

**Statement of Ryan Douglas Nelson**  
**Nominee for the Position of Solicitor of the Department of the Interior**  
**Before the Committee on Energy and Natural Resources**

**United States Senate**

September 7, 2017

Chairman Murkowski, Ranking Member Cantwell, and Members of the Committee, I am honored to appear before you as the President's nominee to be the Solicitor of the Department of the Interior. I ask for your consent to the President's nomination.

I am joined today by my lovely, ever supportive and eternally patient wife, Barbara, a native Coloradan. Everyone should be so lucky to have a spouse like Barb. My seven children are also here: my son, Baerett, who is currently interning here at the Senate; my daughter, Ashley, Student Body President at Idaho Falls High School; my daughter, Sophie, an Idaho state champion gymnast; and then Savannah, Olivia, Russell and Lucy.

Also with me are my parents—Doug and Billie Nelson—the best parents a son could ask for. My father is currently fighting—and winning—a battle against cancer and I am particularly grateful that he could be present today between his chemotherapy treatments. My father-in-law, Mark Baer, a native Coloradan, and his wife Shirl, are also here. They are currently serving collectively their seventh mission for the LDS Church, just down the road at Fort Lee Army Base in Prince George, Virginia. I am also grateful to my sisters, Angela Groberg and Hayley Potter, who are here with their sons Jack and Isaac; and for my other family and friends present and watching this hearing online.

I am especially grateful to Senator Risch for his kind introduction. I have long admired Senator Risch as a great Idaho leader. He accomplished more as Idaho Governor in seven months than most Governors do in multiple terms. And he has brought his tenacity to the Senate where he accomplishes great work for the American people.

I am also grateful for the public support of Senator Crapo, who cannot be present at this hearing. He is from my hometown and I met him in our home when I was 16, which sparked an early interest in legal and political issues. Together, Senator Crapo and Senator Risch are a model of what a state Senate delegation should be; not just because they are both smart lawyers, but because they are caring leaders who work well together.

I also want to thank Senator Lee for his public support of my nomination. I have known Senator Lee since my first year of law school and am grateful for his longstanding friendship. He may not recall, but as a third year law student, he gave me the highest score on my moot court brief. I have ever since considered him the best writer I know.

I have been nominated to serve as Secretary Zinke's chief counsel and to lead the legal team at the Department of the Interior, a team of about 300 lawyers who serve a Department with 67,000 employees that manage about 20 per cent of the land in the United States. I welcome the

opportunity, if confirmed, to use my legal skills to further the Department's mission to protect and manage the Nation's lands, natural resources and cultural heritage.

I was born and raised in Idaho Falls, Idaho. I am a sixth-generation Idahoan; my family has lived in Idaho since Idaho was a Territory.

My playground growing up was Yellowstone and Grand Teton National Parks; Island Park, Idaho, where our family cabin was on leased federal land; and Craters of the Moon National Monument and Preserve. More than half of the nearly 1.2 million acres in Bonneville County is owned and managed by the federal government.

I have used federal land in Idaho and most of the states to run, hike, climb, ski, cross-country ski, boat, canoe, waterski, swim, mountain bike, road bike, camp, hunt and fish, ride horses, snowmobile, snowshoe and ride ATVs. I earned many of my Boy Scout merit badges on federal lands on my way to becoming an Eagle Scout. More importantly, I have gone to the woods often to pray for myself, for my family and for this country. Growing up in Idaho, I, in Shakespeare's words, found "tongues in trees, books in running brooks, sermons in stones, and good in everything." *As You Like It*, Act 2, scene 1.

I am proud of my Western roots and have a deep understanding of the vital and often overlooked role the Department of the Interior plays in the daily lives of Americans, especially in the West.

Although I grew up and was educated in the West, I spent my early legal career here in Washington, DC. I first came to Washington, DC, on December 28, 1998, just a few days after President Clinton had been impeached by the House of Representatives. I had been hired by the Senate Legal Counsel to help prepare for the first impeachment trial of a President in 130 years. I recall walking up to Capitol Hill for my first time to start work, with the entire city entirely empty, dark, and cold, and a deep sense of awe for this Senate body, which I carry today.

As you know, the Senate Legal Counsel advises the entire Senate, including Republican and Democratic senators, sometimes with competing interests. The Senate Legal Counsel at the time was Tom Griffith, now a DC Circuit judge. I am grateful that he mentored me as a law student. He was calm and evenhanded in a hot political environment and we provided quick, unbiased and accurate legal advice to enhance the political process.

After graduating from BYU law school with Honors, I clerked for Judge Karen Henderson on the DC Circuit, where I gained a love of administrative law that has served me through my legal career. I was also a Legal Advisor on the Iran-U.S. Claims Tribunal in The Hague, The Netherlands, for Richard Mosk, later appointed to the California appellate court by Governor Gray Davis. And I worked for five years for a major law firm in Washington, DC, where I practiced appellate law.

I then had the great fortune to be appointed Deputy Assistant Attorney General for the Environment and Natural Resources Division at the Department of Justice, overseeing the Appellate, Natural Resources and Wildlife Sections. I gained a deep understanding and respect for natural resource and environmental law, as well as the important mission of the Department of the Interior, one of the Division's largest clients. I managed some of the most complex

natural resource questions related to the Endangered Species Act, Indian law, NEPA and dozens of complex environmental laws. I helped draft water compacts and land use management agreements.

I oversaw more than 500 appeals in all appellate courts in the United States and personally argued 13 appeals in nine of the circuit courts in the country, representing the United States' interests on natural resource, Indian law, constitutional, administrative law and complex environmental statutory questions. In one appeal, of potential interest to the Chairman, I successfully defended, before a unanimous Ninth Circuit panel, a permit issued to Alaska Gold Company for a gold-mining operation near Nome, Alaska. *See Bering Strait Citizens for Responsible Resource Dev. v. United States Army Corps of Eng'rs.*, 524 F.3d 938 (9th Cir. 2008). The ENRD political team developed productive working relationships with the exceptional career attorneys; relationships for which I remain grateful and, if confirmed, upon which I hope to call as a client, colleague and friend.

I also served as Deputy General Counsel at the White House Office of Management and Budget, managing, among other subject areas, the environment and natural resources docket, in coordinating agency regulations and Executive Orders for final approval. As a result, I understand agency rulemaking and executive action from many points of view.

Before leaving DC, I returned to the U.S. Senate as Special Counsel to the Ranking Member on the Judiciary Committee vetting the Supreme Court nomination of Justice Sotomayor. I am proud that our legal team was noted for its professionalism in another potentially hot political environment.

While I was clerking at the DC Circuit as a new lawyer, Justice Scalia told me so many of the clerks feel the need to stay in DC, but what the nation really needs is great lawyers in the local communities. I ultimately heeded Justice Scalia's advice and headed home to Idaho Falls.

Since 2009, I have served as General Counsel for one of Idaho's largest companies and one of the largest private companies in the world, Melaleuca, a \$1.75 billion worldwide company. During my tenure, I have seen first-hand the impact government policies have on working citizens and families. I am proud that much of my efforts as General Counsel has been spent protecting and speaking up for the little guy—the average American who is working hard and trying to get ahead.

One of my best legal wins involved protecting the livelihoods of some of the 200,000 independent contractors who rely on Melaleuca for supplemental income, against unethical business practices of a competitor company. After we obtained a preliminary injunction, the competitor quickly fired its CEO and President, issued a public apology and settled the claim for \$1.2 million. Melaleuca, with no legal obligation to do so, distributed the funds to those who had been harmed, more than 220 checks up to \$24,000 each. That made a powerful impact in the lives of those who have put their trust in our company. I intend to bring that same determination to help implement policies and fulfill the mission of the Department in a way that never forgets or takes advantage of the little guy—the average American.

If confirmed, I am committed to using my extensive legal background to accurately interpret the law, follow it and fulfill the Department of the Interior's vital mission to protect our country's resources and heritage. I believe our natural resources were divinely created and given as a gift for our benefit, enjoyment and use, consistent with the laws adopted by this body. If confirmed, my mission as Solicitor will be to ensure that the Nation's natural resources are put to productive use and preserved and that our cultural heritage is protected and passed on to the next generation. I am convinced that President Trump's and Secretary Zinke's goals for the Department will not only preserve but increase the value of our natural resources for future generations.

Thank you and I look forward to your questions.