirements of its contract and is providing quality services which are well-received by visitors. Alcatraz Cruises has been providing ferry transportation service to Alcatraz since early 2006. In that time, the concessioner has contributed improvements to the visitor experience including upgraded dockside facilities, better customer service and environmental management, as well as improved support of Park Service operations on the island. The new departure facility in San Francisco is located outside of Golden Gate National Recreation Area, on property leased by Alcatraz Cruises from the Port of San Francisco. With respect to these facilities, certain modifications have been delayed due to some matters that need to be resolved between Alcatraz Cruises and the Port of San Francisco and not because of any disagreements with the National Park Service. With respect to the "Solar Sailor", Alcatraz Cruises has provided a 150-passenger, environmentally friendly "Solar Sailor" as a pilot project. A larger demonstration project is being evaluated for technological and financial feasibility.

*Question 23b.* What responsibility does the Park Service have to the public to ensure that promises made in concessionaire negotiations are fulfilled?

Answer. The National Park Service incorporates appropriate elements of the best proposal received for a concession contract into the terms and conditions of the con-

cession contract that is awarded. Throughout the term of the contract, concessioners are regularly evaluated to ensure they are operating satisfactorily and according to contract requirements. In 2007 and 2008, the Park Service performed its annual review of the services provided, and Alcatraz Cruises was determined to be operating within the terms and conditions of its contract and providing satisfactory service to visitors.

*Question 23c.* Doesn't the Park Service owe the public a fare reduction when the new facilities and boats have not been provided?

Answer. By law concessioners are permitted to set reasonable and appropriate rates for the services they provide to the public subject to National Park Service approval. In the case of Alcatraz Cruises, their rates are approved on the basis of the level of service they are currently providing as well as a review of fees charged by others for comparable services. Some of the factors considered when approving the rates include the costs of transportation, National Park Service safety, utility, maintenance, and interpretive services, and the need for continual reinvestment in capital improvements on the island in support of visitor services. The rate increases for ferry service to Alcatraz have been approved based on these factors and an annual review of comparable services and we believe these rates are reasonable. As mitigation to fee increases to visit Alcatraz Island, the Park Service has increased the volume of complimentary community access program tickets targeted for underserved groups.

*Question 23d.* Have you at least required Alcatraz Cruises to pay an increased franchise fee as a penalty for its noncompliance with the requirements of the contract? If not, why not?

Answer. I believe that Alcatraz Cruises is in compliance with the requirements of its contract, therefore there is no need to take further action.

#### CONCESSIONAIRES

*Question 24.* As Director of the National Park Service you will have the responsibility to oversee thousands of concessionaire contracts and negotiations. I can understand that the San Francisco situation may have been an isolated event.

If confirmed are you willing to commit that the Park Service will not increase user fees, entrance fees, or concessionaire fares unless and until the commitments made by the Park Service or the concessionaire are fully attained?

Answer. The policy for approving concessioner's rates is based on the terms and conditions of the contract, concessions law and regulation, and National Park Service guidelines. Generally, the rates for concessioner's services are to be comparable to those being charged outside the park for similar services. If confirmed, I will commit to working with concessioners throughout the National Park Service to provide the best possible services for visitors at a range of rates that meets the needs of a wide spectrum of the public. I also will scrutinize closely any proposals for increases in user fees, entrance fees, and any other fees that the public pays when they visit national parks.

#### BUFFER ZONES

*Question 25a.* In the last six months, we have seen a number of Park Service sponsored efforts to enlarge National Park Service lands or to develop protected buffer zones around existing facilities. The oil and gas leases in Utah, the uranium development moratoria in Northern Arizona, the Oregon Caves legislation, and the Camp Hale legislation in Colorado all come to my mind.

What is your personal philosophy on buffer zones around National Parks, National Monuments or Wilderness Areas?

Answer. As I stated at my confirmation hearing, I am not a believer in buffer zones around the lands that we administer. However, I am interested in having the National Park Service participate in the discussion about lands and land uses that may affect park resources on adjacent or nearby lands, just as any other neighboring landowner would be.

*Question 25b.* Are buffer zones an appropriate mechanism for the Park Service to use in order to expand wilderness areas around National Park Units?

Answer. We do not seek to expand wilderness areas around National Park System units through buffer zones. We typically do provide comments when there is a proposal under consideration for lands, public or private, adjacent to National Park System units.

*Question 25c.* Congress determines the boundaries of National Parks, but what is the role of the Park Service in enforcing "buffer zones" around Parks?

Answer. As stated above, we do not enforce buffer zones around units of the National Park System. We do provide comments regarding potential impacts that could

occur to National Park System units based upon actions taking place outside unit boundaries.

*Question 25d.* How would you suggest this Congress react if the U.S. Forest Service came to Congress demanding that they be allowed to cut down trees in a National Park to eradicate an invasive species that might threaten the timber resources on a neighboring National Forest?

Answer. In considering such a request, I would hope that Congress would examine all the pertinent existing laws and regulations and seek input from the affected land management agencies.

*Question 25e.* Do you agree that Congress allocated federal lands to a variety of natural resource agencies with the express intent that they be managed differently? If you do, why are you and the Park Service pursuing your efforts to force other land management agencies to stop land management activities that are expressly allowed under those agencies' Organic Acts?

Answer. Yes, each agency has its own organic laws and each agency manages lands differently. The National Park Service does not try to force other agencies to stop managing lands as the law allows. Rather, it tries to make its sister land management agencies aware of any impacts on National Park System resources that could result from the agencies' plans.

*Question 25f.* In the Omnibus Public Land Management Act of 2009, Congress directed the Secretary of the Interior to conduct a resource study of Estate Grange in St. Croix, U.S. Virgin Islands to evaluate the area as a potential future unit of the National Park Service. The intent is to consider a land swap of Estate Grange land for Park Service land on St. Johns so that the U.S. Virgin Islands can build a school on St. Johns for the local population. What is the status of that resource study?

Answer. I understand that the National Park Service started work this summer on the special resource study on the Estate Grange, Alexander Hamilton's boyhood home in St. Croix. Agency and stakeholder scoping meetings were conducted in June, and public scoping meetings are scheduled for August. As with all special resource studies, this study will evaluate the site for its national significance, suitability, and feasibility for addition to the National Park System, and whether National Park Service management is appropriate. I am told that while there is some interest in the possibility of using this site for a future land exchange to address the need for a school on St. John, the issues connected to a potential land exchange that would include the Estate Grange are not being evaluated as part of this study.

#### NPS BUDGETING

*Question 26a.* You have been outspoken in your recommendation that the Park Service is in need of additional funding. But when I compare the National Park System to its sister agencies in the Department of the Interior, I wonder how you defend the budgets that the NPS receives. For instance, the Park Service receives about \$28.73 per acre managed, while the Bureau of Land Management receives about \$7.76 per acre managed and the U.S. Fish and Wildlife Service gets about \$8.12 per acre managed. While the Park Service receives about 5 times as many visitors as the BLM, I am not sure that justifies a budget that is nearly four times larger on a per-acre basis. The Park Service has 21,989 employees to manage its 78.8 million acres, while the U.S. Fish & Wildlife Service has only 6,944 employees to manage nearly double the amount of acres your agency is asked to manage. Compared to the BLM, the National Park Service has double the number of employees to manage only a third the number of acres that the BLM is expected to manage.

All of the land management agencies have maintenance backlogs and all want more funding. Given that the Park Service is already well financed, at least on a comparative basis, why should the agency expect increased budgets while the other agencies are struggling?

Answer. The National Park Service shares with the Bureau of Land Management and the Fish and Wildlife Service, a common goal and an important responsibility—management of the Nation's precious lands and natural and cultural resources. If confirmed, I will continue to champion the need to manage these resources well and will be a thoughtful steward of the Nation's public lands, which includes advocating for budgetary resources that are needed to provide for visitors and protect and preserve these resources.

*Question 26b.* Shouldn't the Park Service instead focus on tearing down its dilapidated facilities to resolve the maintenance backlog or stop acquiring new lands that it can't afford to manage under the current budget regime?

Answer. I agree that the removal of facilities is a good strategy to reduce maintenance needs in cases when facilities are no longer needed or are not functional and

are not historically relevant. I also agree that we should be prioritizing our acquisition of lands. If confirmed, I will work hard to improve the management of facilities and ensure that we are focusing on the highest priority needs for maintenance and land acquisition.

*Question 27.* In the past two weeks the Park Service has testified in front of our Parks subcommittee in favor of taking over some National Forest Land in Oregon and Colorado. The agency also has been on television recently discussing the condition of the National Mall and pointing to all the additional funding it needs to properly maintain those facilities. Given the supposed \$10 billion maintenance backlog the agency has, how can the agency justify its efforts to take over 40,000 acres in Oregon that would add to its budgetary needs or support legislation that would give it responsibility to manage the former Camp Hale in Colorado?

*Answer.* I share your concern about the costs associated with addressing the maintenance backlog and the costs that come with assuming additional agency responsibilities. I want to clarify that the National Park Service did not propose taking over 40,000 acres in Oregon. The General Management Plan for the Oregon Caves National Monument recommends expanding the monument's boundary by about 4,000 acres to protect the monument's water quality and other resources. Regarding Camp Hale, the Park Service supports legislation authorizing a study of the site. A determination of support for any change in responsibility for management of the site would be made only after the study is completed and only if the study found a change in management was recommended to protect the site's resources. If confirmed, I will seek to ensure that costs are scrutinized before recommendations are made to support legislation that adds to the responsibilities of the Park Service.

#### CARBON LIMITATIONS

*Question 28.* As regional director of the Pacific West, you instituted a policy which required all parks within the region to become "Carbon Neutral" by the National Park's centennial of 2016. What costs can be associated with the Carbon Neutral Policy? If confirmed, will you attempt to institute this policy to all units of the Park Service?

*Answer.* Costs for achieving carbon neutrality for the Pacific West Region by 2016 will depend upon many complex factors and will likely vary considerably from one park to another. Carbon neutrality will also result in a cost savings for parks. Park managers in the region are looking into a range of innovative and creative approaches, and there is no one-size-fits-all means for achieving this goal. If confirmed, I will consider a carbon neutral policy for as many parks as feasible.

#### PARK VISITATION RATES

*Question 29a.* Informal surveys at a number of National Parks show increases in visitor use on the recent fee-free Saturdays. Rocky Mountain National Park reported visits were up by 32% on the June fee-free weekend compared to the same weekend last year, Mammoth Cave National Park reported visits were up by 28% for the June fee-free weekend and up 61% for the July fee-free weekend versus the same weekends last year. Arches National Park reported visits were up by 8% and Apostle Island up 5.1% for June 2009 versus June 2008.

Do you think it would be good for Park visitation to increase, i.e. more Americans to visit their Parks?

*Answer:* Yes, I believe it would be good for overall park visitation to increase. As I stated in my confirmation hearing, I feel it is important to engage the people of the United States to encourage them to become involved in their national parks. Visitation to National Park Service units has slightly decreased or stayed flat for about the last ten years, although reports from many parks so far this year are showing an increase. There are numerous reasons for the decrease in visitation; including economic conditions, weather events, changing interests of the American public from outdoor to more indoor-centered activities based upon technology, the ups and downs of gas prices, and aging baby boomers who have changed the kind of leisure activities they engage in. There are 391 units in the National Park System—some of them experience higher visitation than others, but they all offer an opportunity for visitors to enjoy "America's Best Idea".

*Question 29b.* It would seem to me that this informal survey data reported by your Park units suggests that the increased user fees of the last decade that have resulted since the Federal Lands Recreation Enhancement Act passed in 2003 are pricing a significant number of potential visitors out of coming to the parks.

Would you consider lowering or eliminating some entrance fees to accomplish that?

Answer. For 2009 and 2010, entrance fee rates were frozen at the 2008 level. In 2009, one park was allowed to increase its entrance fee based on the public support they received. Two parks were allowed to move forward this summer with civic engagement to test the possibility of increasing their entrance fee for 2010. Since the Recreation Fee Demonstration Program was authorized in 1996 and the subsequent Federal Lands Recreation Enhancement Act of 2004 (FLREA) was authorized, there have been about eight park units that have requested to be removed from the fee program, usually because of logistical or cost-effectiveness issues.

Because the parks have shown the value of their fee dollars being used to enhance the visitor experience, the public has been supportive of parks that engage them about any proposed fee increases. When civic engagement shows that the public does not support an increase or reflects a need to lower a fee, the park adjusts its rates accordingly. Since the civic engagement process has been in place, any increased or new fees that have been implemented were supported by the public.

*Question 29c.* If not, then how do you feel about using ability to pay as the deciding factor as to who gets to visit and who doesn't?

Answer. It is important to remember that many parks do not charge any fees at all. In addition to three fee-free weekends this summer, the National Park Service offers free entry on National Public Lands Day in September and free entry to military personnel, veterans and their families on Veterans Day. Children 15 and under are always allowed free entry and educational school groups are not charged entrance fees. Some parks lower or eliminate entrance fees during the "off season" months, which can be a great time to visit since it may be less crowded. Also, U.S. citizens 62 or older may purchase a lifetime pass for \$10 and permanently disabled US citizens are eligible for a free lifetime pass.

There are a number of opportunities for visitors to economically visit national parks and other public lands. The National Parks and Federal Recreational Lands Pass offers frequent park visitors an economical way to visit, by purchasing a pass that allows entry to any National Park Service, Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, or Bureau of Reclamation unit that charges an entrance or standard amenity fee for one year. Since the price of entry where charged varies from \$3 to \$25, a family traveling to several units on a trip could realize substantial savings.

*Question 29d.* What are your views on additional fees after an entrance fee has already been paid? Would you consider an ability to pay system for those, or an in state/out of state approach like most states use for fishing and hunting licenses?

Answer. Any fee charged at a national park should be fair, equitable, and subject to the civic engagement process. Park managers are mindful of the layering of fees since there should be certain amenities or services that justify charging a fee. All user fee rates—campgrounds, boat launches, equipment rentals, dump stations, etc., are based on comparability studies so that they are not unnecessarily high nor undercut local businesses that may provide similar services. Since our system is national, it would be difficult to justify a lower rate based on residency since local individuals use the services the same as someone from out of state. We feel that the civic engagement process provides a means to work with the public to determine if the proposed rates are reasonable.

*Question 29e.* In an Oakland Tribune article dated June 22, 2007, Paul Rogers reported with regard to a proposed increase of fees at Yosemite National Park that both Michael Tollefson and you lobbied then-Director of the National Park Service Mary Bomar not to raise fees at Yosemite. According to the article, "*Bundock said that Yosemite Superintendent Michael Tollefson and regional director Jon Jarvis both asked Bomar not to raise fees this year following an outpouring of public criticism. . . . Critics, including state lawmakers in four Western states and local tourism leaders around the parks, said a growing body of evidence shows that higher fees are driving low-income families away from national parks, particularly when combined with higher gas, hotel and camping prices. . . . "Tourism leaders in the towns around Yosemite urged the park service not to raise fees. They cited a 20 percent drop in Yosemite visits since 1997, when Yosemite last boosted its entrance cost, from \$5 to \$20 a car."*

In your mind, is the unfettered growth in park fees that has resulted since the passage of the Federal Lands Recreation Enhancement Act restricting visitation to our National Parks?

Answer. I have been told that since the passage of the Federal Lands Recreation Enhancement Act, only 25% of parks have increased entrance fees. At parks where entrance fees are charged by car, the increase has averaged approximately \$3.60. Surveys have shown that the public supports paying for services and amenities that they use when visiting national parks. According to visitor use surveys, fees alone do not restrict visitation to national parks. The current economy has been a factor

in reduced tourism all over the United States. Other factors affecting visitation have been surging gas prices, the overall cost of travel (food, lodging, travel), reduced interest in camping and outdoor activities by the current population. Statistics show that Americans are working more and recreating less.

*Question 29f.* If Congress were to increase funding for the National Park Service, will you commit to reducing or eliminating entrance fees at the National Parks commensurate to the increased Congressional funding level?

Answer. If confirmed, I commit to reviewing all available information regarding decisions about where and when to reduce or cease collecting fees, and look forward to working on these issues with Congress.

#### RESPONSES OF JONATHAN B. JARVIS TO QUESTIONS FROM SENATOR BURR

*Question 30.* Mr. Jarvis, I enjoyed our meeting last week. I especially appreciated our discussion about education and promotion of the National Parks for future generations. I believe it is important that the National Park Service promote visitation to the park units across the country.

I understand that the National Park Service has approved its first Strategic Tourism Plan. Please tell me how you plan to implement that plan if you are confirmed as the Director of the National Park Service.

Answer. The Tourism Strategic Plan was developed by the National Park Service with input from superintendents, regional staff, program managers and our tourism partners. The plan contains a wide variety of practical strategies designed to take advantage of underutilized marketing capacity of our tourism partners through proactive engagement. We have already begun to work with our gateway communities and the tourism community to help convey messages associated with our mission to encourage proper use of our parks while promoting economic recovery through increased visitation to parks and their surrounding communities. The Civil War Sesquicentennial project is a perfect example of this type of project. I confirmed, I would continue to advocate for the implementation of this plan's strategies through the partnership between Park Service staff and the tourism community.

*Question 31.* Mr. Jarvis, as you know, I'm following very closely the development of an off road vehicle management plan in Cape Hatteras National Seashore Recreational Area. The Park Service recently concluded a Negotiated Rulemaking process in an attempt to reach a consensus on a variety of issues. Unfortunately, they were not able to reach consensus on key issues surrounding management of ORVs and resource protection. If confirmed, will you work with me to help ensure that the community has access to these national treasures?

Answer. Yes. I am sympathetic to the concerns of communities around Cape Hatteras National Seashore about beach access and the impacts on tourism from beach closures needed to protect nesting sites. Although the stakeholders were not able to reach a consensus through the negotiated rulemaking on a ORV management rule, the committee developed a considerable amount of useful information and ORV management options for the National Park Service to consider in moving forward with a long-term ORV management plan. If confirmed, I will work with you to complete a plan that protects the resources and provides for enjoyment of the Seashore for generations to come.

#### RESPONSES OF JONATHAN B. JARVIS TO QUESTIONS FROM SENATOR BARRASSO

*Question 32a.* During today's hearing, you and I discussed scientific data collected over the past four years in Yellowstone National Park that indicate air quality, wildlife disturbance and sound impacts have been within acceptable levels. These findings were released in November 2008. We agreed these facts indicate that current management of winter use in the parks is working well. We also agreed that no additional factors need to be considered in evaluating winter use for the parks. However, these facts are inconsistent with the National Park Service proposal to cut motorized access to the parks.

Is there new scientific data collected in the parks that would require the National Park Service to proceed with the proposed reduction in access?

*Question 32b.* If new scientific data is not available, please explain the specific reasoning behind the reduction in motorized access proposed by the National Park Service in direct contradiction to its own science.

Answer. In November 2008, the National Park Service released an Environmental Assessment (EA) with a preferred alternative calling for 318 snowmobiles per day in Yellowstone. The monitoring results and scientific analysis from recent winters support the results presented by the National Park Service in that EA.

Clearly, there are strongly held opinions on the issues surrounding winter use in Yellowstone. I support an open process that involves all interested parties in exam-

ining the types and numbers of snowmobiles and snowcoaches that may be allowed in Yellowstone in the winter. I believe we should apply the best science and knowledge to search for a sustainable solution on this issue.

The facts, as presented in the 2008 EA and the 2008 proposed rule that is available for public comment, are consistent with the analysis in the EA. Additional scientific monitoring information from the 2008-2009 winter season is available at: <http://www.nps.gov/yell/planyourvisit/winteruse.htm> and will be used and incorporated in the final decision regarding the proposed rule. The proposed interim rule to guide winter use for a limited time period (the next two winter seasons), when finalized, will be based on a complete review of the available science and the public comments received in November 2008 as well as all those comments received by the close of this public comment period.

*Question 33.* The United States District Court for Wyoming reinstated the 2004 management plan for the parks on November 7, 2008. The National Park Service subsequently republished the rule in the Federal Register. At this time, both the Wyoming court's ruling and the management plan remain in effect. Yet, the Administration put forward a redundant interim rule on July 23, 2009, indicating that it is necessary to put this rule in place in order to proceed with a two-year evaluation and rulemaking process. Promulgation of this interim rule is not necessitated by any circumstances on-the-ground in Wyoming. The existing legal framework is both sound and scientifically proven to yield positive results (see Question 1 above).

Please explain the legal necessity of promulgating an interim rule, when the Wyoming court's decision and subsequent rule are currently in effect and monitoring data indicate that the management scheme is working.

Answer. As I stated at my confirmation hearing, as Regional Director of the Pacific West Region, I do not have management responsibility over decisions regarding the Wyoming parks, which are within the Park Service's Intermountain Region. I am told by the Office of the Solicitor that the issues you have raised are currently the subject of litigation. I also understand that having such an administrative rule in place will facilitate keeping the park open to motorized use this coming winter.

If I am confirmed as Director, it is my intention to work with all interested persons to prepare a long-term winter use plan for Yellowstone that is legally sustainable.

*Question 34a.* During our meeting last week, you and I discussed the National Park Service role management of the Colorado River. You may be aware that some in Congress are promoting changes to the management of the river. These proponents often cite the National Park Service as a supporter of this cause.

Do you agree with assertions that Federal responsibilities have been neglected and public transparency compromised in management of the Colorado River?

Answer. The National Park Service manages numerous areas on the Colorado River, some 1,100 miles from the Headwaters in Rocky Mountain National Park to the vast resources of Lake Mead. These National Park Service areas conserve and protect the natural and cultural wonders of the west, generate substantial revenue from tourism and recreation, and create and maintain thousands of jobs. The river also provides water and power that are the life blood of many areas in the seven states of the Colorado River Basin.

Federal responsibilities for the management of the Colorado River are broad and varied. Among the applicable laws, the National Park Service Organic Act, and the Grand Canyon Protection Act as well as the enabling authorities for the various park units along the river provide significant direction to the National Park Service.

I believe strongly in public transparency. If confirmed, I look forward to working together with my colleagues at the Department of the Interior, including the Commissioner of the Bureau of Reclamation, to carry out the Secretary's responsibilities for management of the Colorado River.

*Question 34b.* Do you support efforts to force the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, to revisit the Operating Criteria for Glen Canyon Dam?

Answer. I am certain that by working with Secretary Salazar and the rest of the leadership team at the Department of the Interior that the essential cooperation required to resolve issues can be achieved without any need to force working relationships. If confirmed, I look forward to a place at the table with the Bureau of Reclamation, the Secretary, and the rest of the Department in finding the balance of responsible resource stewardship and resource use.

*Question 34c.* Would you, if confirmed as Director of the National Park Service, promote policies to change management of the Colorado River?

Answer. If confirmed as Director, I would look forward to being part of a Departmental team to evaluate the policies related to management of the Colorado River



and where legal, productive, and consistent with the goals of the Department, support changes where necessary to meet the varied needs of the region and the river.

*Question 35a.* Question: During today's hearing, you explained that the National Park Service is effectively "maxed out" by duties placed upon it by the American Recovery and Reinvestment Act and the many expanding responsibilities of the National Park System.

Do you mean to imply that the Service can not utilize increased funding levels?

Answer. It is my understanding that the Park Service is working diligently to implement its Recovery Act projects. Given the significant number of projects and the need for expeditious implementation, the Park Service has developed a strategy to allocate funds and projects both programmatically and geographically to ensure adequate capacity is in place. I did not mean to imply that the Service cannot effectively utilize funding.

*Question 35b.* How does the National Park Service endeavor to meet its growing maintenance backlog, if the agency cannot adapt to utilize increased resources?

Answer. I believe the National Park Service can effectively utilize increased resources. With enactment of the Recovery Act, the National Park Service realized a significant increase in funding—an amount that is more than three times the annual construction funding level. This is a significant ramp up for the Park Service, however, I believe it is up to the challenge.

*Question 35c.* How can the National Park Service justify requests for increased land acquisition funding to acquire additional acreage for the National Park System at a time when the agency is, by its own definition, "maxed out"?

Answer. Land acquisition is an important tool to protect lands and natural and cultural resources that are threatened, for example, by imminent development. In some cases lands can be added to a park that will protect important historic, cultural and/or natural features without significantly adding to budgetary needs.

*Question 35d.* If confirmed, will you recommend the National Park Service return unobligated funds appropriated by the American Recovery and Reinvestment Act to the Treasury to allow the agency to focus on day-to-day operations without being "maxed out"?

Answer. The Act provides authority to obligate Recovery Act funds through September 2010. If confirmed, I will ensure that the National Park Service utilizes Recovery Act funding within this timeframe as effectively and efficiently as possible.

#### RESPONSES OF JONATHAN B. JARVIS TO QUESTIONS FROM SENATOR BENNETT

*Question 36a.* The House Appropriations Committee report to H.R. 3183, the FY2010 Energy and Water Development Appropriations Bill included language that would affect the operations of Glen Canyon Dam. The report says, "The Committee strongly encourages the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, to revisit the Operating Criteria for Glen Canyon Dam." a. What are your views on the preceding language and does the Department of Interior share your views?

Answer. I understand that the House and Senate are conferencing on this legislation and will be producing a conference report. If confirmed, I will review the language in the final conference report in light of a full understanding of the policies of the Department of the Interior on this complicated and important subject.

*Question 36b.* Under existing law, does the National Park Service have a concurring role in developing the Operating Criteria?

Answer. The National Park Service does not have a concurring role under current law. In 1992, Congress enacted the Grand Canyon Protection Act in response to concerns about the operation of Glen Canyon dam and its impact on the park resources. That Act requires the Secretary to "operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1804 [related to operating criteria for the dam] and exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use." The Act requires this provision to be implemented in a manner fully consistent with the law of the river. Where appropriate and in consideration of all of the interests, if confirmed I hope to work as part of the Department of the Interior team to contribute to the evaluation of operations of the Colorado River system. I would hope, through cooperation and excellent working relationships, that we can work to resolve these issues.

*Question 36c.* In your opinion, would the House language, if implemented provide veto power over the development of Operating Criteria?

Answer. I do not believe that the House report language could provide a veto power over the development of operating criteria. It is the responsibility of the Bureau of Reclamation to manage the dams within the authorities vested in the Secretary and, if confirmed, I look forward to working with the Department of the Interior and other interested groups to identify ways to meet all the responsibilities of the Secretary.

*Question 37a.* In the Senate Energy and Natural Resources Committee yesterday, we talked about buffer zones and land management choices outside of national park boundaries. I appreciate your candor in your answers and I would like to give you an opportunity to reiterate what you said yesterday.

In your opinion, what is the National Park Service's role and responsibility on management of matters outside park boundaries?

Answer. The National Park Service has a role and responsibility to comment upon actions outside of park boundaries that could have an impact to park resources, and engage just as any good neighbor might do. We also strive to be involved in local communities by documenting the Service's concerns about actions on adjacent lands and sharing those concerns with interested parties as well as listening to the concerns of those who might be affected by our actions.

*Question 37b.* What are your views on buffer zones?

Answer. As I stated at my confirmation hearing, I am not a believer in buffer zones around the lands that we administer. The National Park Service does want to be part of the discussion regarding lands that are adjacent to, or nearby, National Park System units, just as any other landowner would.

*Question 38a.* The visitor center at Timpanogos Cave National Monument in American Fork Canyon was destroyed by fire in 1991. Temporary trailers were brought in after the fire to serve as the visitor center and to provide other visitor services within the park. Today, those same temporary facilities remain in use. In 1993, the park completed its General Management Plan. The GMP called for the visitor center and other support facilities to be re-located outside of the canyon to reduce the risk to visitors and employees from falling rocks. In 2001, in order to facilitate the re-location of the visitor center outside of American Fork Canyon, I sponsored and Congress passed legislation (S. 1240) authorizing the NPS to build an interagency facility on land owned by the USFS at the mouth of American Fork Canyon.

Is replacing the temporary visitor center at Timpanogos Cave NM still a priority for the NPS?

Answer. I am told that replacing the temporary visitor center remains one of the Park Service's priorities. In fact, I understand that we recently conducted a public scoping meeting in the Timpanogos Cave Visitor Center about planning for facilities. The Park Service is proposing to construct a new cave trailhead visitor center, and an interagency center outside the mouth of the canyon in cooperation with the U.S. Forest Service. Other facility issues will also be examined including realignment of Utah Highway 92 and redesign of the parking area at the cave trailhead visitor center, removal of a residence and the existing visitor center/concessions to allow for additional parking, and many others.

*Question 38b.* If this project is a priority, when might we see it included on the NPS construction priority list?

Answer. Once the collaborative planning process for this project is completed, the Park Service will have more concrete estimates of the resources needed as well as estimates regarding the amount of time the required compliance and construction will require.

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RESPONSES OF WARREN F. MILLER, JR., TO QUESTIONS FROM SENATOR MURKOWSKI

GNEP

*Question 1.* Last month, the Department of Energy formally canceled the Global Nuclear Energy Partnership (GNEP) and its attempt to develop technologies for spent nuclear fuel recycling. How does the cancellation of GNEP impact efforts to move spent fuel recycling forward? How does this impact the international portion of the GNEP program?

Answer. I believe that spent nuclear fuel recycling holds great promise, and that the Department should continue to invest in it. As I understand it, the FY 2010 budget request in this area is focused on long-term, science-based research and development. I agree with the Secretary that this is the appropriate focus, and if I am confirmed, one of my highest priorities will be to advance recycling technologies that are superior to current technologies in terms of cost, proliferation resistance,

and waste management. This is a critical component of a comprehensive strategy to address the back end of the fuel cycle. The domestic portion of the GNEP program had a different focus, on near-term, commercial-scale deployment of existing reprocessing technologies. With respect to the international aspect of GNEP, it is my understanding that the Department, working within the interagency process, is considering options for advancing the Administration's nonproliferation and energy priorities through its participation in the international activities of GNEP.

#### WORKFORCE

*Question 2.* What suggestions do you have for Congress and the Department of Energy when it comes to the development of our future nuclear workforce?

Answer. As we restart the nuclear industry in the United States, I think that the Department must play an active role in encouraging and helping young people to pursue educational pathways that will prepare them to build and operate the next generation of nuclear reactors. While I am not familiar with the details of the DOE's programs, I do believe that the President and the Secretary are committed to science and education. For example, the Department has proposed an initiative in the FY 2010 budget—known as RE-ENERGYSE (REgaining our ENERGY Science and Engineering Edge)—that would be jointly funded by the Department of Energy and the National Science Foundation. This program would include: energy research opportunities for undergraduates; educational opportunities for women and underrepresented minorities who seek careers in the clean energy sector; partnerships between industry and two-year and four-year colleges to strengthen education for technicians in the clean energy sector, focusing on curriculum development, teacher training, and career pathways from high schools to community colleges; interdisciplinary energy graduate programs at the master's and Ph.D. level that integrate science, engineering, entrepreneurship, and public policy; individual fellowships to graduate students and postdoctoral researchers involved in the frontiers of clean energy research. This type of program, combined with continued support for current initiatives, will be important to developing our future nuclear workforce.

#### CLIMATE CHANGE

*Question 3.* Do you believe that nuclear energy must be part of the solution in addressing climate change?

Answer. Yes, I do.

#### FUTURE OF NUCLEAR POWER

*Question 4.* When looking at nuclear power's contribution to this nation's future electricity needs, how much focus should be placed on finding ways to extend the life of the current fleet of light water reactors, versus the construction of new reactors?

Answer. It is my understanding that the current fleet of reactors is in the process of license extensions with the NRC, and that some have already been granted. These existing plants provide lowcost, low-carbon power, and I think it is in our interest to utilize them to the extent that we can do so in a safe manner. There will be some limit to the lifetime of these plants, which is one of the reasons that I think it is important to move forward with restarting the nuclear industry and getting new reactors financed, licensed, and constructed. I know that this is a priority for Secretary Chu, and it will be one of my highest priorities if I am confirmed.

#### REPOSITORY SITES

*Question 5.* The Swedish Nuclear Fuel and Waste Management Company recently announced the selection of a permanent geologic repository site for spent nuclear fuel, subject to government approval. The site selected has the support of 80% of the population in the local municipality. When it comes to the disposition of our spent nuclear fuel, what lessons can the United States learn from other nation's efforts to find a geologic repository and their selection process?

Answer. As we discussed at the hearing, Secretary Chu has indicated that he will convene a blue ribbon panel to make recommendations about a path forward on nuclear waste management and disposal. If I am confirmed, I plan to work with this panel, and it's my view that both the panel and the Department should examine both successes like the Swedish experience as well as failures to inform the development of a new strategy and process for siting a repository.

## STORAGE

*Question 6.* Do you agree with the Nuclear Regulatory Commission's proposed finding that spent nuclear fuel can safely be stored on-site for 60 years beyond the licensed life of operation of a nuclear reactor? Should spent nuclear fuel be stored at over 100 locations across the nation for 60 years beyond a reactor's licensed life?

Answer. I do believe that spent nuclear fuel can be safely stored in dry casks for a long period of time. The question of whether the spent fuel should stay on site in dry casks or whether other arrangements should be made is an issue that I expect the blue ribbon panel will examine when it begins its work. I do not want to prejudice the panel's deliberation, but it is certainly an issue that I believe deserves careful consideration, and something that I would examine closely if I am confirmed.

## SPENT NUCLEAR FUEL

*Question 7.* Do you support the recycling of spent nuclear fuel? What role can/should recycled nuclear fuel play in meeting the nuclear power industry's future fuel needs?

Answer. As noted above, I believe that spent nuclear fuel recycling holds great promise, and that the Department should continue to invest in it. As I understand it, the FY 2010 budget request in this area is focused on long-term, science-based research and development. I agree with the Secretary that this is the appropriate focus, and if I am confirmed, one of my highest priorities will be to advance recycling technologies that are superior to current technologies in terms of cost, proliferation resistance, and waste management. This is a critical component of a comprehensive strategy to address the back end of the fuel cycle.

## BUDGETING

*Question 8.* Is the President's Fiscal Year 2010 budget request for the Office of Civilian Radioactive Waste Management (OCRWM) adequate to respond to Nuclear Regulatory Commission questions about the Yucca Mountain license application? What impact will the President's FY2010 budget request for ORCWM operations have on Department of Energy employees and contract employees compared to FY2009 funding?

Answer. As I understand it, the Administration's FY 2010 budget request expresses an intent to terminate the Yucca Mountain program while developing nuclear waste disposal alternatives. All funding for development of the Yucca Mountain facility will be eliminated, such as further land acquisition, transportation access, and additional engineering. With respect to impacts on DOE employees and contract employees, I do not have those details, but it is my understanding that the budget request includes the minimal funding needed to explore alternatives for nuclear waste disposal and to continue participation in the Nuclear Regulatory Commission license application process.

## URANIUM

*Question 9.* On December 16, 2008, the DOE adopted a policy with regard to the disposal and sale of excess government uranium inventories. The policy was entitled the "Excess Uranium Inventory Plan". The DOE has uranium inventories in various forms and assays. Current law requires that these inventories not be sold if such sales would adversely impact the domestic uranium, conversion, and enrichment industries. This policy resulted from an effort to address the Department's program needs and pursuant to extensive discussions with interested stakeholders including the front end fuel cycle suppliers and the nuclear utility industry. The stakeholders group, at DOE's urging, put together a consensus agreement on how the excess inventory should come into the commercial market.

Are you familiar with this policy and do you believe it represents a tenable path forward for the sales of excess government uranium inventories?

Answer. At this point, I am only generally familiar with the Department's policy as set out in its U.S. Department of Energy Excess Uranium Inventory Management Plan. As I understand it, the plan was intended to provide the general public and interested stakeholders specific information and transparency with respect to DOE's preliminary plans for its excess uranium. I think that a defined and transparent program should be the goal. If I am confirmed I will examine this issue carefully and work closely with you on this important issue.

## RESPONSE OF WARREN F. MILLER, JR., TO QUESTION FROM SENATOR BARRASSO

Developing our domestic uranium resources creates good-paying American jobs. It also lessens our dependence on foreign sources of energy.

In 2007, a group of Senators wrote to the Secretary of Energy expressing concerns with the Department of Energy's plan for selling its excess uranium inventories on the open market without consideration for domestic uranium producers. The Department of Energy sat down with stakeholders to craft a comprehensive, consensus plan for managing the disposition of DOE's excess uranium.

DOE issued its Excess Uranium Inventory Management Plan last year. The Plan allows the Department to maximize the return for the U.S. Government for sales of its uranium without jeopardizing American mining jobs. It also ensures that the Department of Energy is following the requirements for government inventory sales set forth in the U.S. Enrichment Corporation Privatization Act of 1996.

*Question 1a.* Do you believe that the domestic uranium mining industry is important for promoting American energy independence and providing good-paying American jobs?

Answer. Yes, the domestic uranium mining industry is important to the US economy and the domestic energy sector.

*Question 1b.* Do you agree that DOE should follow a clearly defined plan for management and disposition of its excess uranium supplies?

Answer. Yes, I agree the Department's plans for managing and disposing of its excess uranium supplies should be well defined and transparent.

*Question 1c.* If confirmed, will you support the Excess Uranium Inventory Management Plan put together by a comprehensive, consensus effort over the last couple years?

Answer. I am only generally familiar with the plan at this time, but if I am confirmed I will examine this issue carefully and work closely with you on this important issue.

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 RESPONSES OF JAMES J. MARKOWSKY TO QUESTIONS FROM SENATOR MURKOWSKI

## FUTURE ROLE FOR FOSSIL FUELS

*Question 1.* Fossil fuels currently account for about 85 percent of domestic and worldwide energy consumption. What do you think the role of fossil fuels will be 25 years from now, domestically and internationally, and can you give us your thoughts about a transition?

Answer. I strongly believe that we need a diversified fuel mix for years to come. We should continue to invest in renewable sources of energy and nuclear, but fossil fuels are and will continue to be a major part of our fuel mix. We have tremendous coal reserves, and as Secretary Chu has said, even if we decided to stop using coal, China and India will not turn their backs on coal. I agree, and I think we need to find a way to use coal and other fossil fuels in a cleaner way. If confirmed, one of my top priorities will be to build on the investments of the previous Clean Coal Power Initiatives and continue to develop and demonstrate technologies that can be installed as retrofits on existing plants as well as advanced technologies for new coal based power plants, so they will be ready for use as the existing coal fleet ages. Additionally, as we develop these technologies, we can export them to other countries, aiding both our economic prosperity and an international transition to cleaner fuels.

## ARCTIC ENERGY OFFICE

*Question 2.* For the past eight years, DOE's fossil energy budget has supported an Arctic Energy Office in Alaska based in Fairbanks. The office has done great research on heavy oil production, methane hydrate production, northern coal development, some CCS work involving coal and enhanced oil recovery, and a host of other areas. The budget, which has ranged from \$7 million to this year's \$3.8 million, has never been incorporated into the Department's budget plan, but always has been funded by Congressional add on. This Senate committee in its proposed energy bill has reauthorized the office and actually increased its authorized spending levels, but the Administration in its FY 10 budget proposed no funding at all for the office's work to continue. The future for earmarks, given the President's strong objections to them, is that depending on them for funding of programs is unwise. I am very interested in your views of the office, whether you will support funding reallocations in the DOE budget, if confirmed, to continue the office's work in northern climates, and whether you would support expanding the scope of the office work product from

just fossil energy to all types of energy, including all types of renewable energy and energy efficiency?

Answer. I believe that the types of research you mention above are valuable and plan to support them going forward. If confirmed, I commit to taking a close look at the Arctic Energy Office and hope I can work with your office to assess how it may fit into future budget requests.

#### FUTUREGEN COSTS AND EFFECTIVENESS

*Question 3.* FutureGen was envisioned as a 275 megawatt, near zero-emissions power plant. It was cancelled by the Bush Administration because its price nearly doubled to \$1.8 billion. That cost estimate has increased further to \$2.4 billion and, despite \$1 billion provided through the Stimulus, a funding shortage of \$700 million remains. Furthermore, a plant that was supposed to operate at a 90% capture rate will now only achieve 60%.

You spent almost 30 years at American Electric Power, a company that has chosen to drop out of the FutureGen Alliance. With that perspective, and understanding the record deficits this country faces, do you believe that FutureGen is the most efficient use of taxpayer dollars to advance carbon capture and sequestration technologies?

Answer. In my opinion, the FutureGen project has a high potential value as an investment in a large scale demonstration facility with fully integrated CCS technology that can provide us with critical scientific and commercial knowledge and assurance going forward. There been significant uncertainty about the cost of the project. As I understand it, the Department is currently proceeding to complete project design and engineering work while gathering additional cost data, including actual price quotes, to get a more definitive picture of what the project will cost. This process will occur over roughly the next six months and should reveal what size, if any, funding gap exists. Only after all these data have been collected and considered will a final determination on whether or not to proceed be made. If confirmed, I will be closely involved in the project.

As for the capture percentage, my understanding is that the ultimate goal of capturing 90% has not changed. What has changed is that the project would begin with a target of 60% capture to improve reliability in the early phases of the project.

#### UNCONVENTIONAL OIL PRODUCTION

*Question 4.* One area where hard-to-find oil has seen improved access is in deepwater and ultra-deepwater. In what would be your office's ultra-deep oil and gas research program, the mission is to "maximize the value of natural gas and other petroleum resources of the United States by increasing resource supplies, reducing the cost and enhancing the efficiency of exploration and production, improving safety, and minimizing environmental impacts." Can you tell me how you view the future of this program, and whether the current state of research is indeed achieving this mission?

Answer. Deepwater and ultra-deepwater drilling will be an increasingly important technology in the coming years as the technology improves and as we exhaust more easily reachable supplies of oil and natural gas. At this time, I do not have a view on the state of research in this area, but if confirmed I will examine the issue closely and advocate for any changes in direction or resources that I believe are needed to achieve the mission of the program.

#### ENHANCED RECOVERY

*Question 5.* The DOE's CO<sub>2</sub> reinjection programs are intended to enable enhanced recovery of the nation's "stranded" oil resources—in other words, oil that is deep in a reservoir that can't be accessed without stimulation from injections of this greenhouse gas. Your office will try to scout out possible candidate locations for future CO<sub>2</sub> enhanced oil recovery using CO<sub>2</sub> from industrial sources as well as geologic sources. There's a great deal of interest in whether we can make this kind of operation a win-win for efforts to reduce emissions and the upstream oil and gas companies who have pioneered the process of re-injecting the CO<sub>2</sub> for EOR. Do you think that this activity should qualify as an offset of emissions in a cap and trade framework?

Answer. I agree that EOR is a great opportunity to find a win-win for both oil production and sequestering CO<sub>2</sub>. Current technology leaves upwards of 50% of oil in drilled wells and, considering our energy needs, finding ways to increase oil output is a critical goal. While I would need to take a closer look at the offset issue before making a policy call on how EOR should be treated, I certainly support efforts to make CO<sub>2</sub> a value-added product rather than a costly waste.

## ROYALTY RELIEF

*Question 6.* I'd like to explore the motivations behind the "reducing the cost of exploration and production" element of your mission. Do you consider the concept of royalty relief to be a useful means in reducing costs? In other words, can the profitability of a frontier field be achieved when we seem to be entertaining a counter-productive system of subsidizing research and technology while charging higher royalties and taxes?

Answer. There is a legitimate question of balancing the need to reduce the cost of exploration and production with an appropriate assessment of fees for the use of public lands. As I understand it, the Department of the Interior has the responsibility for setting royalty rates, and I look forward to working with the Minerals Management Service on this issue.

## RETURN ON COAL-FIRED EFFICIENCY INVESTMENTS

*Question 7.* A 275 megawatt coal-fired plant with a capacity factor of 65% and a 90% carbon capture rate could generate 1,565,850 megawatt hours per year and avoid the emission of 1 million metric tons of CO<sub>2</sub> per year. Let's assume such a plant costs \$2 billion to build. If that same \$2 billion were spent on efficiency improvements at existing coal-fired power plants, you could get an additional 18.5 billion kilowatt hours per year in generation and a reduction in CO<sub>2</sub> emissions of 4 million metric tons per year.

CO<sub>2</sub> emissions from the existing fleet can be dealt with through capture and sequestration retrofits, through efficiency improvements, or by shutting them down. The previous Administration sought to zero out funding for improvements at existing plants. Based on the calculations above, and the urgency of not only reducing CO<sub>2</sub> emissions but meeting electric demand growth as well, do you believe it was short-sighted from an environmental or economic perspective to seek to zero out funding for improvements at existing plants?

Answer. I think that the type of project you describe does have merit, in that we're going to need to develop a suite of technologies to reduce carbon emissions from coal-fired power plants, both new and existing. However, you rightly point out that there are opportunities for reducing carbon emissions at existing plants in a cost-effective way by improving efficiency of the current fleet. I believe that efficiency improvement such as on-line performance monitoring in order to maintain the plant closer to design heat rate along with retrofits such as installing new high efficiency first stage HPT steam turbine blades, on line cleaning main condensers, retrofitting with variable speed drive motors, installing new cooling tower film packs, adding extra airheater surface in the boiler, etc, can improve plant efficiency by between 3 to 5 percent can be achieved today. These are important actions that plant operators can take now and I plan to look hard to other performance enhancement options for the existing fleet of plants.

## DOMESTIC ENERGY PRODUCTION

*Question 8a.* In the DOE Office of Oil and Natural Gas, the stated mission is to ensure clean, reliable, and affordable supplies of oil and natural gas for American consumers. I have two important and simple questions about this.

Do you agree that a "clean" energy future is compatible with ensuring reliable and affordable domestic supplies of oil and gas for American consumers?

Answer. Yes, I believe that we can find ways to use our fossil fuels more cleanly, ensuring both a cleaner future and a reliable and cost-competitive supply.

*Question 8b.* Do you anticipate that America's overall oil production will increase or decrease under this Administration's current four-year term, and which scenario would you most prefer?

Answer. I don't have a view at this point about where production is headed over the next four years because there are many factors that impact that outcome, but I do believe that increased domestic production would be preferable, all other things equal.

## RESPONSE OF JAMES J. MARKOWSKY TO QUESTION FROM SENATOR BARRASSO

*Question 1a.* The Fossil Energy office will play a critical role in making American energy cleaner and more reliable. Developing and deploying clean coal technology is an essential part of this process. Folks in Wyoming are leading the way in developing this technology.

The State of Wyoming has partnered with the private sector and academia to make American energy cleaner and more efficient. Just last month, the University of Wyoming and GE Energy announced the site for the High Plains Gasification-

Advanced Technology Center. This facility will use \$100 million investment from the State and the private sector to advance clean coal technology.

What are your goals for the Fossil Energy Office as it relates to clean coal and carbon capture and sequestration technologies?

Answer. If confirmed, clean coal will be a major priority of mine. I believe the projects funded by the Fossil Energy Office in previous rounds of the Clean Coal Power Initiative are important investments that need to be sustained and built upon in the future. Between CCPI, FutureGen, and other projects, my goal is to help create breakthroughs in CCS that can lead to commercial deployment so that coal remains a competitive option for decades to come.

*Question 1b.* Do you believe the U.S. has the responsibility to be a global leader in developing this technology?

Answer. Yes, our leadership can help drive both the development and deployment world wide.

#### RESPONSES OF JAMES J. MARKOWSKY TO QUESTIONS FROM SENATOR SHAHEEN

*Question 1.* Much attention has been focused on the development and deployment of carbon capture and storage technologies at new coal-fired facilities. I think these technologies are an important part of our country's energy future and, as we develop them here, it is my hope we will be able to export them to other countries who burn a lot of coal. However, not much attention is given to the retrofit of existing pulverized coal plants here in the U.S. with carbon capture technology. Do you have an opinion on the feasibility of retrofitting existing coal-fired plants with CCS technologies? Is this an area that you think should receive some attention by the Office of Fossil Energy?

Answer. Yes, I believe that in addition to building new cleaner coal plants, we should invest in retrofitting existing plants to capture emissions. If confirmed, I do hope to take a close look at how we can meet this challenge.

*Question 2.* While research is an important component of technology development, will you help move the Department to think about technology deployment and helping industry execute key administration goals rather than focusing on laboratory research?

Answer. RD&D are all critically important. We need more research and development on clean coal and other technologies, and yes, we do need to work on deployment as well. I believe that FutureGen can be both a research facility to help us find solutions and collect data as well as a path forward on deployment of CCS technology.

*Question 3.* Fossil Energy has developed significant pollution control technologies however their use comes with considerable energy penalties, reducing the efficiency of power plants and resulting in increased carbon dioxide emissions. Will your leadership also include addressing the energy efficiency of pollution control equipment?

Answer. I am a strong supporter of increased efficiency, with respect to both generation and pollution control technologies.

*Question 4.* Will you focus research efforts on decreasing pollution from fossil fuel use?

Answer. Yes.

*Question 5.* While biomass is an element of the renewable energy portfolio, biomass-to-power technologies overlap with fossil fuels and in many cases large opportunities come from repowering fossil fuel power plants with biomass. Can you address how you will interact with EERE to identify and promote biomass-to-power technologies and projects and assure us that inter-jurisdictional issues won't be lost in the cracks?

Answer. I know that a number of projects have been proposed recently that combined both biomass and coal or coal-to-liquids, and these projects can be an important part of using coal more cleanly. If confirmed, I plan to work closely with Under Secretary Johnson and with Assistant Secretary Zoi to make sure that we have a cohesive strategy on interdisciplinary projects.

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#### RESPONSES OF ANTHONY M. BABAUTA TO QUESTIONS FROM SENATOR BINGAMAN

##### INTERAGENCY POLICY DEVELOPMENT AND IMPLEMENTATION

*Question 1.* The current interagency structure for assisting in the development, coordination, and implementation of territorial policy under Executive Order 13299 has proven to be ineffective because it does not provide a specific role for White House officials. As a result, in recent years many of the challenges facing the islands have not gotten the Federal attention and response they deserve.



Can you assure the Committee that this Executive Order is under review, and that it will be amended to make Executive Branch responses to territorial issues more effective by requiring engagement by White House officials?

Answer. The Interagency Group on Insular Areas (IGIA) has been an effective forum for raising issues within the Executive branch that are important to island leaders. The purpose of the IGIA is to better coordinate action on island issues among Federal agencies, and the White House is usually represented at meetings of the full IGIA. The issue of greater White House involvement in the IGIA is currently under review within the Administration.

#### CNMI IMMIGRATION

*Question 2.* In May, 2008, President Bush signed legislation to extend U.S. immigration laws to the CNMI. On June 15 of this year, I signed a letter with Senate and House colleagues to the Secretaries of the Interior and Homeland Security expressing concern regarding implementation of this law. The letter requested prompt action in four areas.

When can Congress expect a response to this letter, including a progress report on the requested "action" items?

Answer. Because two agencies are involved, additional coordination was necessary. It is expected that the response will be sent soon.

#### SAMOA AND CNMI ECONOMIES

*Question 3.* The CNMI economy has contracted by about 40 percent in the past few years because of changes in international trade agreements. The economy of American Samoa is expected to contract by a similar amount in the next few years because of the departure of one of the two tuna canneries located there.

Can you assure the Committee of the Department's, and the Administration's commitment to promoting sustainable economies in these communities?

Answer. If confirmed, I can assure you that economic development will be at the forefront of Interior's agenda for the insular areas. Special attention will be paid to American Samoa and the Commonwealth of the Northern Mariana Islands because of the severe economic conditions the two territories are currently experiencing.

#### PALAU COMPACT

*Question 4.* The 15-year assistance agreement between the U.S. and the Republic of Palau expires on September 31, 2009. Legislation is now under consideration that would extend financial assistance to Palau for an additional year. This extension would provide time for the U.S. and Palau to complete discussions on future assistance, for the Administration to transmit legislation on future assistance, and for Congress to consider and enact such legislation.

Can you assure the Committee that such legislation will be transmitted to the Congress by the end of 2009, so that there will be sufficient time for Congress to enact it before the new, September 31, 2010 deadline?

Answer. Under Public Law 99-658, the Department of the Interior is responsible for funds appropriated for Palau. The Department of State is responsible for government-to-government relations with Palau, and is therefore, is the lead agency regarding review of the Compact of Free Association. Since Interior is not the lead agency, I am not empowered to give the assurance that you request. I will however, if confirmed, work with our partners to complete the necessary reviews of the Compact in a timely manner.

Meetings have been held involving the Departments of State and the Interior and the Government of Palau. The participants in these meetings are working conscientiously to meet your timeline for submitting to the Congress any legislation that may result from this review effort.

#### RESPONSES OF ANTHONY M. BABAUTA TO QUESTIONS FROM SENATOR MURKOWSKI

#### PENDING LEGISLATION

*Question 5.* In the energy bill recently passed out of this committee, we included an Island Energy section to establish a team within the Department of Energy to provide technical, policy, and financial assistance to the affiliated-islands to help reduce their reliance on imported fossil fuels. The House included similar language in its climate change bill. Should this provision be enacted into law, what role can the Office of Insular Affairs play in helping the Island Energy team be successful?

Answer. If confirmed as Assistant Secretary of the Interior for Insular Areas, I would seek to have the Office of Insular Affairs work collaboratively with the De-

partment of Energy to expedite the implementation of promising technology that will help reduce the insular areas' reliance on imported fossil fuels. Additionally, the Office of Insular Affairs has been engaged with insular government leaders and officials at the Department of Energy on how best to apply cutting edge green energy technology in the islands. I would expect that energy initiatives of the Department of the Interior would complement the work of the Department of Energy.

#### IGIA

*Question 6.* Do you view the current Inter-Agency Group on Insular Areas (IGIA) process to be effective? How can it be improved?

Answer. The current Interagency Group on Insular Areas (IGIA) has been an effective forum for raising issues within the Executive branch that are important to island leaders.

The purpose of the IGIA is to better coordinate action on island issues among Federal agencies, and the White House is usually represented at meetings of the full IGIA. While the IGIA brings agency representatives together, active high-level White House participation could bring solution to more issues. Administration officials are considering more White House participation.

Additionally, the regular utilization of sub-groups (task forces) for the consideration of specific issues would likely yield improved results. A task force has been established to address the needs of the civilian sector of Guam that are related to the Guam military build-up. Additionally, a sub-group called the Interagency Coordinated Assets for Insular Health Response was established for health care issues in the islands, and at the end of June a subgroup began renewed coordination of agency actions with regard to implementation of new Federal law on immigration in the Commonwealth of the Northern Mariana Islands.

#### COMPACTS

*Question 7.* The Department of the Interior is charged with the administration and oversight of federal assistance provided to the Marshall Islands, Federated States of Micronesia, and Palau under their respective Compacts of Free Association with the United States. Congress recently renewed Compact funding for the Marshall Islands and the FSM, and a 15-year review is underway of Palau's Compact.

Can you assure this Committee that U.S. taxpayer dollars are being—and will continue to be—spent in accordance with the intent of the various provisions of the Compacts?

Answer. The existing Compact of Free Association between the United States and Palau is generally viewed as a success. Palau and the Administration are currently conducting the 15-year review of the Compact's financial provisions.

The amended Compacts of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands require that activities be reviewed every five years during the life of each Compact. The first of these reviews is underway. With the Department of the Interior's responsibility for Compact funding, I can assure you that, if confirmed, I will work closely with the island leaders and our sister agencies in the Federal government toward achieving the goals of the Compacts of Free Association.

## APPENDIX II

### Additional Material Submitted for the Record

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STATEMENT OF THE DERRICK A. CRANDALL, PRESIDENT, AMERICAN  
RECREATION COALITION

The American Recreation Coalition wishes to express its strong support for the President's nomination of Jon Jarvis to serve as the next Director of the National Park Service and to urge the Senate to confirm him promptly for this important post.

America's national parks are special places for fun, for learning and for connections—connections to America's history and values and traditions. Each year, some 275 million visits are made to the nearly 400 units of the system and the more than 80 million acres of those units. This is a challenge. But we believe, and we know Jon Jarvis also believes, that the greater challenge is to expand this connection between our park units and all Americans. Today, not all Americans fully benefit from this wondrous legacy. Poor Americans, urban Americans and Americans of color are less likely to know about and experience the glories of the Grand Canyon or lessons of Gettysburg. In fact, the percentage of Americans visiting our parks has declined substantially over twenty years.

The National Park Service is fast approaching its 100th anniversary. It was given a demanding charge by the Congress in 1916: "conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations." This charge has not become easier as the population of the United States has grown to more than 300 million, and as pressures beyond and within the parks have generated new and contentious issues of management.

The agency needs leadership that can look ahead, and respond to changes in technology and the economy and lifestyles proactively. It needs leadership like that provided by its first director, Stephen Mather, who protected park resources but also took actions which made the parks visible and beloved.

Jon Jarvis possesses the passion, the vision, the intellect and the experience to be an extraordinary National Park Service Director. We believe that he has the capacity to respond to today's challenges not by fighting fires but by changing paradigms. We have watched Jon in his career and have admired not only what he has himself led and accomplished but what he has nurtured through support of innovation and action by superintendents and others he has supervised. We believe that partnership-based programs at Golden Gate National Recreation Area, at Yosemite National Park, at Santa Monica Mountains National Recreation Area and at Lake Mead National Recreation Area are reflective of the efforts which can make certain that 100 years from now, as the agency approaches its 200th anniversary, the National Park System is as beloved and beneficial to the nation as it is today.

We believe that actions to prepare the national parks for the challenges of the next century are overdue and urgent. The agency, and the nation, need a leader who understands the resources and the limits of the National Park Service and will welcome and empower the agency's allies and supporters: non-profits and corporations, individuals and state and local governments. Yet operating successfully in the world of partnerships and cooperation requires a leader with core values and perspective, one who has the respect of those who have worked with him in the past and who can recruit and be trusted by those who bring new assets to the national parks. We believe that the nation is fortunate to have the talent of Jon Jarvis to lead the agency as it nears its 100th anniversary.

STATEMENT OF MIKE TOLLEFSON, PRESIDENT, THE YOSEMITE FUND,  
SAN FRANCISCO, CA

I am writing to endorse Jonathan Jarvis for Director of the National Park Service. I have worked with him as a champion and steward of our National Park resources for the past twenty years.

Jon is a particularly effective public servant. His command of environmental policy, issues and stewardship, and sensitivity to the challenge of preservation and use is unparalleled. His professional and personal pursuits cover the entire spectrum of environmental concerns, with particular focus on resource management. He has extensive knowledge and experience in the public, private and non-profit sectors. He has worked tirelessly to achieve solutions to perplexing problems through collaboration and partnerships as well as through independent and task force based methodology.

Jon Jarvis has tremendous drive, passion for the National Park system, and ability to work long and hard in the public interest. I heartily endorse his candidacy and look forward to working with him as Director of the National Park Service.

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STATEMENT OF LILLIAN KAWASAKI, PRESIDENT AND CO-CHAIR, FRIENDS OF  
MANZANAR, INDEPENDENCE, CA

On behalf of Friends of Manzanar, I am writing to urge your confirmation of Jon Jarvis as the next Director for the National Park Service. Mr. Jarvis is an inspirational leader with a long and distinguished career and an excellent choice to lead the Park Service into its next century.

Friends of Manzanar works with the National Park Service and other interested groups to preserve and restore the Manzanar site, and to interpret its stories, resources and lessons, for this and future generations. Friends is a publicly supported charity exempt from taxation under Internal Revenue Code section 501(c)(3). Mr. Jarvis has been a strong supporter of Manzanar and other similar camps and facilities, where Japanese Americans were interned during World War II. We appreciate not only his dedication, but the passion with which he conducts his work.

We are grateful for the opportunity to express our deep support for Jon Jarvis. Thank you for your consideration. If you have any questions or would like further information, please feel free to contact me at 562.754.8850.

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STATEMENT OF HON. MADELEINE Z. BORDALLO, DELEGATE FROM GUAM, U.S. HOUSE  
OF REPRESENTATIVES

Good morning, Mr. Chairman and Senator Murkowski, and distinguished Senators of this Committee. It is a privilege to appear before you today on behalf of our community on Guam to share with you a few words of support for Tony Bahauta, a native son of Guam, who has been nominated by President Obama as an Assistant Secretary of the Interior for Insular Areas.

Today is a very proud day for our community, and I am joined here at this confirmation hearing by many from Guam. I want to recognize Senator Tina Muna Barnes and Senator Frank Bias, Junior and I request that the Resolution of support from the 30th Guam Legislature be included in the record.

I commend President Obama for elevating this position to an Assistant Secretary. Tony is the most capable person to fill this elevated position.

Tony grew up on Guam and the mainland. He is the son of Antonio and Mary Babauta, of Agat. His father is a retired United States Navy officer. He also carries with him the proud traditions of the Chamorro culture.

I have known Tony for more than 20 years. Our association began when he worked for me when I served as a Senator in the 20th Guam Legislature. Tony has many years of service on the professional staff of the Guam Legislature. During his service at the Guam Legislature, Tony earned the respect of Senators in both parties. He subsequently went on to work here in the nation's capital as a Legislative Assistant to my predecessor, Congressman Robert Underwood. Ten years ago, Tony was appointed to serve on the professional staff of the House Committee on Natural Resources by then Ranking Member George Miller. Chairman Nick Rahall increased Tony's responsibilities and in the 110th Congress he was appointed as staff director for the Subcommittee on Insular Affairs.

Tony has a wealth of experience and the knowledge of policy to help the Obama Administration with their work in the territories and the freely associated states.

Tony has shown us he is more than capable in fulfilling the interests of the country in handling these issues for the Administration. I know that he will work well with Secretary Salazar.

On behalf of the people of Guam, I urge you to favorably report the nomination of Tony Babauta to full Senate with the recommendation that he been confirmed without hesitation. Lastly, today, here with him, are his lovely wife, Barb, and their daughter, Gabriella. As we say on Guam, Si Yu'os Ma' ase, meaning thank you, for having me appear before you today.

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STATEMENT OF JENN DICE, GOVERNMENT AFFAIRS DIRECTOR, INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION (IMBA)

On behalf of the International Mountain Bicycling Association (IMBA) and its 80,000 supporters and 750 clubs, IMBA is pleased to support and recommend the appointment of Jon Jarvis as director of the National Park Service.

Mr. Jarvis has a strong and diverse background in national parks management. His commitment to the park service mission is unwavering, and he is an inspiring and steady leader. Mr. Jarvis is a dedicated protector of park natural and cultural resources while at the same time he understands the importance of providing the opportunity for high quality outdoor recreation.

Mr. Jarvis is an ardent supporter of aligning the younger generation to the park mission and natural resources and is particularly sensitive to the role that parks must play in inspiring healthy life styles. Mr. Jarvis will help make national parks more relevant to today's youth. He knows the importance of weaning kids away from video games and getting them connected to the outdoors.

Mr. Jarvis has shown a strong commitment to the execution of partnerships and has been successful in working with regional and state public land agencies in providing a seamless system of park services to the public. He knows the importance of citizen participation in park decision-making and always strives for the greatest amount of openness and disclosure in planning processes.

IMBA recommends and supports Jon Jarvis without exception to be the next director of the National Park Service.

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STATEMENT OF BRUCE BUSTAMANTE, VICE PRESIDENT COMMUNITY AND PUBLIC AFFAIRS, PRINCESS TOURS, ANCHORAGE, AK

I am pleased to learn that Jon Jarvis has been nominated for the position of Director, National Park Service. We understand Mr. Jarvis has a solid working history in the National Park system and earlier in his career he was the Superintendent at Wrangell-St. Elias National Park. Princess Cruises & Tours has a significant investment in Alaska and partnering and stewardship of the parks in Alaska is of significant interest to our company and our visitors.

Alaska's public lands and in particular, its National Parks, have great interest for visitors to the State. To have a director with hands-on experience in Alaska is extremely beneficial since over 60 percent of National Parks in the United States are within Alaska's borders.

Mr. Jarvis' experience in Alaska will be greatly beneficial to the National Park Service since he is familiar with key constituents, Alaska National Interest Land Conservation Act (ANILCA) and the specific needs of our parks. This level of understanding and knowledge of Alaska's parks is extremely beneficial at such a high level.

Please consider this as letter of support for Mr. Jarvis in the very important role of National Parks Director.

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STATEMENT OF SALLY JEWELL, PRESIDENT & CEO, REI, SUMNER, WA

It is with great pleasure that I write this letter with enthusiastic support for the nomination of Jon Jarvis to head the National Park Service.

My relationship with Mr. Jarvis comes from multiple angles. As a business executive who is engaged in supporting our national parks, as a board member of the National Parks Conservation Association (NPCA), as a member of the National Parks Second Century Commission, as a mother of a son who volunteered as a ranger in Mt. Rainier National Park for three years, and finally as a long-term visitor to national park sites across the country.

Professionally, I serve as president and CEO of REI (Recreational Equipment, Incorporated), one of the nation's largest outdoor gear and apparel retailers and the

country's largest consumer cooperative. Our customers and members depend on public lands for recreation, renewal and a connection to nature and history. Our national parks represent the most critical of these places and their long term stewardship is vital to the long-term health of our eco-systems and preservation of our history and culture. In serving on the NPCA board for the past four years, I have come to better understand the challenges that face our national parks, and the priorities that require our attention.

Over the past year, I have had the pleasure of serving under the leadership of retired senators Howard Baker and Bennett Johnston on the National Parks Second Century Commission. In this process, we have worked closely with a diverse, committed and thoughtful group of leaders from across the country to understand the challenges and opportunities facing our national parks, crafting recommendations to be released this fall to Congress, leaders in the Administration and the public. Throughout this process, Jon Jarvis has been at every meeting, providing many tangible examples of how the National Park Service (NPS) operates today and how we might evolve the service for the future.

Leading the NPS requires thoughtful, flexible leadership. It is very difficult to lead a public lands agency without controversy, and the NPS is no exception. In our work on the Second Century Commission, I have come to appreciate that the future of our national parks requires greater engagement of the public, building partnerships and relationships well beyond the boundaries of the parks and their traditional supporters. In his time as a park ranger, scientist, superintendent and regional leader, Mr. Jarvis has consistently demonstrated an ability to listen and engage with partner organizations to build understanding and grass-roots support for the long-term preservation and enjoyment of the parks. In my own state of Washington, Mr. Jarvis, as superintendent of Mt. Rainier National Park, nurtured a culture of community partnerships that endures today. It was through these relationships that REI, the Student Conservation Association, Washington Trails Association, and many other organizations rallied to repair devastating damage to the park from storms in 2006—a wonderful example of community partnerships in action to support our nation's most important resources. Mr. Jarvis understands how to apply the law, required processes and diverse partnerships to ensure that our national parks fulfill their mission while being a respected part of the communities in which they operate.

Many superintendents and rangers presented in the five full meetings of the Second Century Commission, and the NPCA board meets regularly in national parks. It is clear from many casual conversations with staff of the NPS that Mr. Jarvis is a person they would love to work for. He is perceived as a visionary, supportive leader who is forward-thinking and understands the core issues of the NPS. My personal observations of Mr. Jarvis in action certainly support these perceptions, and as a business executive, I know how important it is to listen, deeply understand the issues that face an organization and have the courage to lead through change.

If I can be helpful in any way through this nomination process, please don't hesitate to call on me. I can be reached via phone at 253-395.5848 or via e-mail at [sjewell@rei.com](mailto:sjewell@rei.com).

Thank you for your commitment to our nation and to the long-term support of our national parks and public lands.

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STATEMENT OF SAUL WEISBERG, EXECUTIVE DIRECTOR, NORTH CASCADES INSTITUTE,  
SEDRO-WOOLLEY, WA

I am writing you in strong support of Jon Jarvis' nomination for Director of the National Park Service.

As executive director of North Cascades Institute, a nonprofit educational partner of the National Park Service, I have worked with Jon Jarvis for over 20 years. I can attest to his intelligence, clear thinking, excellent communication, and commitment to the public lands of the United States.

I have personally observed Jon working with many diverse audiences and communities. He is committed to collaborative process and reaching common understanding, whether the issue is big or small. Nearly twenty years ago Jon set the stage for the successful, collaborative negotiations between FERC, the City of Seattle, and numerous intervenors that resulted in one of the best public-private partnerships in the country.

Jon's leadership in bringing science into the core of NPS decision-making has led to better park management not only in the Pacific West Region, but across the nation. He is dedicated to the National Park Service, passionate about its mission and

enthusiastic about its future. He cares deeply about the people who work for and with the agency to serve the American public.

I believe that Jon Jarvis will provide inspired leadership for the National Park Service at a time when it is clearly needed. His confirmation will provide the agency with a leader committed to the vision and value of public lands, able to speak to and for all Americans who enjoy and support the Parks.

Thank you Senator Bingaman, for all you do to support and enhance the Natural Resources of the United States, and for your consideration of Jon Jarvis for National Park Service Director.

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STATEMENT OF DAVID J. SIMON, DIRECTOR, NEW MEXICO STATE PARKS, NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, SANTE FE, NM

I write in strong support of the nomination of Jonathan B. Jarvis as Director of the National Park Service.

I have known Jon Jarvis for over 20 years. In an organization filled with talented and dedicated public servants, Jon Jarvis is, quite simply, one of the best. His unfathomable commitment to the National Park System, the breadth and quality of his professional experience in the National Park Service, and his leadership skills make him perhaps the most qualified individual ever to serve as Director. I have been inspired by him and my own professional career has been influenced by his values and accomplishments.

Jon Jarvis will be a great Director of the National Park Service and I urge his speedy confirmation by the Senate Energy and Natural Resources Committee and the full U.S. Senate.

Thank you for your consideration.

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STATEMENT OF HOWARD H. BAKER, JR., CO-CHAIRMAN AND J. BENNETT JOHNSTON, CO-CHAIRMAN, NATIONAL PARKS SECOND CENTURY COMMISSION

Over the past year, we served as co-chairs of the National Parks Second Century Commission, a privately-funded commission charged with recommending the way forward for the second century of our national parks. During this time, we have come to know and admire Jon Jarvis, who served as the liaison for the National Park Service with the Commission. We believe that Jon's professional skills, leadership, vision and dedication to the preservation and protection of the parks will ensure his success as Director of the National Park Service, and we are pleased to endorse him enthusiastically and without reservation for this position.

It was obvious to us in the Commission meetings held throughout the country the high regard that professionals in and associated with the National Parks have for Jon. His skill in bringing those from many different perspectives together and treating all with dignity and respect is sorely needed as our National Park Service works to meet the challenges ahead in protecting the parks and keeping them relevant to new generations of Americans. His thirty years of experience in the parks and solid background in the science, history and administrative needs of this varied system will also ensure that he is able to understand and develop comprehensive solutions to challenges quickly and through knowledge and conciliation.

Jon is a perfect fit for this very crucial position and we are confident he will help guide and facilitate the development and implementation of policies that are sorely needed to maintain and protect what Ken Burns has called "America's best idea."

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STATEMENT OF GREG MOORE, EXECUTIVE DIRECTOR, GOLDEN GATE NATIONAL PARKS CONSERVANCY, SAN FRANCISCO, CA

As Executive Director of the Golden Gate National Parks Conservancy, I enthusiastically support the confirmation of Jonathan Jarvis as Director of the National Park Service.

Since Jon became Regional Director of the Pacific West Region in 2002, we have appreciated his exceptional vision, leadership, and managerial skills. He has worked effectively with us as the primary nonprofit partner at Golden Gate. He has provided steady leadership and management of the national parks in his region and has been a visionary and strategic member of the leadership team of the entire National Park Service.

Established in 1981, the Golden Gate National Parks Conservancy is the key nonprofit partner of the Golden Gate National Parks. Working directly with the National Park Service, the Conservancy strives to enhance the experiences of park visi-

tors and build a community dedicated to conserving these parks for the future. The Conservancy has provided over \$150 million in support to the Golden Gate National Parks and has served as a national leader in the area of public engagement, philanthropy and partnership. We have appreciated Jon's support and encouragement as we've worked to foster innovative partnerships, secure philanthropic and volunteer support, and engage both young people and a broader diversity of Americans in our national parks.

Each year, millions of people visit the Golden Gate National Parks to experience the nature, history, and scenic beauty that truly define the character of the San Francisco Bay Area. Jon has been integral to these parks, ensuring the engagement of national and international visitors at sites such as Alcatraz and Muir Woods, while allowing the local community to continue to use these parks as places of learning, recreation and sanctuary. He has been an eloquent spokesperson for the mission and values of these parks—and inspirational to our Board members, volunteers and staff in his vision and commitment.

Jon's wholehearted support of our community programs has helped bring volunteers, young people, and diverse communities into the parks. In 2008 alone, 22,000 volunteers gave their time and efforts through collaborative programs of the Parks Conservancy, NPS and Presidio Trust. Such partnership programs at Golden Gate have flourished under Jon's tenure and have been lauded and studied across the United State and internationally.

At the Parks Conservancy we are always expanding the boundaries of our work in conservation, environmental awareness and youth leadership. Throughout these parks, we are reclaiming and restoring natural habitat, encouraging sound environmental stewardship and breathing new purpose into former military posts. In this work, Jon and his Regional office team have supported the post-to-park transformation of Fort Baker and the establishment of the Institute at the Golden Gate. Across the Golden Gate Bridge from the Presidio, the former military village of Fort Baker is now a national park lodge with a new environmental program, moving this landmark site's purpose from military defense to the defense of our environment.

I endorse the confirmation of this remarkably talented individual who is so dedicated to the future of our National Parks. If there is anything else I can do to express my strong support, please contact me.

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STATEMENT OF ROSE OCHI, ESQ., MANZANAR NATIONAL HISTORIC SITE (MNHS)

As the pro bono legal counsel for the Manzanar National Historic Site (MNHS) designation campaign, I would like to express my wholehearted support for the confirmation of Jon Jarvis for the position of National Park Service Director. I have known him since his appointment to the Pacific Western Region Director. I have had the opportunity to observe his leadership efforts on behalf of the wartime confinement sites, in particular the development of the Manzanar Site. As Director, he can help fully realize the goals of this congressionally authorized effort to preserve this tragic episode in our nation's history.

Recently, the National Parks Conservation Association organized a panel presentation following a preview of the Ken Burns' film, "The National Parks: America's Best Idea". I was part of the multi-racial panel that identified the challenges facing the national parks including diversifying personnel and outreaching to all communities towards broader participation. Importantly, as in Ken Burns' "Untold Stories" film, Jarvis is committed to including the other "untold stories" involving both the history and the participation of other diverse individuals who have help to create our national parks.

Jarvis is truly well suited to handle the many challenges facing the National Park Service. He also can count on many who share his love and devotion for its preservation and growth to meet the needs of future generations to come. Please let me know if I can of any assistance in your deliberations.

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STATEMENT OF JOHN P. DEJONGH, JR., GOVERNOR, U.S. VIRGIN ISLANDS, CHARLOTTE AMALIE, VI

I am writing to give my strongest support for the nomination of Wilma A. Lewis to the position of Assistant Secretary of the Interior for Land and Minerals Management.

Ms. Lewis is an outstanding individual who has devoted much of her professional legal career to leadership positions in public service. A noted lawyer from a distinguished Virgin Islands family, Ms. Lewis was valedictorian of her high school class on St. Thomas, a Phi Beta Kappa graduate of Swarthmore College, and received her



Juris Doctor degree from Harvard Law School. Her professional career includes outstanding service as Solicitor General in the U.S. Department of the Interior, United States Attorney for the District of Columbia, and partner in a distinguished law firm in the nation's capital. She has also served as adjunct professor at the George Washington University National Law Center. Ms. Lewis exemplifies the accomplishments that we hold up to our young people as indicative of what a good education, a consistent work ethic and contribution in public service can make possible.

Indeed, through her professional service in the public and private sectors, Ms. Lewis has demonstrated the experience, dedication and leadership necessary for success as Assistant Secretary of the Interior.

I have personally known Ms. Lewis for many years. She has the highest standards of ethics and moral character, and she has my unqualified endorsement for this important position in the service of our country.

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STATEMENT OF JOHN P. DEJONGH, JR., GOVERNOR, U.S. VIRGIN ISLANDS, CHARLOTTE AMALIE, VI

I am writing to underline my strong support for, and endorse, the nomination of Anthony "Tony" Babauta to the newly elevated position of Assistant Secretary of Interior for Insular Affairs.

As you know, the Office of the Assistant Secretary has important and substantial responsibility for coordinating federal policy for the insular areas of the United States. Often relegated in the past to secondary status in the development of national policies, it is essential that the individual occupying this post have the background, experience and temperament to advocate effectively for U.S. citizens in the insular areas of the United States who unfortunately still lack voting representation and full equality under the law.

I have known Tony Babauta since becoming Governor of the Virgin Islands, particularly in his role as Staff Director for the House Subcommittee on Insular Affairs. As a native Guamanian, Tony has firsthand knowledge and experience with respect to the unique issues confronting the U.S. Territories. He has been particularly helpful in supporting a creative land exchange plan involving the acquisition and protection of Estate Grange on St. Croix, the boyhood home of Alexander Hamilton, and the construction of a long-needed new school on St. John. He has also been a vigorous defender of special incentives to develop the insular economies, including our rum tax cover-over program and our vital Economic Development Program.

His leadership and demonstrated record of legislative achievement prepare him well for this important position at the Department of the Interior. I commend him highly and look forward to his early confirmation.

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STATEMENT OF THOMAS C. KIERNAN, PRESIDENT, NATIONAL PARKS CONSERVATION ASSOCIATION

On behalf of the National Parks Conservation Association and our 325,000 members from across the United States, I am writing to express our support for the nomination of Jonathan Jarvis to be the Director of the National Park Service. After years of observing and working with Mr. Jarvis in the many positions of increasing responsibility he has held during his long Park Service career, we believe he is highly qualified to lead the Park Service as it approaches its second century of stewardship of our nation's greatest natural, cultural and historic treasures. He can certainly hit the ground running, given the many changes the system faces with the maintenance backlog and climate change.

We agree with Secretary Salazar that there is no substitute for experience; and with a 30-year record of leadership and achievement within the National Park Service, he is a very capable candidate. His assignments have included on the ground work in both large and small, natural and cultural park units—from Washington's Mount Rainier and North Cascades National Parks, Idaho's Craters of the Moon National Monument, and Wrangell-St. Elias National Park in Alaska, to Hawaii's USS Arizona Memorial. As regional director of the agency's Pacific West Region, whose 54 park units include some of the largest and most well-known parks in the National Park System, he has for the past seven years successfully managed some 3,000 employees and an annual budget of over \$350 million. As a trained biologist, he is uniquely equipped to understand and find creative ways to resolve new problems in the national parks brought on by air and water pollution and climate change. Perhaps the strongest statement that can be made in his behalf is that he has earned tremendous respect among his Park Service colleagues. In short, he stands to be a very strong and effective Director of the National Park Service.

The dedicated men and women of the National Park Service who care for and manage America's national parks and the millions of citizens who enjoy them every day need and deserve to have a qualified, vigorous, full time director confirmed and on the job. We know you, Mr. Chairman, will do what is necessary to move the nomination through your committee expeditiously, and we call on the full Senate to confirm Jonathan Jarvis as Director of the National Park Service as quickly as possible. We believe he will be a valuable addition to the strong team at the Interior Department. We respectfully request that this letter be made a part of the confirmation hearing record.

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STATEMENT OF LAURIE A. WAYBURN, PRESIDENT, THE PACIFIC FOREST TRUST,  
SAN FRANCISCO, CA

I am writing to urge you to support the confirmation of Jonathan Jarvis as the Director of the National Park Service.

Mr. Jarvis has over 30 years of experience in the management of our nation's natural resources. With a formal training in biology, Mr. Jarvis' scientific background provides an invaluable complement to his considerable firsthand management experience. Starting his career as a seasonal ranger and working his way to director of the agency's Pacific West Region, Mr. Jarvis brings with him an intimate knowledge of the complex management issues facing the National Park Service. In the nearly 15 years the Pacific Forest Trust has worked with Mr. Jarvis, he has repeatedly demonstrated his ability to balance an unremitting commitment to scientific integrity with the pragmatism requisite in natural resource management decisions.

Mr. Jarvis' career has been dedicated to protecting the resources managed under the National Park System and ensuring the public's access to these national treasures. Not one to let difficult decisions sway his convictions, his integrity and courage in the face of controversy have won him the admiration of fellow Park Service colleagues, and the respect of diverse stakeholders. Recognizing this excellence in leadership, Mr. Jarvis' was elected by his peers as the president of the George Wright Society, an association of Park Service managers and researchers. The qualities exemplified by Mr. Jarvis will be indispensable in navigating the highly contentious issues that will face the next director, such as snowmobile use in Yellowstone and the regulation of the Colorado River in the Grand Canyon.

As the National Park Service approaches its centennial in 2016, the agency embarks upon a time of both great challenges and great opportunities. Dwindling park attendance and an aging workforce will demand an innovative new approach to attracting the next generation of employees and visitors. A maintenance backlog of nearly \$8 billion faces the National Park System, but over \$750 million in federal stimulus funds and an Administration budget request of \$2.7 billion signal renewed investment in our National Park System and an optimistic future. As the agency confronts these and other challenges, Mr. Jarvis' experience, scientific knowledge and acute understanding of the Management realities facing the agency will be crucial to leading the National Park Service into its second century.

I thank you for your time and consideration and urge you to support the confirmation of Jonathan Jarvis as the Director of the National Park Service.

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STATEMENT OF MATT VANDER SLUIS, GLOBAL WARMING PROGRAM MANAGER,  
PLANNING AND CONSERVATION LEAGUE

I am writing on behalf of the Planning and Conservation League to express our strong support for the appointment of Jonathan Jarvis as Director of the National Park Service. For the past 30 years, Mr. Jarvis has demonstrated his dedication to the National Park Service, his employees, and the American public. His commitment to standing up for public resources, combined with his extensive experience, has well equipped him to confront the complex challenges facing our National Parks.

Mr. Jarvis will bring an essential science-based perspective to the decision making process. As former chief biologist of the North Cascades National Park, Mr. Jarvis consistently demonstrated his commitment to scientific integrity. He also understands the scientific imperative to address environmental challenges including climate change, directing the parks in his region to be carbon neutral by 2016.

Mr. Jarvis's work with diverse constituencies has further prepared him for the task of Director. He has cooperated with different land management agencies to preserve wildlife corridors, such as in the Santa Monica Mountains, and has been receptive to the concerns of historical and cultural preservation advocates. In addition, his rise through the ranks from seasonal ranger to director of the Pacific West Region allows him to identify with all different levels of the Park Service.

In light of these qualifications, we encourage the Senate to support the appointment of Jonathan Jarvis as Director of the National Park Service.

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STATEMENT OF GREGORIO KILILI CAMACHO SABLAN, DELEGATE FROM THE NORTHERN MARIANA ISLANDS, U.S. HOUSE OF REPRESENTATIVES

I write today to lend my solid support for Mr. Anthony Marion Babauta, whom the President has nominated to be Assistant Secretary of the Interior for Insular Affairs.

President Obama chose well. Mr. Babauta is attuned in all respects to the needs of the insular and outlying areas of the United States.

I am personally acquainted with Mr. Babauta, having worked with him while he served as the Staff Director for the U.S. House of Representatives Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife. As Staff Director, he was instrumental in passage of the legislation giving the people of the Northern Marianas a voice in Congress, the seat I now hold.

Mr. Babauta was also deeply involved in legislation extending federal immigration to the Northern Marianas and, as Assistant Secretary, now will be equally involved in implementing that law.

I respectfully ask that the Committee on Energy and Natural Resources recommend that the Senate confirm Mr. Babauta.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE INSPECTOR GENERAL,  
*July 24, 2009.*

Memorandum

To: Renee Stone, Deputy Chief of Staff

From: John E. Dupuy, Assistant Inspector General for Investigations

Subject: Investigative Findings

On July 15, 2009 the Office of Inspector General received a complaint from Dr. Corey S. Goodman, a member of the National Academy of Sciences, requesting an investigation of Jonathan Jarvis for misconduct and ethics violations. Dr. Goodman alleged that Mr. Jarvis deliberately withheld a document “. . . from the IG investigation of Drakes Estero, from the public, and from its elected officials.”

According to Dr. Goodman, initial documents claimed that “. . . Drakes Bay Oyster Company (DBOC) has caused an 80% decline in harbor seals” but in a “non-public” document dated July 27, 2007, this language was removed. Dr. Goodman believes this claim to be false and that Mr. Jarvis deliberately directed “. . . a web of deception and a cover-up of misconduct. . .” to keep the information from the public.

We have completed an inquiry into this allegation and we have found no evidence to support this complaint. Should you have any questions or concerns please do not hesitate to contact me at (202) 208-5351.

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STATEMENT OF FRANK HUGELMEYER, PRESIDENT AND CHIEF EXECUTIVE OFFICER,  
OUTDOOR INDUSTRY ASSOCIATION

On behalf of Outdoor Industry Association (OIA), the premiere outdoor trade group in the U.S., I am writing to express our support for the nomination of Jonathon Jarvis for Director of the National Park Service. OIA believes that Mr. Jarvis is an extremely accomplished candidate for the job and that he will successfully lead the National Park Service into its second century of stewardship of our nation's world-renowned natural treasures.

As the national trade association representing stakeholders in the \$730 billion outdoor industry, OIA values America's National Parks as an unparalleled resource that provides outdoor recreation opportunities for all generations of Americans. Our National Parks offer a variety of outdoor recreation experiences ranging from climbing, biking and kayaking to hiking, wildlife viewing and camping. Throughout his thirty years of tenure with the National Park Service, Mr. Jarvis has demonstrated his commitment to the economic vitality of America's pristine natural landscapes.

Mr. Jarvis has demonstrated his capabilities in the context of assignments with both large and small park units including Alaska's Wrangell-St. Elias National Park, Washington's Mount Rainier, North Cascades National Park, Craters of the Moon National Monument in Idaho, and Hawaii's USS Arizona Memorial. Over the

past seven years as regional director of the agency's Pacific West Region, whose 54 park units include some of the largest and most well-known parks in the National Park System, he has successfully managed some 3,000 employees and an annual budget of more than \$350 million.

As a trained biologist, Mr. Jarvis is aptly qualified to ensure that the park system continues to grow and evolve to represent and interpret nationally significant landscapes, ecosystems and the full range and diversity of American history and culture. OIA hopes that the parks will continue to place a priority on engaging Americans, including our young people.

We ask you, Mr. Chairman, to urge your colleagues to promptly advance Mr. Jarvis' nomination through the full committee. We respectfully ask that you make this letter a part of the confirmation hearing record.

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STATEMENT OF FELIX P. CAMACHO, GOVERNOR OF GUAM

Chairman Jeff Bingaman, Ranking Member Senator, Lisa Murkowski and Members of the Committee, thank you for this opportunity to testify in support of Anthony Marion Babauta's nomination as the United States Assistant Secretary of Interior for Insular Areas.

As Governor of Guam, I am truly proud of Mr. Babauta's many accomplishments that have led him to this prestigious nomination from President Barack Obama and Secretary of the Interior, Ken Salazar. His recent appointment as Senior Advisor to Secretary Salazar has enabled him to assist President Obama's Administration and Secretary Salazar in achieving the Department of the Interior's goals.

His ten years of service in the U.S. House of Representatives' Natural Resources Committee have helped to improve U.S. policies governing U.S. territories and other U.S. affiliated island nations. He has also served on the House Natural Resources Committee as the staff director for the subcommittee on Insular Affairs. His expertise, work ethic, and exposure to various issues affecting the insular areas helped to strengthen the federal government's relationship with these communities. Mr. Babauta was actively involved in addressing critical issues including the renegotiated Compact with the Republic of the Marshall Islands and the Federated States of Micronesia, the Guam War Claims, and the political advancement of Puerto Rico.

Mr. Babauta's experience in matters pertaining to national defense, international relations, political status, economic development, healthcare, and the environment, has garnered him the respect of leaders in the Insular Areas.

The Micronesian Chief Executives Summit, an organization comprised of Presidents from the Republic of Palau, Republic of the Marshall Islands, the Federated States of Micronesia and Governors from Guam, the Commonwealth of the Northern Mariana Islands, Yap, Kosrae and Phonpei, support Mr. Babauta's nomination and believe that if confirmed, Mr. Babauta will broaden the Department of Interior's understanding of issues affecting Micronesia.

I believe President Obama understands that the issues of Micronesia and other insular areas must be advanced. Through the President's reestablishment of the Assistant Secretary position to the Department of the Interior; shared ideas, goals, and plans to effectively address long-standing and current concerns of the insular areas will be well represented through the leadership of Mr. Babauta.

I believe Mr. Babauta's history of public service to our nation and our region is proof that he has the willingness and professionalism to effectively serve as the next U.S. Assistant Secretary of Interior for Insular Areas. His deep understanding and vast work experience in the House of Representatives regarding the growing complexity of current and emerging issues in the Insular Areas, the Micronesian Islands and other Pacific Islands, are invaluable qualities essential to building stronger political, cultural, and economic ties between the United States and the insular areas.

The people of Guam offer their full support for the confirmation of Mr. Babauta as the next U.S. Assistant Secretary of Interior for Insular Areas. Never before has there been a native of Guam or Micronesia considered for a position such as this. Mr. Babauta is undoubtedly the person best suited to represent the interests of these communities. His work and commitment in strengthening policies and relations in the insular areas is unquestionable. The community of Guam acknowledge Mr. Babauta as a well-respected leader for the work he has done while serving on the Subcommittee on Insular Affairs, Oceans, and Wildlife.

Mr. Chairman and members of the Committee, I am proud to testify in support of the confirmation of Anthony Marion Babauta to be confirmed as the next U.S. Assistant Secretary of the Interior for Insular Areas. On behalf of Lieutenant Governor Michael W. Cruz, M.D. and the people of Guam, I ask for your swift and positive consideration of his confirmation.

STATEMENT OF NANCY SCHAMU, EXECUTIVE DIRECTOR, NATIONAL CONFERENCE OF  
STATE HISTORIC PRESERVATION OFFICERS (NCSHPO)

On behalf of the 57 State Historic Preservation Offices, I write in support of Jon Jarvis's nomination to be Director of the National Park Service (NPS). State Historic Preservation Offices (SHPOs) look forward to continuing their relationship with the NPS and expanding the reach of the Department of Interior into historic sites and main streets across the country.

As Director of the NPS, Mr. Jarvis will be in charge of preserving our nation's most precious and non-renewable cultural and historic resources both on-and off-federal lands. Acting on behalf of the Secretary of Interior and the NPS, SHPOs partner with local and state governments, individuals, developers, federal agencies and many others to provide a myriad of preservation activities such as survey and inventory, National Register nominations, preservation education, community preservation plans and review of federal undertakings.

Mr. Jarvis will also be responsible for leading a historic preservation division whose economic impact measures in the billions and job creation in the thousands. In FY08, the Federal Historic Rehabilitation Tax Credit Program created over \$5.64 billion in private investment and created an estimated 67,705 jobs. The program also has many social benefits including producing over 187,000 low and moderate income housing units to date.

We understand that Mr. Jarvis is a strong supporter of cultural and historic resources. SHPOs look forward to supporting and working with him to preserve America's heritage.

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STATEMENT OF ARTHUR E. ECK, EXECUTIVE DIRECTOR, SANTA MONICA MOUNTAINS  
FUND, THOUSAND OAKS, CA

On behalf of the Santa Monica Mountains Fund, I write in full support of the nomination of Jon Jarvis to be Director of the National Park Service. His appointment will be among the finest that any Administration has made in naming a NPS Director. I believe I am more qualified than most to make that statement, having worked under every Director in the National Park Service since Gary Everhardt in 1977, and having had the privilege from 2002 to 2004 to serve as Jon's Deputy while he was Regional Director of the Pacific West Region.

And while I consider all of those who have gone before him to include some very wonderful and capable Directors, none has been so thoroughly and broadly grounded in the various facets of operations and policy applied to the National Park Service. Jon Jarvis has worked at all levels of the NPS organization from the bottom up, and understands not only the issues, but the people who are the forces behind them. His career alone is testament to his commitment to high purposes and principles that Congress has vested in the National Park System and the agency that administers it. But as importantly, I can attest as a firsthand witness to Jon Jarvis' personal commitment to the highest standards of conduct and professionalism. He supported me without reservation in holding park superintendents accountable for their actions. He inspired all of us on his management team with a reorganization of the Pacific West Regional Office that resulted in cost-savings and a reduction in staffing; showing us it could be accomplished rationally and peaceably by working through it openly with the employees of the Regional Office. As he repeatedly reminded us, how we do things can be as important as what we do.

Truly, there is no finer person within the ranks of the National Park Service for this position than Jon Jarvis. I am confident the Committee and the full Senate will concur in that conclusion upon a full examination of the facts.

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STATEMENT OF STEPHEN H. LOCKHART, MD, PH.D., CHAIR, BOARD OF DIRECTORS,  
NATUREBRIDGE, COMMISSIONER, NATIONAL PARKS SECOND CENTURY COMMISSION

I am writing to support the confirmation of Jon Jarvis as Director of the National Park Service.

I have worked with Jon Jarvis over the last several years both in my capacity as Chairman of the Board of NatureBridge, which provides residential environmental science programs in four National Parks in the Pacific West Region, and as a member of the National Parks Second Century Commission, an independent commission designed to develop a vision and recommendations for the second century of the National Parks. I would like to comment on Mr. Jarvis' nomination from both perspectives.

NatureBridge is a partner organization which has 40 years experience providing education to 40,000 students per year in Yosemite, Golden Gate NRA, Olympic National Park, and Santa Monica NRA. As a result, we have an extensive history of working with senior Park Service leadership. In my opinion, Jon has been one of the most visionary leaders that we have encountered. He clearly supports the engagement of youth and diverse communities with the National Parks. He understands both the value of partners, and the need to make partnerships work within the context of the Park Service mission. He has garnered the respect of the Park Service staff within the region, who universally view him as a leader of great integrity. I could not agree more. I believe that from a regional perspective, his leadership has made the Pacific West Region a leader in education, natural and cultural resource protection, and in engaging youth and diverse communities. Certainly from our perspective, NatureBridge's ability to develop a next generation of Park visitors and stewards has been accomplished through the collaborative leadership provided by Jon Jarvis.

Jon served as NPS liaison to the National Parks Second Century Commission, an independent group of nationally recognized leaders tasked with developing a vision and recommendations for the second century of the National Parks. The Commission worked for a year studying and discussing the full spectrum of issues related to the National Park system. Our interactions with Jon demonstrated that he has a depth of knowledge, understanding and commitment to the Parks and the Park Service that is unparalleled. Ensuring a future for the Parks requires not only a vision but visionary leadership. My interactions with Jon as liaison to the Commission has clearly demonstrated that he is such a visionary leader.

Jon will do an outstanding job as Director of the National Park Service and I strongly support his confirmation.

Thank you for your time and consideration in this matter.

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