

Statement of David Longly Bernhardt
Nominee for the Position of Secretary of the Department of the Interior

Before the Committee on Energy and Natural Resources
United States Senate

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Chairman Murkowski, Senator Manchin, and Members of the Committee, good morning. I am humbled to appear here today as President Trump's nominee for the position of Secretary of the Department of the Interior.

This morning I am joined by members of my family: my wife Gena, my son William, and my daughter Katherine.

It was an honor to be introduced by Senator Gardner. He is a wonderful Senator for my home State of Colorado, and I deeply appreciate his support.

Today's hearing marks the third time I have appeared before this Committee as a nominee for a position within the Department of the Interior. During my service at the Department, as Deputy Secretary and previously as the Solicitor, I have worked with many of you or with your staff. I have met with many of you in person and by phone on various issues of concern to you. I will always make myself available to you upon request.

For me, there are few duties as important as managing the varied missions of the Department of the Interior.

I have had the privilege to work for three different Secretaries of the Interior over the course of nearly a decade of service in the Department. No one dedicates 10 years of their life to any organization unless they believe in it. My appreciation and affection for the Department of the Interior's overarching mission and the dedicated public servants who carry it out is real and deeply felt. To say it was humbling to meet with the President to discuss the Department's mission, and to then be entrusted with leading it, is a gigantic understatement.

I have an authentic attachment to many of the places managed by the Department of the Interior for the benefit of our own and future generations. I know and love the various bureaus' rich histories and their varied cultures. I believe that the people who work at Interior choose to do so because they are committed to serving the public first. I am passionate about the work we do, and I try to make our employees' operating environment better by listening to their suggestions for improvement and acting on those suggestions.

Some of you have heard my background before: I grew up in rural western Colorado near a town named Rifle and spent many summers on my grandparents' ranch in windswept southeastern Wyoming. You know that I love the outdoors and that I hunt and fish.

I was actually raised outside of Rifle to the east. In that part of my home county, there are four small communities lined west to east along a valley through which the Colorado River, the railroad, and now Interstate 70 run. The towns in that valley are Rifle, Silt, New Castle, and Glenwood Springs. These communities were rural and surrounded by a significant presence of lands managed by the Forest Service in the White River National Forest and by the Bureau of Land Management (BLM). I spent part of my youth in schools in each of these communities.

The culture, history, and economic activities in this region depended on both the development and utilization of natural resources and the conservation and recreation associated with those same natural resources. They still do. World-class hunting, gold medal trout fishing, robust energy development, incredible wildernesses areas, great skiing, OHV trails, and mountain biking are available there, all within a few miles of each other. It seems impossible to me that anyone could grow up in this valley along the Colorado River surrounded by forests and mountain peaks without developing a love and appreciation for the splendor of the outdoors and the wonder of the natural environment.

In many ways the history of this area exemplifies the changes that have occurred in similar communities surrounded by public lands across our country. Glenwood Springs was one of the early rural western communities to develop into a resort town. Local businesses formed a board of trade in 1903 focused on the opportunity presented by visiting tourists. By 1915, it was one of the most popular destinations in the State of Colorado. If Glenwood Springs sounds familiar to some of you, it may be because on July 6, 1994, 14 wildland firefighters lost their lives fighting the South Canyon fire on Storm King Mountain, just outside of Glenwood Springs. This town has remained a popular tourist area: skiing, rafting, hiking, kayaking, hunting, mountain biking, and every other form of outdoor recreation you can think of are important to the economy of Glenwood Springs.

The town of New Castle was originally a coal town until 86 miners lost their lives in the course of two explosions caused by methane gas in the late 1800s and early 1900s. Those tragedies ended coal mining in New Castle, but the coal fire that was caused by the explosions has been smoldering in those mountains ever since. It was, and is, a poignant reminder of a time in our history before common sense environmental or safety regulation.

On April 15, 1981, the father of one of my pee-wee football teammates perished in a mine explosion up valley that killed 15 miners at the Dutch Creek Mine No. 1. I will never forget how much he and his brothers missed not having a father as I went through junior high and high school with them. I think of them when I think of the consequences of the decisions we make when evaluating matters related to safety at the Department or on our public lands.

The town of Silt was known for agricultural production. Rifle was a ranching town that came to know the challenges of energy booms and busts. Today, oil and gas, recreation, tourism, and agriculture are the economic drivers in this valley along the Colorado River. Energy tax revenues have ensured that Rifle has a hospital that punches well above the weight one would expect in such a small town.

Accessible to visitors, the splendor of this part of western Colorado played an early and important role in our conservation history. For example, in 1919, nearby Trappers Lake was proposed for residential recreational development by the Forest Service. Art Carhart, the Forest Service's landscape architect, after completing a site inspection, explained in a memorandum:

[t]here are a number of places with scenic values of such great worth that they are rightfully the property of all people. They should be preserved for all time for the people of the Nation and the world. Trappers Lake is unquestionably a candidate for that classification.

This memo was a first. The concept described by Art Carhart for Trappers Lake was the seed of the idea that would become enshrined in the law as the Wilderness Act. As a result, Trappers Lake is viewed by some as the "cradle of the American Wilderness." But for Art's actions, I would have never seen the site I saw when my parents took me there for the first time and every time thereafter.

I have had the remarkable good fortune over the course of my career to work on many of the most complex issues affecting each of Interior's diverse bureaus. I have a clear understanding of the often conflicting legal and policy issues that I face balancing the Department's varied missions. I strive to maintain a long-term view and often think of the guidance provided by Gifford Pinchot, President Theodore Roosevelt's conservationist in chief, as he laid out the mission for the newly created Forest Service: "Where conflicting interests must be reconciled, the question shall always be answered from the standpoint of the greatest good of the greatest number in the long run."

If I am confirmed, I will approach all issues with an open mind and a solemn sense of duty to serve the American people. I will actively seek input and listen to varied views and perspectives to help ensure that the conclusions I draw are well informed. In fact, during my tenure as Deputy Secretary, I have had more meetings with environmental, conservation, and sporting groups than any other type of external group. That is because I seek out those varied views, even when we may disagree.

The reality is that I have spent more than 15 years of a 25-year career in public service, and most of that time at the Department of the Interior. In fact, I was recently told that of the 52 previous Interior Secretaries, only Oscar Chapman, another lawyer from Colorado who was promoted from Under-Secretary to Secretary in 1949, had more experience at the Department than I do.

As Deputy Secretary my focus has been on improvement and execution. This has included: beginning to fundamentally transform the Department and bureau level ethics programs to ingrain a culture of ethical compliance and reduce workplace misconduct; driving forward on the direction and priorities provided by the President; improving our business processes; and carefully considering suggestions for improvement received from within the organization.

The reality is that the ethics program throughout the Department of the Interior has been sadly neglected for some time. When I returned to the Department, we began to transform the situation. This effort is a lot of work. It is not glamorous. For too long, the Office of Inspector

General and the Departmental Ethics Office recommended significant resource changes that had fallen on deaf ears. If you want an unvarnished examination of the types of challenges facing the Department's bureaus in ethics, I would encourage you to review the Inspector General's recent evaluation that the "National Park Service Misused Philanthropic Donor Donations," issued on March 13, 2019. I would also encourage you to review the Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior for Fiscal Year 2018, which provides that Office's view on where the program stands.

Since the beginning of this administration, the Department has hired a total of 42 career, professional ethics advisors, including: a new Designated Agency Ethics Official; an Alternate Designated Agency Ethics Official; a Financial Disclosure Supervisor; an Ethics Education and Training Supervisor with the Departmental Ethics Office; and new Deputy Ethics Counselors at the National Park Service, BLM, and other bureaus and offices. We are making strides, but we have much work ahead of us. By the end of Fiscal Year 2019, we will have doubled the number of career ethics officials that the previous administration hired in its entire eight years.

At the same time, we have taken significant action to combat workplace misconduct. We have established a clear anti-harassment policy. We directed each bureau to develop an action plan to address its harassment-related issues. We are tracking their progress in implementing their plans. We are making it clear that harassment will not be tolerated. These efforts are also described in the Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior for Fiscal Year 2018.

As Deputy Secretary, I have also worked hard to implement the President's agenda for the Department. The President has been incredibly clear with his direction and priority for the Department of the Interior. He has clearly expressed his vision by issuing a series of Executive Orders and Presidential Memoranda detailing his view of what the Department's goals should be, and the efforts we should undertake to achieve those goals, including:

- EO 13783 *Promoting Energy Independence and Economic Growth*;
- EO 13792 *Review of Designations Under the Antiquities Act*;
- EO 13795 *Implementing an America-First Offshore Energy Strategy*;
- EO 13807 *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*;
- EO 13817 *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*;
- EO 13840 *Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States*;
- EO 13855 *Promoting Active Management of America's Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk*; and
- The Presidential Memorandum on *Promoting the Reliable Supply and Delivery of Water in the West*.

These orders and memoranda gave the Department very detailed and specific instruction on a number of issues, and thus have formed the foundation of Interior's objectives over the past 2 years. We have moved forward promptly to implement President Trump's priorities, and we will continue to do so.

One of the President's priorities is to ensure that conservation is pursued collaboratively with our State partners. We are making strides in this area. For example, Interior has worked with a bipartisan group of western States to reform the management plans for the Greater Sage-Grouse to ensure the species remains viable. Unlike the original 2015 plans, these plan amendments actually have the unanimous support of the Governors of Wyoming, Nevada, California, Idaho, Oregon, Utah, and Colorado. Likewise, BLM recently announced a cooperative project to protect over 617,000 acres of prime sagebrush habitat in Idaho by removing encroaching Western juniper trees. BLM is working with the State of Idaho to selectively treat and remove excess juniper that increase the risk of wildfire to prime Sage Grouse habitat. These are excellent examples of how cooperative conservation can and should be done.

We have followed through on the President's desire to make the public lands accessible to the American people. Hunting and fishing opportunities have been opened or expanded on over 381,000 acres of our national wildlife refuges.

If confirmed, I look forward to working with the Members of this Committee to craft a legislative solution that allows us to address the tremendous maintenance backlog we face at our national parks, national wildlife refuges, and Indian schools.

Keeping America safe and being a good partner to our sovereign Native American Tribes are also high priorities for the President. The Department has advanced those goals by launching the first-ever Joint Law Enforcement Task Force on Opioids focused on Indian Country. Led by Bureau of Indian Affairs Office of Justice Services, the task force partners with Federal, Tribal, State, and local law enforcement to conduct multi-month undercover operations to get drugs and dealers off the streets. The first year of the task force saw eight undercover operations resulting in the seizure of millions of dollars' worth of illegal drugs and hundreds of arrests.

Through my work over the years at Interior, I have come to know many leading voices in the Tribal community, and these interactions have enriched and enhanced my knowledge of Tribal culture, heritage, and concerns. True commitment to Tribal sovereignty requires the recognition that Tribes should be able to responsibly develop the natural resources on their lands. We fully respect that some Tribes will not want to develop their resources, but Tribes interested in enjoying the benefits of the resource wealth of their lands should be able to do so. This is what supporting self-determination looks like; it is appreciating that each Tribe is different, then looking at the policy framework in place to see if it reflects that appreciation.

President Trump's Executive Order promoting energy independence and economic growth set important priorities for the Department of the Interior to responsibly develop our domestic energy resources. Interior has been at the forefront of this effort, and we have generated over \$16 billion in energy revenues in just 2 years. This revenue has come from a variety of sources, ranging from a record-setting onshore oil and gas lease sale of nearly \$1 billion in New Mexico to a record-setting offshore wind lease sale of over \$405 million in the Atlantic.

There is a lot of talk and a lot of opinions about energy development on public lands. Here are a couple of facts you might find interesting. BLM manages approximately 733,700,000 acres of

subsurface mineral estate. Of that amount, approximately 25,552,475 is leased for oil and gas, 458,000 is leased for coal. Approximately 122,170 of surface acreage rights-of-way have been granted for wind, and 31,932 surface acres granted for rights-of-way for solar energy development.

Today, acres under lease on the public lands for oil and gas are the lowest they have been since 1991, while energy production is stronger than ever. In Fiscal Year 2018, oil production from Federal and Indian lands accounted for about 24% of total U.S. production, a 21% increase over the previous year. We will continue to work to help responsibly and effectively supply the energy needed to power our economy nationwide and provide good-paying jobs for American workers.

In closing, I want to reiterate my deep affection for our public lands and for the mission of the Department of the Interior. If confirmed, I will tirelessly promote President Trump's goals for the Department of the Interior. I will do so within the confines of the lawful discretion that the Congress has given the Secretary, and I will do so with dedication and integrity. I will not shy away from making difficult decisions, but my approach will always be for the greatest good of the greatest number in the long run.

I request your consent to the President's nomination, and I look forward to your questions.