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**Opening Statement of
Chairman Doc Hastings**

Committee on Natural Resources

On Wednesday, March 26, 2014

1324 Longworth House Office Building

Full Committee Oversight Hearing on

"Collision Course: Oversight of the Obama Administration's Enforcement Approach for America's Wildlife Laws and Its Impact on Domestic Energy"

For nearly two years the Committee on Natural Resources has investigated the Obama Administration's approach for enforcing wildlife laws, including the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA), as it relates to U.S. energy producers.

Both of these laws are strict liability statutes that prohibit the taking of migratory birds and bald and golden eagles within the U.S. As strict liability statutes, any unauthorized take that occurs – be it intentional or unintentional – violates the acts.

However, despite the strict liability requirements of these laws, the Administration has developed specific guidance to assist the burgeoning wind industry and has selectively prosecuted only a handful of violations. In November 2013, the Department of Justice announced a plea agreement involving Duke Energy Renewables in connection with the deaths of protected migratory birds and golden eagles at two wind energy projects in Wyoming. This is the only such enforcement case that has been brought to date involving the wind energy industry.

There are legitimate concerns that the Obama Administration is implementing these laws in an arbitrary fashion. The goal of this hearing, and the Committee's oversight efforts, is to gain a better understanding of how and why the Obama Administration decides to enforce some violations and not others. We're also interested in learning more about what role "cooperation" between the Administration and wind developers plays in making enforcement decisions.

Unfortunately, like with so many other issues, the Obama Administration has been less than transparent on this topic. The Department has engaged in a deliberate, ten-month-long slow roll in fulfilling the Committee's requests for documents and information.

For example, it took the Administration more than four months before it provided fewer than 70 pages of emails and meeting materials about the development of a secret bird mortality database.

The Administration dragged its feet for six months before providing a copy of a two-page policy memo that was written the year before.

The Administration gave us copies of redacted documents that had previously been provided to the public under the Freedom of Information Act. The Administration may be able to legally withhold certain information from the public when responding to a FOIA request, but FOIA exemptions do not apply to Congress and complete, unredacted copies should have been provided instead.

This is not compliance. This is the deliberate slow-rolling of documents and answers, and we've had enough. Unfortunately, the lack of transparency by the Fish & Wildlife Service here is but one example and is part of a broader pattern by the Department and Administration to not provide timely cooperation with Congressional oversight requests.

Although the Administration may say it has provided thousands of pages in response to this and other requests, what it does not say is that the majority of the Committee's original requests remain unanswered and unaddressed months after they are sent and the Department never explains what it is withholding. This left me with no choice but to issue a subpoena this month. It was an unfortunate last-resort, which we shouldn't have had to take, in our attempt to get answers from this Administration.

I also want to be very clear; this hearing is not an attack on the wind industry or wind energy. It's about how the Obama Administration is developing and implementing enforcement policies, and its lack of transparency with Congress and the American people on how decisions are made.

I strongly support an all-of-the-above approach to energy that includes renewable and alternative sources of energy including wind, solar, hydropower, geothermal and nuclear, along with oil, natural gas and coal. In fact, my Central Washington district has some of the highest number of windmills in the country. No matter the industry, all of these job-creators deserve to have certainty, clarity, and transparency from the Administration about how laws and regulations are enforced.

Fish and Wildlife Service Director Dan Ashe is testifying before us today and I hope we can finally get some answers about the Administration's enforcement policies and the status of the Committee's long-standing requests for information.

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