

Testimony of

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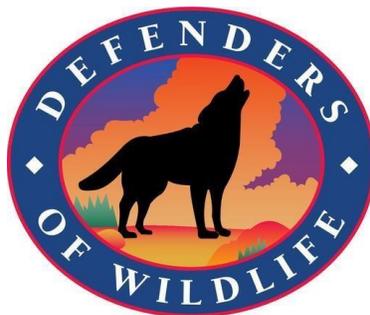
before the

**SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
OF THE COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES**

on

**“No Road Map, No Destination, No Justification: The Implementation and Impacts of
the Reorganization of the Department of the Interior”**

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Thank you, Chairman Cox, Ranking Member Gohmert, and Members of the Subcommittee for inviting me to testify on the administration's efforts to reorganize the Department of the Interior ("Department" or "Interior").

As a national organization dedicated to the conservation and restoration of native species of wildlife and plants and their habitats, Defenders of Wildlife shares a common interest with the Department in the protection and proper management of America's public lands, waters and wildlife, and we are committed to working with this administration, Congress and all stakeholders to achieve this goal.

With more than 20 years of service with the federal government, including the National Guard Bureau, the Department of the Army and U.S Fish and Wildlife Service, culminating as Director of the U.S. Fish and Wildlife Service, I also have personal experience with reorganization initiatives.

The administration's current reorganization effort is at best a distraction from the Department's vitally important mission and a waste of increasingly dwindling resources. At its worst, the proposal threatens to disrupt the essential functions of Interior bureaus and agencies while distracting staff and seriously undermining morale. Our questions about reorganization have only become more numerous with the dearth of information on the process and as more and more concern radiates from within the Department.

The agencies, bureaus, and programs administered by the Interior Department are profoundly important to conserving and managing the natural resources that define our nation and the values we share. Three Interior agencies, the U.S Fish and Wildlife Service (FWS), National Park Service (NPS), and Bureau of Land Management (BLM) steward vast areas of public lands and waters and manage fish, wildlife and plant species that touch the lives of every American and are an indispensable part of our nation's natural heritage. Other bureaus bear vital responsibilities for water management, scientific programs, management of the nation's minerals, and upholding trust responsibilities to Tribes.

Improving the effectiveness, efficiency of operations and public responsiveness of federal departments and agencies is always an appropriate goal for government. Defenders of Wildlife itself maintains a Center for Conservation Innovation whose mission is to identify and develop innovative ways to improve the performance of the Endangered Species Act and other conservation programs.

But restructuring federal departments and processes is a daunting challenge that can pose serious risks of disruption to the ongoing and vital responsibilities of the government. To

succeed, there must be clarity on not only the problems posed by the existing structure, but also how proposed reorganization will measurably improve performance. Problems and solutions must be evaluated in the light of the specific legal obligations and missions of the various affected bureaus and agencies. Impacts to personnel and operations must be explicitly considered. A realistic appraisal of benefits and costs, including unintended consequences, must be carefully evaluated prior to initiating action. Transparency and public engagement across all affected sectors are vitally important.

The administration has not satisfied these fundamental criteria in pursuing its current proposal. To the contrary, this administration's reorganization plan for Interior has from the outset suffered from a lack of crucial details, transparency, accountability and public engagement. The recent change in leadership at the Secretarial level has only further muddled the goals and rationale for reorganization. This administration has never described a compelling need for reorganization, even as the current process continues to interfere with Interior bureaus and agencies achieving their missions and disrupt staff responsible for managing and conserving our natural resources. It appears as if an original sweeping decision was made to reorganize the Department for political reasons without even considering critical questions about the scope, purpose, impacts, benefits and risks of such a radical transformation.

In the absence of clear information on the nature and purposes of reorganization, many critical questions remain.

- **Will the Department involve the public, Congress and stakeholders in its reorganization effort?**

The lack of information, outdated and conflicting reports, and failure to engage the public and Congress surrounding the proposed reorganization is remarkable and suggests that the administration would prefer ambiguity and obscurity regarding the true purposes and impacts of the effort. Equally disturbing is that the Department's political leadership doesn't itself appear to understand the magnitude of their initiative well enough to articulate and defend it. Even as the Department seeks additional appropriations from Congress and directs more staff and resources away from mission critical activities to reorganization, it is doing so without updating and seeking input from affected constituencies. Notably, the House of Representatives Committee on Natural Resources requested basic information on reorganization from the Secretary of the Interior just this month and he has missed the deadline to respond. Previous attempts to reorganize and restructure federal agencies have failed when leadership declined to engage the public in their plans or ignored input from constituencies they were appointed to serve.

- **Will reorganization undermine the authority and missions of Interior bureaus, agencies and officials?**

Former Secretary of the Interior Zinke publicly advanced the idea of a unified regional command structure for the Department as part of the administration's proposed reorganization. While it is not clear that Secretary Bernhardt fully embraces that concept, the scant information available indicates that, while Interior bureaus and agencies will continue for the most part to report to their own leadership, at least some decision-making authority will also be given over to new "Interior Regional Directors," each responsible for one of twelve "Unified Regions." That proposal raises serious concerns for the integrity of the Department's management.

The model of a unified military command is a fundamentally inappropriate structure for coordinating Department bureaus and agencies. Each bureau has a distinct mission and responsibilities established by law. Those missions sometimes align, but sometimes diverge or even conflict—and that is by design. The public lands systems administered by FWS, NPS and BLM each have distinct statutory missions, with management directed and constrained by the specific laws that govern each system. For example, balanced energy development may be appropriate on BLM's lands, but not the National Wildlife Refuge System or the National Park System. In addition, some of Interior's bureaus, such as FWS and the Bureau of Safety and Environmental Enforcement ("BSEE") exercise regulatory authority over the activities of other agencies to ensure protection of paramount values such as wildlife resources and public safety. The Department's existing structure provides public interest protections in the form of appropriate interagency checks and balances while promoting accountability and mitigating the risk of agency capture.

Certainly, agencies carrying out their individual responsibilities can and should coordinate actions to achieve timely outcomes for activities like permitting, but they cannot legally be subordinated to the control of a single unified regional directorship. Only FWS, for example, has legal authority to manage the National Wildlife Refuge System or enforce the Endangered Species Act and Migratory Bird Treaty Act; only the NPS has authority to manage our national parks; only BSEE can determine whether offshore drilling authorized by the Bureau of Ocean Energy Management complies with appropriate environmental and safety requirements. No other office or administrator of any other bureau can direct decisions reserved by law to these agencies. For these reasons, the concept of Interior Regional Directors may be both inappropriate and fundamentally unlawful.

A related proposal involves the creation of twelve uniform regional boundaries for the Department's bureaus and agencies, ostensibly to improve coordination and service for

Interior's customers and the public. But this is another concept that recklessly misses the mark. First, the "unified" regions cut through watersheds, states and even individual public lands units, confounding management and complicating relationships with partners. As just one example, the Upper Mississippi National Wildlife Refuge would be divided between two regions, with one bank of the Mississippi River in Region 3 and the other in Region 4. To whom should the refuge manager report? Second, overlaying the new regions atop current agency geographic orientations would fracture the functional relationships that those offices have developed with states and stakeholders over many years.

Finally, these unified regions would actually require additional bureaucratic structure for some agencies. Although the administration touts the new regional overlay as a reduction in the total number of regions now administered by Interior bureaus and agencies, the truth is that it expands the number of regions for *each* bureau by as much as 50 percent, requiring the creation of new regional offices and staff structures. The FWS, for example, is currently organized across eight regions; the reorganization proposal would require the agency to create four new offices to cover the Department's twelve "unified" regions (as well as requiring the existing regional offices to drastically realign their boundaries). Similarly, the NPS would also be required to expand its regional structure from seven regions to twelve to cover the newly drawn "unified" regions. This is a remarkable and unjustifiable expansion in bureaucracy, and an utter violation of the principle that "form follows function," with an increasingly confusing and top-heavy bureaucratic structure shifting scarce resources away from actions on the ground and responding to stakeholder needs.

And, of course, the purportedly "unified" Departmental regions are in fact anything but unified. In the face of vigorous opposition from states fearing disruption of established working relationships, the Department decided a year ago that the BLM, the bureau that manages more of the Department's lands than any other, would not be part of the new regional structure, but rather would retain its current state offices. Similarly, hearing concern from tribes, the Department has withdrawn the Bureau of Indian Affairs and the Bureau of Indian Education from the new "unified" structure. Stakeholders with business before the Department would now face a chaotic and confusing regional structure that would impede, not foster, sensible coordination among Interior's bureaus and agencies. It is difficult to understand how this new regional structure could conceivably provide any benefit to outweigh its obvious costs.

Defenders of Wildlife does agree that agencies and bureaus involved in natural resource management and conservation should be attuned to ecological boundaries. For instance, we have long supported efforts such as Interior's Landscape Conservation Cooperatives to coordinate conservation programs at a landscape level. Similarly, we supported BLM's "Planning 2.0" regulatory initiative for its incorporation of landscape-scale concepts in land

management planning. Neither of these initiatives compelled an upheaval of structure, reporting alignments or shifting of responsibilities; instead, they simply promoted coordinated conservation and land management. Yet this administration worked with Congressional allies to undermine or scuttle these initiatives along with other ecologically mindful policies and programs.

- **Is reorganization a vehicle to deliver the administration’s controversial policy agenda? Will it impede Interior bureaus and agencies from achieving outcomes in accordance with their missions and responsibilities that may not be a priority for this administration?**

Given this administration’s natural resource management agenda, including the imposition of “energy dominance” on the public domain and attacks on our conservation laws and regulations, it is fair to question whether the purpose of reorganization is actually geared to support these policy ends, rather than to achieve objectives of efficiency and public service in carrying out the Department’s complex and multi-dimensional mission.

The administration and the Department have vigorously pursued regulatory rollbacks and eliminated policies and programs that supported more effective, efficient natural resource management at landscape scales and across jurisdictional boundaries, belying their stated objective of improving land and resource management. These rollbacks include:

- Undoing carefully crafted, collaborative, balanced conservation planning, such as the Integrated Activity Plan for the National Petroleum Reserve-Alaska and the National Greater Sage-Grouse Conservation Strategy;
- Endorsing Congressional efforts to reverse policies that required more effective, efficient management of public resources;
- Eliminating, revoking, or disbanding nearly two dozen policies, programs and collaborative efforts to address climate change across the country; and
- Proposing regulatory changes under the Endangered Species Act that will result in additional harm to listed species and significantly exacerbate their recovery.

At the same time, the administration is prioritizing single uses of our public lands, waters and natural resources and devolving management authority to states, creating a patchwork of inconsistent and misdirected natural resource policies. Reorganization aimed at weakening the effectiveness of conservation programs and prioritizing narrow economic interests would be in line with the administration’s agenda—and would have serious impacts on the conservation and restoration of fish and wildlife, essential habitats, irreplaceable historic and cultural resources, and other public values on more than a billion acres of federal public lands and waters.

The administration's lack of Congressionally confirmed leadership, reliance on "acting" officials, and proposed budget cuts further reflect disdain for effective government and beg the question of whether reorganization is more about "dismantling the administrative state" to better serve development interests than stewarding natural resources for the continuing and future benefit of all Americans.

- **Will reorganization displace or reduce staff and distract Department employees from their mission critical duties?**

Its talented, driven and dedicated career employees are the Department's greatest asset. Supporting and investing in these public servants is the key to the success of the Department's mission. Unfortunately, this administration's actions repeatedly indicate a belief that public employees are liabilities – "unnecessary bureaucracy" – rather than essential to the Department's success. For example, in 2017, former Secretary of the Interior Zinke pledged to shrink the Department by 4,000 employees, or about 8 percent of the full-time staff, consistent with the administration's promise to slash agency budgets and the federal workforce. His widely touted pledge was pursued with seemingly little understanding of the impacts on people or programs and even less justification and rationale for his decision.

The administration also abruptly and without any stated purpose reassigned and transferred dozens of senior-level employees, sapping the effectiveness of these executives and their agencies and prompting some highly capable employees to retire. Affected career professionals were caught by surprise, morale throughout the bureaus was undermined and external partners and stakeholders were left confused and frustrated. The Department's Inspector General later found that the Department had no plan or stated reason for the reassignments, had failed to consult with the affected employees, and had failed to gather the information required to make informed decisions about reassignment, leading a majority of the affected senior executives to conclude that the effort was political or punitive in nature.

It thus appears to be the prevailing opinion of this administration that public employees offer little value – unless, of course, they are serving resource extraction or other development interests, as evidenced during the partial government shutdown when oil and gas permitting continued while thousands of federal employees with other important public responsibilities were sent home.

We are gravely concerned that reorganization of Interior will lead to further attempts to shrink the workforce by encouraging attrition, buyouts and early retirements. As Professor Amanda Leiter of American University noted: "The process...makes clear that this administration has no real intention of improving Interior but instead hopes to destabilize the department and

encourage staff departures.”¹ Rebuilding the Department’s cadre of career employees will take even more time and more resources, all while mission critical programs and activities increasingly suffer and external stakeholders’ frustration and disdain steadily increase.

The administration has argued that the potential for employee disruption and impacts on staff morale would be alleviated by the imminent retirement of many of Interior's employees and their replacement with less experienced staff. If that proves true, the Department will suffer enormous loss of institutional experience and professional relationships essential to managing the nation’s natural resources and maintaining the Department’s collaborative engagement with states, tribes, landowners and the public. Of course, it is just this sort of disrupting influence that may be driving reorganization—which may also involve relocating some unknown number of employees from Washington, DC, to elsewhere in the country. Current information is that entire divisions and programs within BLM and the U.S. Geological Survey may be transferred west with little justification and significant costs.

- **Will reorganization siphon critical resources needed to fulfill essential responsibilities for natural resource management and protection?**

The administration is seeking \$27.6 million for reorganization in FY 2020. Expenses to date have been paid from current agency budgets. At a time of shrinking appropriations for conservation, recreation and other vital management programs at Interior, it is irresponsible to invest scarce funding into a process that will likely fail to improve government performance and provide a fair return to taxpayers. Indeed, the reorganization has already siphoned critical capacity and resources from fundamental conservation and management functions across the Department and the impacts are causing challenges that may be difficult to overcome. Congress would not be advised to support Interior’s present request for its proposed reorganization.

Conclusion

The proposed reorganization of the Department of the Interior raises profound and troubling questions. Its purposes and goals remain unclear, as does its actual scope. What does seem clear, however, is that it is likely to be a wasteful and disruptive distraction to Interior’s bureaus and agencies and their dedicated employees, some of whom will face years of uncertainty about their professional careers and their personal lives. The nation's lands, waters, and wildlife will be better served by focusing on the critical conservation and natural resource management challenges Interior faces today. We respectfully urge Congress to suspend this damaging effort.

¹ Reorganizing the Administration of Public Lands: Zinke's Proposal to Revamp Interior Department. *The Environmental Forum*, May/June 2018: 50-57; available at www.eli.org/sites/default/files/tef/thedebate/TheDebateMay2018.pdf.

Pushing forward with this ill-considered, poorly communicated proposal will continue to interfere with Interior's ability to engage with critical management challenges, to the detriment of the Department, our natural resources and the nation. It will take decades, and require fiscal resources the federal budget is likely ill-prepared to support, to recover from the dislocation and disruption caused by this proposed reorganization.

Thank you for inviting me to testify at this important hearing. I look forward to working with the Subcommittee to support the Department of the Interior and its employees in achieving its critically important conservation mission. Our stewardship responsibility today and to future generations deserves no less.