

**HEARING ON THE NOMINATION OF  
SAMUEL HAMILTON TO BE DIRECTOR OF THE  
UNITED STATES FISH AND WILDLIFE SERVICE**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS**  
**UNITED STATES SENATE**  
**ONE HUNDRED ELEVENTH CONGRESS**  
FIRST SESSION  
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JULY 22, 2009  
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ONE HUNDRED ELEVENTH CONGRESS  
FIRST SESSION

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**HEARING ON THE NOMINATION OF SAMUEL  
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**WEDNESDAY, JULY 22, 2009**

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

The full committee met, pursuant to notice, at 10 a.m. in room 406, Dirksen Senate Office Building, Hon. Barbara Boxer (chairman of the full committee) presiding.

Present: Senators Boxer, Inhofe, Cardin, Barrasso, and Alexander.

**OPENING STATEMENT OF HON. BARBARA BOXER,  
U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. Good morning. Today the Senate Committee on Environment and Public Works will consider the nomination of Sam Hamilton to be the Director of the U.S. Fish and Wildlife Service.

We are very happy to see Senator Thad Cochran here to formally introduce him to the committee, and if you do not mind, Senator, the two of us will do brief opening statements, and then we will call on you. Is that all right?

Senator COCHRAN. That is fine, Madam Chairman. Thank you.

Senator BOXER. During his 30-year career with the Fish and Wildlife Service, Mr. Hamilton has held a variety of positions in Washington, DC, and in the field. He currently serves as Regional Director for the Southeast Region of the FWS, a position he has held since 1997. In this position, Mr. Hamilton has oversight responsibilities for endangered species conservation, national wildlife refuges, fisheries and migratory bird conservation across the Southeastern United States and the Caribbean.

He also plays a senior role in the Everglades, a very important project, and of course, coastal Louisiana restoration projects which are so key to future flood control.

His experience makes him especially well qualified to deal with the many challenges faced by the Fish and Wildlife Service today. The Fish and Wildlife Service is the guardian of natural treasures and species in every State of the Union. In my own home State of California, the Service has responsibility for iconic species like the California condor and irreplaceable wildlife refuges like the ones we have in San Francisco and San Diego.

The Agency scientists are also on the front lines in documenting and addressing the impact of global warming on species and their habitats. The world's leading scientists have estimated that up to 40 percent of the species could be at risk of extinction from unchecked global warming.

At the same time, the Service is emerging from a very difficult time. In recent years, the funding levels were slashed, the refuges and other public lands deteriorated, and scientific integrity, in my view, was often overridden by expediency.

I was so pleased to see President Obama take important steps to restore scientific integrity and uphold the Endangered Species Act. The President's priorities were echoed by Secretary Salazar, who said that "His first priority in Interior is to lead the Department with openness in decisionmaking, high ethical standards and respect for scientific integrity."

Today, I look forward to hearing how, if confirmed, you, Mr. Hamilton, will fulfill these commitments at the Fish and Wildlife Service. Our national wildlife refuges also need immediate attention. Many are in a state of disrepair as a multi-billion dollar operation and maintenance backlog grows.

And in recent years, funding shortfalls and policy changes have resulted in the elimination of many positions and limited public access to many of our Nation's refuges. I was especially pleased that the Fish and Wildlife Service received \$300 million in the stimulus bill to begin to address some of these immediate needs at our refuges.

Strong leadership is certainly needed to protect and preserve our Nation's natural treasures and to ensure that the pressing problems facing the Fish and Wildlife Service are addressed.

Your record as a committed conservationist, your many years of experience with the Fish and Wildlife Service will serve you well as you take on this challenge.

I know you have members of your family here, and after you are introduced by Senator Cochran, and before you speak, we will ask you to introduce your family because this is a family commitment.

And at this point, I will turn the mic over to Senator Inhofe.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,  
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Thank you, Madam Chairman.

The Director of the Fish and Wildlife Service has a responsibility for overseeing a lot of programs, most notably the Endangered Species Act. To date, the Obama administration, I do not believe they have been transparent or science based. However, I know you well. You have the reputation of being very fair, and I think that we are going to make some progress in those areas.

A lot of people are not aware of the close relationship between you and Dale Hall, your predecessor. He did a very fine job. As I told you in my office, one of my favorite programs, and the best way to handle these things, is working with landowners, working with our farmers and ranchers.

We had a hearing on the partnership out in our State of Oklahoma. In fact, Dale Hall was there at that time. And we had testimony after testimony about great things that have happened in preservation and conservation, all done in cooperation. It is not a

matter of taking someone's property rights away from them. It is a matter of working with them.

A lot of people are surprised to find out that our stakeholders, our landholders, our farmers, our ranchers, certainly in Oklahoma and elsewhere, they want to conserve, they want to have—they want the same goals that you do. So, it is easier to work with them as opposed to working over them.

So, I look forward to supporting your nomination and working with you in the same close way that we did with Dale Hall. And, of course, as you and I talked about in my office, you have the same commitment to a partnership approach to these things as he had, and as I have, and I think this panel has.

We welcome you and look forward to your testimony, although I have to hammer cap-and-trade at a news conference at 10:30, so I may have to leave a little bit earlier.

[Laughter.]

Senator INHOFE. Thank you very much.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF HON. JAMES M. INHOFE,  
U.S. SENATOR FROM THE STATE OF OKLAHOMA

Good morning. We are here today to consider the nomination of Samuel Hamilton for Director of the U.S. Fish and Wildlife Service.

The Director of the Fish and Wildlife Service is responsible for overseeing many programs within this committee's jurisdiction—most notably the Endangered Species Act.

To date, the Obama administration's implementation of ESA has been neither transparent nor science-based. However, you have a reputation for being fair minded. And you have told me you believe that public-private partnerships are one of the best ways to effectively protect species and habitat. I ask for your assurance that under your leadership, we can expect improvements in transparency as well as in the science the Service uses to make decisions. I also hope that before taking any action, you will consider the economic impacts on jobs and local communities.

Despite these ESA controversies, the Fish and Wildlife Service does a great deal of good. One of the programs I am particularly interested in is the Partners for Fish and Wildlife Program. This program conserves habitat by leveraging Federal funds through voluntary private landowner participation. As you know, I have concerns about how these designated funds have been used, and I look forward to working with you on this issue.

Most importantly, I welcome you before the committee. And I look forward to hearing your perspectives on the issues that will be raised today.

Senator BOXER. We are going to keep you right here. Will you bolt the doors? Thank you.

[Laughter.]

Senator BOXER. OK. It is Senator Cochran's turn to introduce our special nominee.

**OPENING STATEMENT OF HON. THAD COCHRAN,  
U.S. SENATOR FROM THE STATE OF MISSISSIPPI**

Senator COCHRAN. Madam Chairman, Senator Inhofe, thank you very much for the opportunity to be here today to participate in this hearing.

I am here to introduce my friend Sam Hamilton from Starkville, Mississippi, who has been nominated to serve as the Director of the U.S. Fish and Wildlife Service. I have known the nominee for many years and believe he is well qualified for this important position.

For more than 10 years, Sam Hamilton has been the Southeast Regional Director of the Fish and Wildlife Service. During this

time, he has the opportunity to gain significant experience with the operation and maintenance responsibilities of the Fish and Wildlife Service.

Specifically, he has had the opportunity to oversee the Service's Everglades restoration activities, and has represented the Secretary of the Interior in coastal Louisiana restoration efforts.

In his 30-year career, Mr. Hamilton has learned the essential role of individual States in conserving our Nation's wildlife. He appreciates that these experiences will help him deal successfully in certain specific management challenges.

I think Mr. Hamilton believes, as I do also, that abundant wildlife and healthy outdoor environments are very important resources of our Nation. We must coordinate government activities with private landowners and respect their rights to preserve, and help preserve, lands managed by the Fish and Wildlife Service for the benefit of future generations.

I am pleased to recommend Sam Hamilton for confirmation for service as Director of the Fish and Wildlife Service.

[The prepared statement of Senator Cochran follows:]

STATEMENT OF HON. THAD COCHRAN,  
U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Madam Chairman, I am pleased to introduce to the committee Mr. Sam Hamilton of Starkville, Mississippi, who has been nominated to serve as the Director of the U.S. Fish and Wildlife Service. I have known the nominee for many years and believe he is well qualified for this important position.

For more than 10 years, Sam has been the Southeast Regional Director of the Fish and Wildlife Service. During this time, he has had the opportunity to gain significant experience with the operation and maintenance responsibilities of the Fish and Wildlife Service. Specifically, he has had the opportunity to oversee the Service's Everglades restoration activities and has represented the Secretary of the Interior in coastal Louisiana restoration efforts.

In his 30-year career, Mr. Hamilton has learned the essential role of individual States in conserving our Nation's wildlife resources. These experiences will help him deal successfully in addressing site-specific management challenges.

Mr. Hamilton believes, as do I, that abundant wildlife and healthy outdoor environments are very important resources of our Nation. We must coordinate Government activities with private landowners to preserve lands managed by the Fish and Wildlife Service for the benefit of future generations.

I am pleased to recommend Sam Hamilton for confirmation for service as Director of the Fish and Wildlife Service.

Senator BOXER. Senator, thank you so much. I think that both Senator Inhofe and I think that your introduction is a big plus for our nominee. We know that you have a busy day and, at whatever point you need to go forward, please do. Know that we appreciate your being here today.

Senator COCHRAN. Thank you very much, Madam Chairman.

Senator BOXER. Thank you, Senator.

Well, Mr. Hamilton, this is your turn to make your presentation to us, and if you want to start by introducing the guests that you have with you today, that would be very appropriate.

Mr. HAMILTON. Thank you, Chairman Boxer. I am pleased to have today, my wife, Becky, who is behind me, of 31 years, and we have two sons that are not here, but they are here in spirit, one back in Georgia and one back, I think, taking a calculus test this morning, I hope.

Senator BOXER. Oh, boy.

Mr. HAMILTON. And a 5-year-old grandson that I had hoped would be here because he could provide a lot of entertainment. And my brother surprised me this morning, Steve from New York, and he brought two friends down from up in the Albany area.

Senator BOXER. Welcome to everyone here.

**STATEMENT OF SAMUEL HAMILTON, NOMINATED TO BE  
DIRECTOR, U.S. FISH AND WILDLIFE SERVICE**

Mr. HAMILTON. Thank you, Chairman Boxer and Senator Inhofe.

It is an honor to be here today as the President's nominee to be Director of the U.S. Fish and Wildlife Service.

I am a career Service employee, and I had my first job actually with the Service at the ripe old age of 15 years old in the Youth Conservation Corps at Noxubee National Wildlife Refuge near my hometown of Starkville, Mississippi. There I got to learn how to band wood ducks and Canada geese, and learned what a posthole digger was for the first time in my life as we built waterfowl pens.

But I also got to learn from those employees what a deep commitment they had for the Nation's fish and wildlife resources, and I think they sparked an interest in a young boy.

Over my 30-year career, I have had the privilege of serving in a variety of positions in a variety of places all across the United States. I served almost half of my career in the field and in regional offices and here in headquarters in Washington, DC.

I also have responsibility in the Southeast, as you know, with a 10-State region, and I have done that for the 12 years that I have been Regional Director. We have the Commonwealth of Puerto Rico and the Virgin Islands.

Throughout my career, I have had a number of tough challenges and worked on some of the biggest restoration programs in the country, with the Florida Everglades and coastal Louisiana. I have been a strong advocate for the National Wildlife Refuge System, and I played a role, a key role, in the Southeast with the development of the National Fish Habitat Plan that I do believe is before Congress.

I take the Migratory Bird Program very seriously, and I chair the Lower Mississippi Valley Joint Venture in the Migratory Bird Program. I have been a big proponent of the development of conservation partnership across governments and with the private sector. And I have been a strong supporter of our law enforcement program, particularly ports of entry. I place the greatest amount of importance on our State wildlife relations with the resource agencies there.

I am, by nature and by choice, a problem solver. Throughout my career, I have worked with communities to find innovative solutions to complex, and at times contentious, endangered species issues. I worked on the Balcones Canyonlands Conservation Plan in Texas with the golden-cheeked warbler and the black hat varia. I worked on numerous safe harbors and have overseen the program for red-cockaded woodpeckers across the Southeast and helped create the West India manatee forum to help resolve contentious issues in Florida with that important species.

These efforts helped resolve some cases that had been in conflict for years, that were not only detrimental to people but certainly stood in the way of species recovery.

All of my experiences together over the three decades have helped me shape my understanding of the breadth, depth and importance of the conservation mission of the Fish and Wildlife Service. They have also helped me hone my scientific wildlife management and leadership skills.

This is truly an exciting time for the Fish and Wildlife Service. The challenges to maintaining healthy ecosystems and sustainable populations of fish and wildlife resources have never been greater. Climate change is the transformational conservation challenge of our time, not only because of the direct effects, but also because of the influence that it has on the stressors that we have to deal with even today in our wildlife conservation.

I have been an active member of our Executive Oversight Committee for the past few years, developing a draft strategic plan on how this Agency is going to move forward with climate change. And if confirmed as Director, I look forward to working with Congress as we begin to implement this plan.

I am committed to the philosophy of collaborative partnerships for conservation as a biologist. And I am committed to the tenet that the Fish and Wildlife Service decisions must be grounded in the best available science. Our credibility internally with our employees, and externally with our peers and stakeholders, depends upon adherence to this tenet.

I believe that the two, scientific integrity and partnership approach, work hand in glove to give us the best results in achieving our conservation goals. With that in mind, I have taken a leadership role in helping lead the Agency in a new paradigm called Strategic Habitat Conservation that will have us following science and that lead us, adapting our strategies as our scientific knowledge increases with research.

In the Southeast Region, we have already taken steps along those lines. We have restored 80,000 acres of bottomland hardwoods, working with industry and partnerships with conservation organizations to restore those hardwoods in a carbon environment of 33 million metric tons over 75 years.

I will close by saying that the confidence with which I accept this nomination lies less in my own abilities and strengths than in the fact that I know the group and caliber of people that I will be leading if confirmed. Our folks are an exceptional group, from the biologists to the office assistants, from wildlife managers to financial analysts.

I look forward to answering any questions about my track record and my tenure at the Fish and Wildlife Service.

Thank you.

[The prepared statement of Mr. Hamilton follows:]

**Prepared Statement of Sam D. Hamilton  
Nominee to be  
Director of the U.S. Fish and Wildlife Service**

**Introduction**

Thank you, Madam Chair, Senator Inhofe, and members of the Committee. I am honored to be with you today as President Barack Obama's nominee for Director of the U.S. Fish and Wildlife Service (Service).

With your indulgence, I would like to begin with a short, personal introduction that helps to explain how it is that I came to be here today.

**Personal Background**

I grew up in Starkville, Mississippi. My father was from a small Mississippi Delta town, and my mother, from a small town in north Alabama. They met and were married in Miami, Florida, during World War II as my father was recuperating from combat injuries sustained as a P-47 fighter pilot in Europe. My mother was a Red Cross nurse at the time.

After serving in the Air Force command during the Korean War and later moving around the country on active Air Force duty, my father assumed command of the Air Force ROTC program at Mississippi State University in 1960, and we settled in Starkville. It was there that he introduced me to the outdoors. At the age of five, I can recall catching my first fish with him on Noxubee National Wildlife Refuge just a few miles south of my hometown. A decade later, at the age of 15, I took the first step in a conservation career as a Youth Conservation Corps employee at the Refuge. I learned to band wood ducks and Canada geese, to build waterfowl pens, and to understand the importance of managing wildlife habitat. I have visited that Refuge and many others across the country since that time, and I have come to appreciate that they represent the finest collection of public lands and waters dedicated to fish and wildlife conservation in the world.

After high school, I attended Mississippi State University, graduating with a Bachelor of Science in biology. Later, while in graduate school studying fisheries, two events occurred that significantly and positively impacted my life for the long-term. The first was that I met and married Becky Arthur of Jackson, Mississippi. We have two wonderful sons together and now, a grandson, who serves as constant reminder to me of why conserving our nation's natural heritage is so vitally important.

**Track Record and Experience**

The second event was that I was hired by the U.S. Fish and Wildlife Service as a Young Adult Conservation Corps employee in an Ecological Services field office. There, I hit the ground running as the lead for Service wetland activities along the Alabama and Mississippi coasts. After a decade of on-the-ground wildlife conservation work in three Service field offices, I transferred to Washington, D.C. I served on staff in the Fish and Wildlife Service's headquarters office, on extended details to the House Merchant Marine and Fisheries Committee and the

Association of Fish and Wildlife Agencies, and as a special assistant in the Director's office. I was later selected to be the Fish and Wildlife Service's first state administrator in Austin, Texas to work with state and local governments and private landowners on statewide conservation issues. For the past 12 years, I have served as the Fish and Wildlife Service's Regional Director for the Southeast Region, which encompasses 10 southeastern states, the Commonwealth of Puerto Rico, and the Virgin Islands, and an amazing diversity of wildlife species and habitats.

Over the course of my 30-year career with the Fish and Wildlife Service, I have had the privilege of helping to provide leadership in some of America's toughest and most significant conservation challenges. I have overseen the Service's efforts on large-scale ecosystem restoration projects: in the Florida Everglades, our nation's fabled "River of Grass," whose waters sustain the more than 5 million people and the many thousands of plant and animal species in South Florida; and in coastal Louisiana, where I have represented the Secretary of the Interior on a multi-partner task force to vigorously conserve some of our nation's most fragile and valuable wetlands that are being lost at a staggering rate of 24 square miles per year.

Through the years, I have had responsibility for working with communities to find innovative solutions to a number of complex endangered species conservation efforts, such as the Balcones Canyonlands Conservation Plan in Texas for eight Federally listed species; statewide conservation plans and private landowner "safe harbors" agreements throughout the Southeast for the endangered red-cockaded woodpecker; and a formal stakeholder forum in Florida for resolving some of the most difficult challenges to recovery of the endangered West Indian manatee.

I have been a strong advocate for the National Wildlife Refuge System, supporting expansion of Refuges and additions of new Refuges as an essential step in maintaining America's wildlife and habitat diversity and abundance.

Through creation of the highly successful Southeast Aquatic Resources Partnership, I have been a key contributor to the development of a National Fish Habitat Action Plan that will assess and address the state of the nation's fisheries and fish habitats through partnerships with Federal, State, and private entities. As you know, legislation related to this effort was introduced this summer in both houses of Congress.

I have assumed a leadership role in the partner-driven system of Joint Ventures to conserve migratory birds across the nation. I personally chair the Management Board of the Lower Mississippi Valley Joint Venture, a private, State, and Federal partnership at work in 75 million acres that are of critical importance to both waterfowl and land birds in the Southeast.

As a member of the Fish and Wildlife Service's Directorate, I have worked hard to ensure that we maintain our scientific integrity and fulfill our responsibility to the American public by implementing cutting-edge approaches to strategically address the nation's most pressing conservation needs. In this regard, I recently have helped to develop the Fish and Wildlife Service's strategic plan for addressing the present and future impacts of a rapidly changing climate on the nation's fish and wildlife resources and their habitats. I have also provided leadership in implementing strategic landscape conservation as our operational paradigm to

ensure that we accomplish the right things, in the right places, at the right times based on sound science, good planning, monitoring of outcomes, and adaptive management.

As you well know, the Fish and Wildlife Service makes decisions every day that are important to America and the people. The actions we take to ensure the sustainability of our nation's fish and wildlife resources affect both public and private lands and impact the quality of life, the economic wellbeing, and the recreational and aesthetic enjoyment of our citizens. Our decisions and actions have both immediate and long-term implications: As public servants entrusted by the American people with stewardship responsibilities for America's wildlife resources, we act on behalf of both present and future generations.

#### **Philosophy and Priorities**

This brings me to the matter of my conservation philosophy and my priorities, something you have the right to know as you consider my nomination. If I were to share with you the most important thing I have learned about natural resource conservation in the course of my Fish and Wildlife Service career, it would be this: No single entity, whether Federal, State, or private, can ensure the sustainability of our nation's fish and wildlife resources working independently. The conservation challenges of the 21<sup>st</sup> century can only be successfully addressed through collaboration among stakeholders, government and nongovernment, public and private. I have spent a career building collaborative partnerships that allow for the development of ideas and the creation of solutions that are beyond what any one entity, working on its own, could have achieved, or in some cases, even envisioned. I have been particularly conscientious in recognizing the essential role played by States in creating any comprehensive and successful conservation initiative.

This conservation philosophy does not in any way relieve the Fish and Wildlife Service of its national leadership role in fish, wildlife, and habitat conservation. Rather, it calls forth in us a leadership approach that inspires trust with stakeholders and gets outcomes that benefit both wildlife and people and are, thus, sustainable over time. With your support, under my leadership the Service will continue to pursue collaborative public/private partnerships that create both innovative approaches and incentives for conservation of species and habitats.

I also believe that our conservation work must be driven by sound science; and that the activities we undertake for species on the ground at individual project sites must strategically support achievement of our conservation goals at broader scales, such as landscapes, major eco-regions, or entire species' ranges. This science-driven, strategic, big-picture approach implies partnership and is particularly important because it takes into account the dimensions of the threats that now exist to the sustainability of our fish and wildlife resources. Among these threats are habitat fragmentation and, concomitantly, genetic isolation of wildlife populations and species; the spread of invasive species; the increasing demands on limited water supplies; unnatural wildfires; and the illegal trade in wildlife. All of these stressors impact biodiversity and pose tremendous challenges to sustaining healthy, vibrant ecosystems, particularly in regard to those species already recognized as endangered, threatened, or imperiled.

Added to these stressors is the overarching threat posed by climate change, which is already impacting wildlife and their supporting habitats across the nation. Climate change is the trans-

formational conservation challenge of our time, not only because of its direct effects, but also because of its influence on all the others stressors of our wildlife resources. Climate change is acting as the proverbial “fuel to the fire,” accelerating the expansion of invasive species; rising sea levels along our 166 coastal refuges; altered hydrology in rivers and wetlands; and myriad observed changes to our fragile Arctic ecosystems, including diminished sea ice, coastal erosion, shrinking glaciers, and thawing permafrost. I believe the Service has an important role to play in supporting this Administration’s efforts to address climate change. It is not an exaggeration to say, “As wildlife goes, so goes the nation.”

Our challenge as a Service will be to translate climate change projections into reliable predictions of how wildlife populations and habitats will change in response. In applying our strategic approach to landscape conservation, the Service has embraced an adaptive resource management framework composed of biological planning, conservation design, conservation delivery, decision-based monitoring, and assumption-driven research, which together help to reduce uncertainties and allow for changes in direction as new information is gathered. We have already used this framework and a partnership approach in the Lower Mississippi Valley to strategically restore more than 80,000 acres of bottomland hardwood forests, much of it on National Wildlife Refuge System lands. This effort will sequester an estimated 33 million metric tons of carbon out of the atmosphere over the next 10 years. Sequestering carbon in vegetation, such as bottomland hardwood forests, restores or improves habitat and directly benefits fish and wildlife.

The success of this effort to mitigate the release of greenhouse gases into the atmosphere and the need to help wildlife adapt to changing conditions wrought by climate change serve to highlight the importance of our National Wildlife Refuge System to the nation’s environmental health. Created in 1903, the Refuge System is the world’s most extensive network of public lands devoted to the conservation of wildlife habitat and wildlife species. Spanning almost 150 million acres, the 548 national wildlife refuges and 37 wetland management districts that comprise the Refuge System are home to some 700 species of birds, 220 mammals, and 280 threatened or endangered species. With your support, the Service must refocus its attention on strategically conserving the highest priority lands that provide connectivity for wildlife across the American landscape. We must use all of the available tools, including land acquisition, conservation easements, and partnership agreements, to ensure that wildlife will have a place to adapt in a climate-changed environment. If I am confirmed, I look forward to working with Secretary Salazar, in close collaboration with the Senate Environment and Public Works Committee, to strengthen the integrity of the National Wildlife Refuge System.

Right alongside that in importance is the need to address a continuing and alarming downward trend in our nation’s fish species resulting from loss in the amount and quality of freshwater, estuarine, and marine habitats. America’s fisheries have sustained our people since our earliest history; and today, a multi-billion-dollar industry in commercial and recreational fishing helps to support our economy. I am gratified that the U.S. Congress has introduced the National Fish Habitat Conservation Act as a means for directing new and existing resources toward the nation’s fish and aquatic communities. The Act supports voluntary partnerships that I believe, based on my past experience with the Southeast Aquatic Resources Partnership, will have the capacity to successfully foster fish habitat conservation and provide benefits to the American people.

As vital as partnerships are, the 93<sup>rd</sup> Congress very wisely determined 36 years ago that not everything that needs doing to conserve America's wildlife will be accomplished voluntarily, at least not in the short run. In 1973, Congress passed by nearly unanimous vote the Endangered Species Act to protect those species in danger of extinction or threatening to become endangered. As you know, the Fish and Wildlife Service is, in large measure, the agency entrusted with administering the Act. I believe that as a country, we can take great pride in the fact that this visionary and far-reaching piece of legislation has been a success story and has unquestionably prevented the loss of species, such as the bald eagle and the peregrine falcon; and is helping us with the recovery of hundreds of others, such as the West Indian manatee and the Florida panther.

Many of the species the Act protects are not so charismatic and cuddly—the endangered fat pocketbook mussel of the Upper Mississippi River Basin, for example, is a creature best described by its name. When one considers, however, that an estimated 43 percent of our 300 species of freshwater mussels in North America are in danger of extinction and that these animals are sentinels of what is happening to our freshwater habitats, an underlying reason that the Act is important becomes clear: It causes us to look not only at the plight of the imperiled species themselves but also at the underlying stressors that are leading to endangerment. These stressors have implications for species further up the food chain, including us humans.

Through the years, the Endangered Species Act has had its detractors, and I believe the Service has responded in highly creative ways to remedy legitimate criticisms, with such initiatives as our "Safe Harbors" program that provides protections to landowners who agree to voluntarily protect species on their lands. In keeping with my broader conservation philosophy, if I am confirmed I will continue to put great emphasis on the Act's partner-oriented programs and activities, such as Partners for Wildlife, the Coastal Program, consultation with Federal agencies, technical assistance to landowners, habitat conservation planning, and the Section 6 grants program. Over the long-term, I am convinced the best conservation results will be achieved by using the carrot as well as the stick.

Concerning migratory birds, I believe we should continue to strongly support and to expand our Joint Ventures and other partnership conservation initiatives. We now have incontrovertible evidence that many species of America's birds are in serious trouble, but that efforts to conserve them can produce significant results. This is documented in the recently released "*The State of the Birds, United States of America 2009*," a report based on 40 years of data analyzed by the U.S. Fish and Wildlife Service, the U.S. Geological Survey, state government wildlife agencies, and nongovernmental organizations. The report states that while the United States is home to more than 800 species of native birds inhabiting terrestrial, coastal, and ocean habitats, nearly one-third of these species are Federally listed as endangered or threatened or are species of conservation concern. Hawaiian birds and ocean birds are most at risk, and bird populations in grassland and arid-land habitats show the most rapid decline over the past four decades. In contrast to this, populations of wetland species, wintering coastal birds, and hunted waterfowl have increased over the past 40 years, with 39 species of hunted waterfowl increasing their numbers by more than 100 percent. These improvements are directly attributable to our strong focus on wetlands conservation and management during this period, particularly the overwhelming success of a continental waterfowl management plan that involved the restoration

and management of more than 30 million acres of wetlands by the United States, Canada and Mexico. This has program has taught us that bird populations show amazing resilience and ability to recover when the health of their habitat is sustained or restored.

Contributing to these conservation successes is the Service's Law Enforcement program, whose efforts I am committed to strengthening. Our Office of Law Enforcement investigates wildlife crimes, helps Americans understand and obey wildlife protections laws, works in partnership with international, State, and Tribal counterparts to conserve wildlife resources, and regulates wildlife trade. I am particularly concerned with bolstering those activities aimed at combating the illegal import/export trade in our nation's, and the world's, rarest wildlife species. The Office's wildlife inspectors are the nation's front-line defense against the illegal wildlife trade, a criminal enterprise that threatens species worldwide. These professionals are stationed at our major international airports, ocean ports, and border crossings to monitor an annual trade worth more than \$1 billion. They stop illegal shipments, intercept smuggled wildlife and wildlife products, and help the United States fulfill its commitment to global wildlife conservation.

In terms of those programs that support our biological and wildlife management efforts, I believe that nothing ranks higher in importance than improving our information resources technology capability. In times of tight budgets and smaller staffs, technology is a key to enabling the Service to do more with less. The use of Geographic Information Systems, for example, is transforming the way in which our field personnel are capturing, analyzing, and managing habitat data; they are able to do in hours what otherwise would have taken months to accomplish. Our investment in making this and other technological tools more widely available will have both immediate and long-term payoffs.

#### **Conclusion**

I know that while a Director's vision is important, what is equally important is the caliber of people available to execute that vision. The confidence with which I accept this nomination to be the next Director is based on my humble recognition that the true strength of the organization rests not in me and my leadership abilities but rather in the exceptional people who comprise the U.S. Fish and Wildlife Service. From the biologists to the office assistants, from the wildlife managers to the information technology specialists, Service employees are the most skilled, the most knowledgeable, and the most committed public servants any organization could hope for. I know this from 30 years of firsthand experience. Their passion to conserve, enhance, and protect the fish and wildlife resources of this nation inspires me every day, and it would be the greatest honor of my life to be their Director.

I am extraordinarily grateful that President Obama and Secretary Salazar have asked me to serve as Director of the Fish and Wildlife Service in this new Administration. If confirmed, I can assure you that I will take on this challenge with seriousness of purpose and total dedication to the task at hand. I will commit to working in a spirit of collaboration with you, State and Federal agencies, and all key stakeholders in pursuing what I know to be our mutual interests in securing the health and wellbeing of our nation's fish and wildlife resources and their habitats for the benefit of the American people.

I'm honored at the opportunity to stand before you to answer any questions you may have concerning my readiness and willingness to lead what I believe to be the finest organization of conservation professionals in the world.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator Frank R. Lautenberg

1. Question: Some of New Jersey's national Wildlife refuges have been "complexed" or combined, leading to a lack of resources and the inability to properly manage the wildlife habitat at individual refuges. For example, at Supawna Meadows National Wildlife Refuge in southern New Jersey, complexing has eliminated all staff, closed the office to visitors and volunteers, and removed all maintenance equipment.

Under your leadership, how will the Fish and Wildlife Service fix this problem?

Answer: As Director, I assure you that each unit of the Refuge System will receive due consideration for staffing, resource management, and community presence within available funding. The President's 2010 budget identifies an increase of more than \$20 million for the National Wildlife Refuge System to maintain our existing capabilities and look across the system at our highest priority needs for staffing, habitat restoration, facility maintenance, visitor services, conservation planning, and important community involvement. Experience has shown that when budget resources allow, we are able to revisit complexing stations so we can interact daily with nearby communities, and live and work closer to the land we are responsible for managing.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator Frank R. Lautenberg

2. Question: Fish and Wildlife scientists have documented hundreds of thousands of bats dying during hibernation season in the Northeast. In some areas, close to one hundred (100) percent of the bats have died. Experts worry that some species of bats could face extinction.

Will you commit to making this a top priority as Director?

Answer: I, too, am concerned about impacts on bat populations, especially those species currently listed as federally endangered, because of the high mortality associated with white-nose syndrome (WNS) and its rapid spread. If confirmed, I will ensure that the Service continues to treat our work on WNS as a high priority.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator Frank R. Lautenberg

3. Question: Wildlife are currently being impacted by climate change in every state. As a former regional director who worked with many of the state wildlife agencies, do you think the State and Tribal Wildlife Grant Program has been effective in supporting the work of the states to address these impacts? How would increased funding for the program allow the states to expand or improve their work?

Answer: Climate change is an important issue for the Service, States, and Native American Tribes. State and Tribal Wildlife Grant funding has not been available to address the impacts of climate change on fish and wildlife resources or support State or Tribal efforts to address these impacts. The President's FY 2010 budget identifies a \$40 million increase in the State and Tribal Wildlife Grant Program specifically intended to provide additional funding to the States and Tribes to address effects from climate change on fish and wildlife. This funding will provide new resources to support projects that update, revise, or modify State Comprehensive Wildlife Conservation Plans to reflect the challenges States are facing in the wake of climate change that may require species to adapt. In addition, States may fund projects in these plans to address climate change adaptation challenges. The additional request for Tribes will add funding to the competitive Tribal Wildlife Grant program to enable tribes to address the impacts of climate change on fish and wildlife resources in Indian country.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

1. Question: **If confirmed, will you pledge to develop good working relationships with all Senators and staff on this Committee, Democrat or Republican, by promptly responding to any written or phone inquiries, sharing information as soon as it becomes available – and directing your staff to do the same?**

Answer: I firmly believe strong working relationships with members of Congress, as well as Committee and personal staff, are key to ensuring better understanding of concerns and positions on issues of importance to the Service. If confirmed, I will work to develop and maintain those relationships by promptly responding to written and telephone inquiries, providing information as appropriate, and ensuring that Service staff does the same.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

**2. Question: What principles will you employ in administration and implementation of the Endangered Species Act?**

Answer: If confirmed, I will ensure that the Endangered Species Act is administered and implemented with the highest ethical standards and professional integrity and respect for scientific integrity. I commit to ensuring that the decisions we make under the ESA will be determined by the best available science, and will be carried out in an accountable, transparent fashion that involves the public.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

**3. Question: Under your leadership, describe how the Service will deal with activists' petitions to list species based on whole or part on adverse impacts from climate change.**

Answer: I do not believe the Endangered Species Act (ESA) is well-suited or was intended to be used as a climate change tool. The ESA does not lend itself to those assessments. Climate change, as we understand it, is the cumulative result of a lot of activity over a long period of time. The ESA is designed to look at causality with respect to particular acts and the impact they have on habitat or species. It is not designed to deal with larger climate change issues. I know that Congress is considering climate change legislation and I look forward to working with this Committee on legislation tailored to address climate change specifically. With respect to the ESA, I would first note that this Act has been successful in helping prevent hundreds of species from extinction, and it has promoted more sustainable management of vital natural resources across the country. In accordance with the statute, we must address each petition on an individual basis and reach our listing decisions on the basis of the best available science.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

4. Question: Burying beetle populations are healthy in most parts of Oklahoma and other states west of the Mississippi. However, it still remains a listed species because of declines in the northeastern U.S. I'm concerned that the beetle program is not being fairly handled as a regional problem. **Please explain why the burying beetle continues to be listed in Oklahoma despite the healthy populations officially reported.**

Answer: I agree that there are indications of stable populations of American burying beetles in Oklahoma. However, states surrounding Oklahoma, such as Kansas, Texas and Arkansas have much reduced numbers compared to Oklahoma. Recent surveys have not found American burying beetles in southwestern Missouri. East of the Mississippi River, where the beetle was once widespread and common, there is only one known, extant wild population of beetles on an island off New England.

Despite the apparently stable status in much of Oklahoma, the beetle remains endangered elsewhere. In June 2008, the Service completed a five-year status review, as required by the Act, and recommended no change in the listing status. The Endangered Species Act does not provide for the listing or delisting of distinct population segments for invertebrate species. The lead responsibility for recovery of the American burying beetle has recently moved to the Southwest region, which includes Oklahoma.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

5. Question: The Service has convened a Federal Advisory Committee to recommend guidelines for developing wind energy projects. Obviously, wind energy is an important part of an environmentally sustainable energy future for this country. As I understand it, guidelines currently being discussed would require developers to comply with practices that go far beyond what is required under existing wildlife protection laws. **In light of this, do you believe that the Service should, consistent with reasonable interpretations of existing law, make every effort to exercise as much discretion and assistance as possible toward companies willing to make extra efforts on behalf of wildlife protection?**

Answer: Wind energy development is a priority of Secretary Salazar. I am aware that the Federal Advisory Committee is looking at the issue of the application of the Migratory Bird Treaty Act. If confirmed, I will ensure that the Fish and Wildlife Service works within the parameters of the law to make fully informed and transparent decisions to facilitate environmentally responsible wind energy development with meaningful involvement by all stakeholders.

Director, U.S. Fish and Wildlife Service – Designate (Hamilton)

Senator James M. Inhofe

6. Question: Regarding the current debate on whether to list and how best to manage sage grouse populations, what is the Service's role in Wyoming's recent decision to not allow further wind energy development across most of the state? Describe how you will address the need to balance the expansion of renewable energy, particularly wind, with the protection of at-risk species.

Answer: The Service's role with respect to Wyoming's greater sage-grouse core area strategy is advisory. We have no regulatory authority for non-listed and non-migratory species--both of which apply to greater sage-grouse. The Service, along with other state, federal and private entities in the State of Wyoming, developed the Core Area Strategy that the Governor adopted in his Executive Order in August 2008. The Wyoming Core Area Strategy does not prohibit further wind development across most of the state. The strategy adheres to an outcome-driven, science-based approach whereby the conservation of key habitats (core areas in the case of Wyoming) is ensured.

If confirmed for this position, I will lead the Service to work with states and other stakeholders to address the expansion of renewable energy development and the protection of at-risk species. I will guide the Service to identify the most critical wildlife areas where energy development would have the most negative impacts to imperiled species, and by working early in the planning stage with industry and land managers, identify the most appropriate areas for energy development.

Director, U.S. Fish and Wildlife Service - Designate (Hamilton)

Senator Inhofe

7. Question: It is common practice for environmental groups to file lawsuits against the U.S. Fish and Wildlife Service for its failure to act in accordance with statutory timelines on petitions to list species under the Endangered Species Act and/or to designate critical habitat. Usually, settlements and court orders from such lawsuits set deadlines for issuance of proposed and final determinations on listing and critical habitat designation. In some cases, this process leads to a rush to judgment and incomplete consideration of available data. Such litigation-driven decision-making also interferes with any orderly administrative process for these decisions. **Describe the actions you will take, including seeking modification of settlements and request for modification of decrees, to ensure that the Fish and Wildlife Service is allowed to properly carry out your responsibilities under the ESA without the threat of arbitrarily imposed deadlines. If confirmed, will you fully consider proposals that ensure that parties do not use the judicial system to usurp the effective administration of the ESA, including improvements to the management and deadlines for listing and critical habitat determinations under the ESA?**

Answer: I, too, am concerned about the fact that the ESA program is, to a large extent, driven by litigation. If confirmed, I will work with the Department of the Interior's Office of the Solicitor and the Department of Justice to ensure court settlements and decrees result in reasonable time frames that enable the Fish and Wildlife Service to make informed decisions on listing and critical habitat. In addition, I will consider the proposals as you suggest.

Director, U.S. Fish and Wildlife Service - Designate (Hamilton)

Senator Inhofe

8. Question: I am particularly supportive of the Service's Partners for Fish and Wildlife Program. This program is a model for the Services to follow because it conserves habitat by leveraging federal funds through voluntary private landowner participation. I authored the legislation in 2005 to specifically authorize this program and additional funding (up to \$75 million). The FY09 program will receive almost \$53 million; however, I understand that \$2 million has been redirected from this program in previous years for costs such as listing the polar bear and other ESA-related expenditures. Therefore, I would like to receive more information on this issue as well as a full accounting of how the FWS is administering this program. **Please provide an accounting of Partners Program funding since October 2006 to see what appropriations the Program received as well as how the funding was used in each Region.**

Answer: I am informed that the Service provided to your office on July 20, 2009, preliminary information regarding the expenditure of funds for the Partners Program for fiscal years 2007-2009. As I affirmed in my response to your questions at my confirmation hearing before the Committee on Environment and Public Works on July 22, 2009, if confirmed, I will ensure that the Service provides an accounting of the Partners Program funding since October 2006, and reports on how the funding has been used in each region, as soon as possible.

Director, U.S. Fish and Wildlife Service - Designate (Hamilton)

Senator Inhofe

9. Question: Regarding the interagency consultation process under ESA Section 7, often other agencies' scientific standards and statutory obligations differ or even conflict with the Service's obligations and/or processes. This quandary has been particularly challenging in reconciling pesticide registrations under the Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) with species protection under ESA. The previous Administration attempted to make sensible regulatory changes to create a functional system of review to keep crop and human health protection chemicals available while protecting species. Unfortunately, to disrupt this process, the consequence of which is a series of adverse, scientifically disputed biological opinions on widely used pesticides. This interagency dysfunction cannot continue simply because of parochial disagreements between these agencies about who has the best science or most qualified expertise. **Describe the steps you will take to ensure that the reasonable, balanced procedures are established for ESA-compliant reviews of pesticides under FIFRA? If you are confirmed, will you commit to reporting back to the Minority members of this Committee within 60 days of confirmation on the steps the Service has taken to reach a reasonable resolution of this interagency challenge?**

Answer: I am informed that the Service is already engaged in an interagency working group, including staff experts from the Fish and Wildlife Service, National Marine Fisheries Service, and the Environmental Protection Agency, to collaborate on establishing reasonable procedures so that EPA and the Services will complete ESA-compliant reviews. This working group met as recently as last week and has scheduled monthly meetings. If confirmed, I commit to support this effort and report back to you and other Minority members within 60 days on the steps the Service has taken to work with this group toward reaching a reasonable resolution.

Director, U.S. Fish and Wildlife Service - Designate (Hamilton)

Senator Inhofe

10. Question: Many lawmakers are attempting to use the Lacey Act as a mechanism to prohibit interstate commerce of certain products, plants and animals ranging from monkeys to lumber. Do USFWS law enforcement personnel currently have sufficient resources to enforce movement of prohibited products, plants, and animals across state lines? Please discuss whether you believe these additional responsibilities would divert USFWS law enforcement personnel from their existing duties.

Answer: The Service enforces the Nation's wildlife laws and treaties that protect endangered species, marine mammals, and migratory birds, and concentrates its enforcement efforts on preventing illegal activities that jeopardize the conservation of wild populations of such protected species.

Our law enforcement capabilities at this time enable us to address only a portion of our own high priorities. The Service is always mindful of the need to take enforcement actions that have the highest benefit to our trust resources.

Director, U.S. Fish and Wildlife Service - Designate (Hamilton)

Senator Inhofe

11. Question: Many members of this Committee have a strong interest in the threat non-native species pose to the environment. The current Fish and Wildlife framework for invasive species uses a “banned list” to identify certain species as harmful to the environment, thus considering all species not on the list as safe. Critics say this approach is too reactive because it only considers species harmful after they have been introduced. **Please discuss whether the Lacey Act should be used to initiate proactive screening as called for in the National Invasive Species Management Plan to address this concern.**

12. Question: Some of the proposals to address the threat of invasive species suggest that, aside from a few exempted species (e.g., pets and farm animals), thousands of perfectly safe non-native species should be “black listed” until a thorough scientific risk assessment can prove they have no impact on native ecology. **Do you believe this is the most prudent course of action? Please describe what options are available to address this concern.**

Answer: Questions 11 and 12 raise important concerns regarding the effective use of existing authorities to combat the increasing economic and wildlife conservation problems caused by invasive species. A variety of approaches have been proposed in the past to control more effectively the introduction of invasive species and if confirmed, I intend to review the Lacey Act and other statutes to determine if any viable alternatives are available to address this problem. I look forward to working with the Committee and affected states to increase the effectiveness of our invasive species control program.

Senator BOXER. Thank you, Mr. Hamilton.

I wanted to note that Assistant Secretary for Fish and Wildlife in National Parks Tom Strickland, is here. I think it is wonderful that you are here, Mr. Secretary, to show your support.

I also wanted to note that Senator Inhofe does have a pressing commitment. So, what I am going to do is just the official questions for you now that I have to ask, then call on Senator Inhofe, then I will start the routine questioning, then I will call on Senator Alexander for his.

So, these are required questions.

Do you agree, if confirmed by the Senate, to appear before this committee, or designated members of this committee, and other appropriate committees of the Congress, and provide information subject to appropriate and necessary security protection, with respect to your responsibilities at the U.S. Fish and Wildlife Service?

Mr. HAMILTON. Yes, I do.

Senator BOXER. Second, do you agree to ensure that testimony, briefings, documents, electronic and other forms of communication, as provided to this committee and its staff, and other appropriate committees, in a timely manner?

Mr. HAMILTON. Yes, I will.

Senator BOXER. And three, do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. HAMILTON. No, I do not.

Senator BOXER. Excellent. Well, thank you for that.

Senator Inhofe, the floor is yours.

Senator INHOFE. This will be very brief. I do have a couple of questions that I will submit for the record, one having to do with some of the activists' petitions, how you are going to be dealing with these that might make recommendations of listing that are predicated on agenda and not having to do with the legitimacy of this office. So, we will go ahead and submit those.

But there is one thing that I wanted to get out because it has concerned me. You and I, in my office, talked about the Partnership Program and how committed I am to it and the successes of that program. I was somewhat responsible for and authored legislation in 2005 to specifically authorize the program an additional funding of up to \$75 million.

However, although the 2009 program will receive almost \$53 million, I understand that some amounts of that, several million dollars, have been redirected from this program in previous years for costs in other areas. So what I am going to ask you to commit to here, and I am going to read it here so I can get it right and the record will reflect it, please provide a full accounting of the Partnership Program funding since October 2006 that shows what appropriations the program received as well as how the funding was used in each region.

This is not the first time we have made a request for this information. Would you commit now to ensuring that I get a response to this request very soon, no time specific, but very soon?

Mr. HAMILTON. Thank you, Senator. I did enjoy our visit the other day and the chance to visit on a Partners for Fish and Wildlife Program.

As I mentioned to you, I think that is a flagship program of this Agency. It is a wonderful program where we work with private landowners. We have gotten so much on the ground and the partnerships that we have had, and the matching moneys, and the land owner relationships that have been built there, so, to answer your question, if I am confirmed, definitely, I will make it a top priority of mine. It is that important a program.

Senator INHOFE. No, I am talking about committing that we get a response as to the funding that I just mentioned. That is the commitment that I am asking for.

Mr. HAMILTON. And my understanding is that response is forthcoming very shortly. So, I will—

Senator INHOFE. So you commit to that?

Mr. HAMILTON. Yes, I will commit to that. Yes, sir.

Senator INHOFE. Thank you very much, Madam Chairman. And if you will excuse me, I do have to run here.

Senator BOXER. Thank you, Senator Inhofe.

Mr. Hamilton, the American Recovery and Reinvestment Act, the Stimulus Bill, provided nearly \$300 million to Fish and Wildlife for a variety of activities including deferred maintenance, which we discussed in my opening statement, habitat restoration and energy efficiency upgrades. I understand that the service has made significant progress in implementing projects with these funds.

Now, yesterday we heard this program blasted by one of my colleagues here, and I wanted to first ask if you have looked at the status of the distribution of these funds. If you could tell me today, in rough terms, how many of these funds have been committed, and if not, will you please let us know within 30 days the status because it is important that we get these funds out there?

Mr. HAMILTON. Thank you, Senator. I do not have specific information right now at my fingertips on the breadth of the program in terms of how much we have expended, but we will get that information back to you.

Senator BOXER. Please. Within 30 days—

Mr. HAMILTON. Within 30 days.

Senator BOXER [continuing]. Of your confirmation.

Mr. HAMILTON. We will do that.

Senator BOXER. All right. That is very good. And I hope that you will also commit to me that you will ensure that those funds are properly—those projects are properly vetted, but as quickly as possible. Will you make that commitment?

Mr. HAMILTON. I will make that commitment. We are doing that today, in the Southeast.

Senator BOXER. Thank you.

Mr. Hamilton, stagnant budgets for maintenance of the National Wildlife Refuge System and rising costs have resulted in a multi-billion dollar maintenance backlog, a loss of staff, limited public access, and threatened wildlife.

Recently funding in the stimulus will address critical near-term needs, but a long-term and sustainable solution is critical. Do you believe funding and maintenance of our refuges is an important issue, and if confirmed, what steps will you take to address the state of our wildlife refuges?

Mr. HAMILTON. Well, Senator, thank you for the question. The National Wildlife Refuge System is near and dear to my heart from the day that I started to work here, and I have been a big advocate for it.

It is severely under-funded in terms of the maintenance backlog as well as operational funding. We have very many refuges with very few staff and some that are not even staffed. So, we have taken dramatic steps to [unintelligible] it.

I have, the whole time that I have been a director, I have been an advocate and will push for as much funding to support that program. And I think that the last thing is, we have made great strides with friends groups and volunteer programs and the support there has been unbelievable. So, it will be a priority of mine.

Senator BOXER. OK. Do you commit, if confirmed, to provide the committee with an update on the status of our refuges within 60 days of your confirmation?

Mr. HAMILTON. Yes, I will commit to doing that within 60 days.

Senator BOXER. OK.

Mr. Hamilton, what role do you believe science should play in the implementation of the Endangered Species Act?

Mr. HAMILTON. Science is the foundation of the Endangered Species Act, as well as the foundation of our whole Agency. And so, if the science is not sound, then the whole foundation is not very good.

Senator BOXER. OK. And now I have one, sort of, a criticism of your record has been put forward, one group only, the Public Employees for Environmental Responsibility. You otherwise have a very strong support. They raise concerns about your track record on implementing the Endangered Species Act and making decisions based on science.

In light of the fact that you did say that science was the centerpiece, I wonder if you could clear the air on that and respond to their charges.

Mr. HAMILTON. I would be happy to do that. I was a little surprised to see that letter, and there were several points that they raised that I would like to clarify.

Senator BOXER. Please.

Mr. HAMILTON. Principally, about 6 years ago, I think the principal issue had to do with our Florida Panther Conservation Program in South Florida. We are very proud of the work that we have done there. When I got to Atlanta in 1995, we estimated that we had 25 panthers left in the wild, a very endangered cat. Today, we have well over 100, so we are on the road to recovery. But we have a long way to go.

We did not, over the years, we have had to adapt because of new information, and it is continuously coming in as to how we conserve panthers. There were two instances, one where we were relying on telemetry information from a world renowned scientist that did not accurately reflect all of the habitat the panther needed. And the other had to do, we transposed two numbers, our field biologists did as they were doing some calculations. We had an independent group look at it in 2005, and we made those adjustments.

We have an incredible program down in South Florida, working with the State. We have got a 2.5-million-acre target for conserva-

tional lands, and we are working with many of the big environmental groups to help restore that panther, Defenders, Audubon and the Wildlife Federation.

So, we place the highest regard on our science, and our field station at Vero Beach does an incredible job facing some tough challenges with the development pressures in South Florida. But we are proud of the record, and it is very transparent.

Senator BOXER. And you clearly stand on the side of science, and that is very important, and I am very glad that you explained that.

I think next would be Senator Alexander.

Senator ALEXANDER. I am simply here to say, Mr. Hamilton, that I am delighted with your appointment and look forward to working with you. I remember one time meeting an old man in the Great Smoky Mountains when I was Governor, and he said to me, I ain't heard nothin' bad on ya yet.

[Laughter.]

Senator ALEXANDER. So, I would say that to you. I have had calls from the Tennessee people that you have worked with you, and they think you are a good professional and that you know the region and that you know the subject. And I look forward to working with you on the Appropriations Committee. This is an area of great interest to me in our State.

As you know, we have a lot of wildlife refuges, especially in the western part of the State, in the drainage area over there, Reelfoot Lake. And you know Gary Myers very well, who had been head of our Wildlife Resources Agency for about 100 years until he retired a year ago.

We have great respect for work that Gary and the TWRA do. I think we have more people who hunt and fish than vote, so we care about our outdoors, and the condition of it, and our wildlife. I hope that you will call on me and keep in touch with me as you go through your work.

I have just one question. It is really a matter of curiosity. Do you know whether any of the panthers have made it to the Great Smoky Mountain National Park or not?

Mr. HAMILTON. Not that I know of. We get reports all over the South about panthers. But, occasionally we have an escape of someone's captive cat, I think—

Senator ALEXANDER. You think that might be more likely?

Mr. HAMILTON. Either that or a bobcat. A lot of time people see bobcats and they think—

Senator ALEXANDER. Are there a lot of bobcats in the Southeast?

Mr. HAMILTON. There are plenty of bobcats.

Senator ALEXANDER. So that is not unusual?

Mr. HAMILTON. No, sir.

Senator ALEXANDER. We have markings on trees sometimes that we see that suggest cats. Not many, but occasionally, so I was just curious about it. How many Florida panthers are there?

Mr. HAMILTON. Right now, our best estimate is a little over 100. They are restricted to South Florida in the Naples-Fort Myers area, that far south.

Senator ALEXANDER. Restricted by what?

Mr. HAMILTON. Well, historically they were found in Tennessee and they were found throughout the Southeast region. But over

time, we pretty well eliminated them. The habitats there, it is just—

Senator ALEXANDER. People kill them?

Mr. HAMILTON. Yes, people kill them.

Senator ALEXANDER. So, you have got enough? You think 2.5 million acres is enough to support how big a population of panthers?

Mr. HAMILTON. Well, we think that we are approaching the limit for what we have there. The key in South Florida is to be able to work with private landowners, and there is a zone there that we need to get them through on the Caloosahatchee River and the big ranchland up North. So, we have been working with private landowners.

But the recovery plan talks about two other populations, and that would involve a reintroduction. So, I have had good discussions with State Directors—

Senator ALEXANDER. What do you mean by a reintroduction?

Mr. HAMILTON. Actually reintroducing panthers in other parts of the Southeast. But we have had a lot of discussions with State Directors, and we have a ways to go in terms of—

Senator ALEXANDER. How much territory does that take, do you think?

Mr. HAMILTON. It would take probably take several million acres. Now, we—

Senator ALEXANDER. If we are going to reintroduce it in a new area, it would take several million acres?

Mr. HAMILTON. Correct, to have a sustainable population.

Senator ALEXANDER. Yes. We tried wolves in the Great Smokies, which is half a million, and it was not big enough. That was the problem, I think.

Mr. HAMILTON. We did bring the red wolves in, but they did not make it.

Senator ALEXANDER. No, they did not. But the elk are doing, are you involved with the elk at all?

Mr. HAMILTON. Not really. The State of Tennessee and the State of Kentucky have big elk programs.

Senator ALEXANDER. But that it not a part of your jurisdiction?

Mr. HAMILTON. No, sir.

Senator ALEXANDER. Are there any elk in those wildlife refuges in West Tennessee that you know of?

Mr. HAMILTON. No, the West Tennessee refuge is primarily a waterfowl refuge. So the elk are found, it is my understanding, in the Eastern part of the State and in Kentucky also.

Senator ALEXANDER. Why would elk not be a concern of yours? Any particular reason? Any jurisdictional reason?

Mr. HAMILTON. It is a jurisdictional issue. It is a State resident species, and we work very closely with them. So, they take the lead on those. We have migratory species that cross State lines, endangered species, those kinds of things.

Senator ALEXANDER. OK. I think you have got a good job.

[Laughter.]

Mr. HAMILTON. Yes, it has been a great career.

Senator HAMILTON. Yes, I think so. So, welcome aboard, and I hope you are confirmed, and I look forward to working with you.

Thank you, Madam Chairman.

Senator BOXER. Thank you very much, Senator.

Senator Cardin.

Senator CARDIN. Well, thank you very much, Madam Chairman. Senator Alexander, you have shown in your questions that it seems like it may be a good job for you. I do not know.

[Laughter.]

Senator ALEXANDER. Well, all of us need a backup in our current work.

[Laughter.]

Senator CARDIN. I understand that.

Mr. Hamilton, I share Senator Alexander's comments. We look forward to your confirmation. We look forward to working with you.

Madam Chairman, I am going to ask that my opening statement be included in the record. It points out the obvious: that the health of fish and wildlife in our environment very much affects our health, and if the fish and wildlife are doing well, we have a much better chance of doing well.

It also points out the economic impact of fish and wildlife to our economy, a multi-billion dollar industry for fisherman and hunters and birdwatchers, and it is an area that we need to pay attention to.

I thank Chairman Boxer for allowing me to Chair the Water and Wildlife Subcommittee. And I look forward to working with you.

I want to follow up on one point that Senator Boxer raised, and Senator Alexander, on our wildlife refuges. Just one point of information. Senator Nelson testified before our subcommittee, and he talked about the Burmese python. And I believe he said that a panther was actually found inside of a Burmese python. So, you have a real challenge in our wildlife refuges in dealing with invasive species.

This brings me to the nutria at Blackwater on the Eastern Shore of Maryland. We are very proud of the work that we have done at Blackwater in trying to restore lost wetlands. But we are losing a lot of wetlands, I think 5,000 acres we lost, as a result of the nutria, which is an invasive species.

You mentioned, in response to Senator Boxer, the resources are not what we need, generally, in dealing with these issues. I can tell you that the local governments do not have enough resources to deal with this issue, and we need to have a more effective strategy if we are going to be able to deal with the challenges that invasive species are providing us in our national refuges.

I just ask for your help and commitment to develop a workable strategy, working with our local governments, to be able to improve wildlife habitats, including dealing with invasive species.

Mr. HAMILTON. Thank you, Senator. Invasive species are a huge threat, not only to refuges, but probably one of the biggest threats we have to wildlife in the United States and North America.

I have a lot of familiarity with nutria, as you can imagine, working with the State of Louisiana. I represent the Secretary of the Interior on the Breaux Act, the CWPPRA Program, and we actually have a program there we fund under the Louisiana program to control nutria.

I have seen first hand the effect it can have on marshes, certainly in coastal Louisiana, and I was surprised, many years ago,

when I heard they were in Maryland and up the East Coast. They can wreak havoc. So, we do need to stay on top of that.

Senator CARDIN. I thank you. They have wreaked havoc. We have lost thousands of acres of wetlands as a result of it. I have taken a tour through Blackwater and seen first hand the damage that they have caused. And they have had an effective program in eradicating them, but it is a continuing effort. It is more management right now than eradication. It is still a real challenge.

I also want to underscore the point that Senator Boxer made on the Endangered Species Act and being guided by good science. I would be interested as to your ideas as to whether we need to visit the Endangered Species Act, whether there is a new strategy in regards to it, and how we can try to keep politics to a minimum and be guided by proper science.

Mr. HAMILTON. Well, thank you for that question. It has been a challenging career working on the Endangered Species Act. No doubt. We have had some challenging moments with people, shall I say, influencing the science inappropriately over the past few years.

We have to ground what we do in good science. We have to restore the integrity of the Agency, not only internally, but with our stakeholders. That is going to be a very, very high priority of mine if I am confirmed.

Having worked with the Endangered Species Program for probably 25 of my 30 years, I have seen some very good, innovative parts of the program develop, habitat conservation plans, safe harbors, Canada conservation agreements, where we have worked very creatively with private landowners.

Having said that, I have seen many of the programs get mired in almost a quagmire of red tape. So, I think internally we already are taking a hard look at what we can do to streamline certain parts of it, to look at policies and regulations that are now in place that may need to be improved. It is, I think, going to be right at the top of things that I would deal with, as long as I know that this Administration wants to make sure it is handled properly.

Senator CARDIN. Well, I thank you for that. I look forward to working with you.

Thank you, Madam Chair.

[The prepared statement of Senator Cardin follows:]

STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM THE STATE OF MARYLAND

Chairman Boxer, thank you for holding this hearing, and Mr. Hamilton, welcome to the committee. I look forward to hearing your testimony and answers to our questions.

Fish and wildlife are important natural resources just like clean air and clean water. The health of fish and wildlife populations is an important indicator for environmental health and quality because when wildlife populations thrive, human populations thrive as well.

America's unique and diverse wildlife is emblematic of our culture and land ethic. The work of the United States Fish and Wildlife Service to protect and manage our wildlife resources is important to ensuring the long-term health of wildlife resources because so much of our domestic land and water use decisions impact wildlife species.

Fish and wildlife are integral to the U.S. economy. They are at the heart of the multi-billion dollar outdoor recreation industry, which includes angling, bird watching, and hunting and is the reason thousands of people hike and camp in America's

outdoors. In Maryland, protection of fish and wildlife resources is vitally important to the Chesapeake Bay economy and numerous industries, including commercial fisherman, shipping and the hospitality industry.

Protecting wildlife resources is no simple task. Earlier this month Senator Whitehouse and I co-chaired a hearing on the threats invasive species and disease pose to wildlife. These are very difficult issues to manage and require close and careful coordination with State authorities.

White-nose syndrome is killing hundreds of thousands of bats in the Northeast. Chronic wasting disease continues to spread among deer and elk populations. Burmese pythons are becoming the top predator in southern Florida, and in my State snakehead fish are wreaking havoc on native fish populations, and nutria continue to destroy coastal wetlands.

Addressing these and other threats to wildlife while also managing species to avoid human conflicts requires careful coordination with State authorities and sound science. As was evident in our hearing, States are strapped for resources and often don't have the capacity to address emerging threats before they are beyond control.

President Obama has stated that science will guide his administration's decision-making. Species management and habitat conservation require careful scientific application. The last administration, which you worked under, did not always use science to guide its wildlife management policies. I am curious to know how your tenure under the former administration will influence your decisionmaking and what you would change in terms of process around USFWS.

I look forward to hearing about your experience and your ideas for helping States manage the enormous task of preserving and protecting wildlife species and helping strike the necessary balance between human activity and wildlife conservation.

Thank you.

Senator BOXER. Thank you.

Senator BARRASSO.

Senator BARRASSO. Thank you very much, Madam Chairman.

Mr. Hamilton, congratulations. And congratulations to those who are with you today. I appreciated you taking the time to come to visit with me yesterday and answer quite a few questions.

You know, Wyoming has a long history with the Department of the Interior and certainly with the U.S. Fish and Wildlife Service. As we discussed, in the 1990s under President Clinton the relationship soured. There was mistrust of the Agency by the people in my State, and it has continued.

Under President Clinton and Interior Secretary Babbitt, wolves were reintroduced into Yellowstone and into Wyoming. The decision was made without regard to many of the people who live there. When they started, they required there be 30 packs of wolves in Yellowstone. Now, there are over 1,000, and they are in Wyoming, Idaho, Montana, some in Colorado, Oregon, Washington State, and, at this point, Fish and Wildlife Services refuses to de-list the wolf in Wyoming.

There is an article that appeared in the Los Angeles Times this past January that quoted Ed Bangs, who at the time was Federal gray wolf recovery coordinator for the U.S. Fish and Wildlife Service. He said, the bottom line is wolves are fully recovered, and they should be de-listed, and that it is the right time and the right thing to do.

Yet, the wolf has still not been de-listed in Wyoming. The Clinton administration created the problem, but the Bush administration failed to solve it. And so far, the Obama administration has not dealt with it. It is time for that course to change, and it is time to restore the trust between the people of my State and the U.S. Fish and Wildlife Service.

I hope we can count on you and this Administration to work with Wyoming to see the wolves de-listed. I was very encouraged by your answers to Senator Cardin, to his questions specifically related to the Endangered Species Act.

The gray wolf, really, is just symptomatic of a larger problem, which is how the Endangered Species Act is functioning. I think the law needs to be fixed to make it work in the way it was intended. You visited a little bit about what the intent of the law was. If the so-called proponents of the Endangered Species Act were really for species recovery, then they would be joining me and others in the West who find the law to be anything but really a species recovery tool.

In my home State of Wyoming, we see the realities of how the Endangered Species Act is used every day. We are told it is supposed to recover species and then take the species that has been recovered off the list. If the number and the population decline, then put them back on the list. That did not happen in the case of the gray wolf.

The Endangered Species Act is not doing what it was intended to do. It is becoming now a tool of first resort of those who want to control American's every move. Often these supporters of the Act celebrate adding new species to the list, instead of celebrating when we have gotten recovery of a species and gotten the species off the list.

Often these supporters celebrate tying up energy projects in the courts and celebrate trying to use the Endangered Species Act as a climate change tool. These are the same projects, though, that are needed to help us wean off of foreign energy sources and to help keep energy prices low across America.

So, I think we need a fundamental shift in how we think about the Endangered Species Act. We need to move away from a mentality that the Endangered Species Act is just a tool to be used by people with an agenda that has nothing to do with the actual species involved.

We need to look at States as partners in species recovery and not be afraid to pass the baton to the people on the ground who know the species best. We need to move away from a mentality that listing a species is the goal and toward the mentality that puts emphasis on recovery. We need to move away from the mentality that blocking needed projects that provide for our communities is somehow a victory by using the Endangered Species Act just as a tool.

So, I believe we should focus on recovery of the species that are on the list. The emphasis must be on recovery, and then get the species off the list.

I look forward to working with you if you are confirmed and that you would follow those principles.

In terms of the wolf, at this point I would ask, does the Administration believe that States like Wyoming can live up to our commitments to protect the wolf under agreement upon management plans and recovery goals and get the wolf off the Endangered Species list for Wyoming?

Mr. HAMILTON. Thank you, Senator. We have had a lot of success, as I mentioned yesterday in our visit, that I have more experience with the red wolf in North Carolina and the relationships that

we have got with the landowners there and the good work that we have done.

But I am aware of the gray wolf issues, and very much my commitment, if confirmed, would be to very closely work with the State of Wyoming.

One of the things that we have done in the Southeast is had just a tremendous relationship with the State wildlife agencies. And you are right. We are having huge success with the wolf program.

The key will be, in Wyoming, to get a good regulatory program. A monitoring program is key to being able to legally de-list the species. So, working with the State of Wyoming, I believe we can get there. Because we certainly are having success on the ground with wolves.

Senator BARRASSO. Thank you very much. Congratulations.

Madam Chairman, I have a couple of other questions that I will submit for the record with your permission.

Senator BOXER. Absolutely, you can do that. And we hope that you can get those back as soon as possible so we can move on your vote. You have such strong support in the committee.

I just want to make sure. I am going to reiterate. On the Endangered Species Act, it is very clear that we protect a species but when it is no longer in trouble, we de-list it. Is that not correct?

Mr. HAMILTON. Absolutely.

Senator BOXER. And is it not the most important thing that we use science and not politics to guide us?

Mr. HAMILTON. That is correct.

Senator BOXER. Yes. I mean, that is the key. You know, I am not a scientist, and I do not know that any member here is a scientist, especially when it comes to this particular area, so I hope that you will rely on the science and not the politics and not my calling you into my office or any other committee member doing so.

I think you have said that clearly, that science will be your guide. That is all that matters with me. If I do not agree with the outcome, if I am disappointed, I have my fight with the scientists, not you. Because you would just be doing your job. Am I right on that? That is the way you approach it?

Mr. HAMILTON. Yes, you are.

Senator BOXER. Mr. Hamilton, speaking of scientists, scientists have shown that global warming will have significant impacts on wildlife and their habitats, threatening many with extinction. The U.S. Government's Global Change Research Program recently released a report that projects impacts of global warming on ecosystems here in the United States.

Your written testimony for this hearing describes climate change as the transformational challenge of our time, which I am very appreciative of.

Given the projected impacts and your own assessment of the challenge that climate change presents, how will you approach this issue with the Fish and Wildlife Service? I am assuming it is going to be science leading you and then working with other agencies. Is that what your plan would be?

Mr. HAMILTON. That is our plan. Senator, we have been working for a couple of years on a strategic plan that we hope to get put

out for comments in the coming months, a very comprehensive approach.

The way we see it, we think the Fish and Wildlife Service has a leadership role in wildlife adaptation. Species are going to need to be able to adapt in a climate changed environment. They are going to need to be able to move from place to place, across political lines and State lines. We believe that the Service is in a good position to help try to lead those efforts.

We have huge issues, whether it is invasive exotics or sea level rise. One hundred sixty-six of our refuges are on the coast. So, we have a huge interest along the coasts of America. So, how we continue to purchase land, conservation lands, where they are strategically put together, is very, very important.

So, we have a lot of great people working on that within the Agency, as well as the work we are doing with the USGS in a partnership way, and we are closely working with the States, the Association of Fish and Wildlife Agencies, the State agencies, to work a climate strategy for wildlife all across the United States. It is an extremely high priority of ours.

Senator BOXER. Well, that is excellent.

I think the fact that we do not have more people here torturing you with a lot of questions says that you really do have broad support in this committee. That is really a testament to your career. We are very pleased that you have been nominated. I certainly, as the Chair, and I believe I speak for Senator Inhofe, we are going to do everything we can to move you through.

Congratulations to you on this nomination, congratulations to your family and friends that here with you today, and your boss is here. What more could you want than a smooth hearing?

We will stand adjourned and move you as quickly as we can.

[Whereupon, at 10:45 a.m., the full committee was adjourned.]

