March 18, 2013

Ms. Sally Jewell
Interior Secretary Designate
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Ms. Jewell,

I appreciated the opportunity to discuss your nomination to be Secretary of the Interior on February 28. As the Ranking Member of the Environment and Public Works Committee, I serve as the lead Republican on a Committee with significant oversight responsibility of parts of the Department you have been nominated to lead. I am concerned with the direction of the Department under the present Administration. From the collapse in energy production and leasing on federal lands, to the lack of sound science and the growing practice of "sue and settle" with far left environmental groups, I am concerned that the massive bureaucracy at the agency is doing everything in its power to block economic growth in the energy sector and to infringe upon private property rights.

As was discussed at our meeting, I am sending you this letter requesting answers to the following questions:

1. The current Administration's efforts to prohibit responsible energy development in the Gulf of Mexico are troubling. Please outline your views on expediting offshore permits for oil and gas production in the Gulf of Mexico. Are there specific ideas you have to ensure that offshore permits are granted in an expeditious manner?

2. Given that domestic oil and gas production has been one of the only bright spots in our otherwise struggling economy, are you concerned that the federal government is losing massive potential revenues by actually decreasing production of oil and gas on federal lands and in federal waters at a time where growth has been substantially increasing on state and private lands?

3. If confirmed, will you seek to increase domestic production on federal lands and in federal waters? And in what particular areas of federal lands would you like to expand access to domestic resources?

4. Would you, as Secretary of Interior, continue the current practice of fast-tracking renewable energy projects on federal lands while delaying and hindering the production of fossil fuels on federal lands?

5. Outgoing Interior Secretary Ken Salazar has suggested that the federal budget sequester will result in a slowed development of oil, natural gas, and coal on federal lands and in

federal waters as a result of the Department issuing fewer drilling permits and delaying reviews of offshore drilling plans. Because the development of our nation's infrastructure is one of the government's largest sources of non-tax income – and those projects are a major creator of American jobs – it would make sense to me that issuing such permits would be the top priority from a budget/revenue perspective. Do you agree that issuing job-creating permits for coal, oil, and natural gas should be the top priority for the Department of the Interior at a time when our nation is facing trillion dollar deficits and such development is a large source of non-tax revenue for the federal treasury? Will you ask Congress for maximum flexibility during sequestration to achieve this goal?

6. If you do not believe that issuing job-creating permits for coal, oil and natural gas development should be the top priority for the Department, please share a list of issues that are more important.

7. I am concerned about the tactic known as "sue-and-settle" in which an "environmental" group files a lawsuit against the Federal government claiming that the agency has not met its regulatory responsibility. The Federal government then settles with the party and moves ahead with a regulatory action based on that settlement agreement. These regulatory actions have the potential for tremendous impacts on state and local governments. The settlement agreements between the WildEarth Guardians, the Center for Biological Diversity, and the U.S. Fish and Wildlife Service (FWS) are an example of this type of arrangement. Will you commit to seeking consent from state and local governments who will be impacted by such settlement agreements before entering into such arrangements on lawsuits against the Department of the Interior?

8. Pursuant to the settlement agreements mentioned in question 7; the FWS is planning to list more than 250 species over the next five years. These listings will have a tremendous impact on state and local governments and private property owners in spite of the fact that those parties were not consulted when the settlement agreements were reached. Do you believe private property owners should have a seat at the table when decisions are made about listing species that are found on their property or do you support the current practice where they are not consulted? If you believe they should have a seat at the table, please outline what that would entail.

9. What concrete steps will you take if confirmed as Secretary to ensure that private property rights are taken into consideration as FWS moves forward with implementing the settlement agreements?

10. On June 12, 2012, the FWS published its final rule designating critical habitat for the Dusky Gopher Frog, which was previously listed as endangered under the name Mississippi Gopher Frog. More than 1,500 acres of private property in St. Tammany Parish, Louisiana were included in the critical habitat designation in spite of the fact that the animal has not been seen in the area since the early 1960s. In addition to not living in the region, the designated land is not suitable habitat in its current form to sustain the frog and there are no plans to move forward with land treatment measures necessary to create

suitable habitat. In short, the frog does not and could not live on this land. In light of this absurdity, if confirmed, will you commit to re-examining this critical habitat designation to remove this private property from the critical habitat designation?

11. State and local governments, as well as private businesses and property owners, are working hard to stave off a listing of the Lesser Prairie Chicken (LPC). Recently, a group of United States Senators from the states where the LPC is found made a request for a six-month extension of any decision on the proposed listing. I agree that such an extension is warranted to give state wildlife agencies the opportunity to come up with conservation plans to protect the LPC. If confirmed, I expect you will see a number of additional efforts at the state level on a variety of species as the FWS moves forward with additional listing determinations. Because the ultimate goal should be species recovery, would you favor granting an extension on a listing decision when it is clear that state agencies are working collaboratively toward a species conservation plan?

12. State and industry efforts on conservation of habitat for the dunes sagebrush lizard allowed the FWS to avoid a listing. For other species, including the Greater Sage Grouse, numerous state wildlife agencies are attempting to develop similar conservation plans. However, it is my understanding that many states are concerned they will not receive credit for their efforts and that the species will be listed without recognizing the good work done by those states. This creates a disincentive for responsible, on-the-ground species conservation. If confirmed, how do you intend to ensure that on-the-ground efforts receive due credit and are given appropriate time to be implemented to prevent species from being listed?

13. It is my understanding that the Administration has brought charges against oil and gas producers for violations under the Migratory Bird Treaty Act (MBTA) at the same time the FWS considers granting permits to wind energy producers to kill bald eagles. Such actions are extremely inconsistent. If confirmed, will you commit to working to help develop a policy for treatment under the MBTA that is consistent for all energy sources?

14. You served as a board member of the National Parks Conservation Association (NPCA). NPCA was involved in a number of lawsuits against the federal government, including lawsuits against the National Park Service, the Fish and Wildlife Service, the Environmental Protection Agency, and the Army Corps of Engineers. Please provide me with a list of the lawsuits NPCA has participated in during your service on the board of directors and your involvement in each of those lawsuits. In any instance, did you recommend that NPCA initiate such a lawsuit or vote for such?

15. The National Parks Conservation Association (NPCA) is involved in a vicious campaign against the Drakes Bay Oyster Company, a small business in Northern California, which seeks to continue an oyster farm that has existed for nearly 100 years. I am concerned that the campaign sought to create a false impression of the Company's activities and is the type of environmental extremism that distorts science in an attempt to achieve a specific outcome. Please provide me with background on your efforts with NPCA to shut down the Drakes Bay Oyster Company. Additionally, because of the potential for an

appearance of impropriety, will you recuse yourself from any decision related to the Drakes Bay Oyster Company if you are confirmed?

16. In the past, you have been a vocal advocate for a carbon tax. In an interview with ethix.org in 2009, you stated, "I know tax is a dirty word, but if we were paying a carbon tax that accounted for our impact on greenhouse gases, that would in fact change our consumption, just as higher oil prices have changed our consumption and made it more economic for other sources to come into play." Do you intend to pursue such a tax if confirmed as the Secretary of the Interior?

17. Your comment in question 16 also seems to lack consideration of how the price of energy affects our country's most vulnerable. Although the doubling of gas prices under the Obama administration may have made "it more economic for other sources to come into play", I can assure you that America's poor and middle class have not benefited economically. Have you thought at all about how energy prices affect poor and minority communities, and if increased production of low-cost fuels from our federal lands could help alleviate that burden?

18. While you were serving on the board of NPCA, the group promoted the opinion of an environmental advocate stating that hydraulic fracturing is "a risky industrial activity that has already caused documented environmental and human health impacts in other states, including Pennsylvania. No one's drinking water should be sacrificed in the rush to pursue exploitation of methane gas deposits that have existed for millions of years,"" Do you share this espoused position that hydraulic fracturing is "a risky industrial activity?" Do you believe that domestic oil and gas production through hydraulic fracturing sacrifices people's drinking water?

19. During our conversation you specifically said that hydraulic fracturing has been "occurring for decades" and that you thought it was critical for our country's economic future. You seemed to well understand that hydraulic fracturing was safe and should be encouraged. Do you agree with this summation?

It is my hope that you will provide thorough answers to these important questions. They will help shed light on the direction you plan to take the Department should you be confirmed as the next Secretary of the Interior. If you have any questions or need clarification, please do not hesitate to contact me.

Sincerely,

David Vitter
Ranking Member
Senate Environment and Public Works Committee