

July 16, 2009

Chairwoman Barbara Boxer  
Ranking Member James Inhofe  
U.S. Senate Committee on Environment & Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510-6175

**RE: Opposition to Nomination of Sam Hamilton as Director of the Fish and Wildlife Service**

Dear Senators Boxer and Inhofe,

I am writing on behalf of Public Employees for Environmental Responsibility (PEER), a service organization for environmental agency professionals, to express our opposition to the nomination of Sam Hamilton for Director of the U.S. Fish and Wildlife Service (FWS). PEER has grave concerns over Mr. Hamilton's fitness to effectively carry out the core mission of the FWS: to conserve wildlife and to enforce federal wildlife protection statutes, such as Endangered Species Act.

As you know, FWS has been at the epicenter of findings of political manipulation of science. During this period, Mr. Hamilton as the head of the Southeast Region of the FWS failed to stop political interference in scientific findings. In some instances, he encouraged this malpractice. In 2005, the FWS Director under Bush, Steve Williams, rebuked Hamilton's region for making false assumptions designed to inflate panther numbers and viability, in response to a formal complaint by PEER and an FWS panther biologist. Hamilton took no disciplinary action against any of his managers and several of the scientific deficiencies persist today.

Nor was this an isolated case. A 2005 survey of scientists working in Hamilton's region jointly conducted by PEER and the Union of Concerned Scientists found that -

- Nearly half (49%) of FWS respondents cited cases where "commercial interests have inappropriately induced the reversal or withdrawal of scientific conclusions or decisions through political intervention";
- A similar percentage (46%) said they had been "directed, for non-scientific reasons, to refrain from making . . . findings that are protective of species"; and
- More than a third (36%) feared "retaliation" for merely expressing "concerns about the biological needs of species and habitats" and a similar number felt they were "not allowed to do my job as a scientist".

The White House announcement of its intent to nominate cited Hamilton's record for "delivering significant wildlife conservation" but his employees reflect a less positive view:

- More than two thirds (68%) did not feel the region was "acting effectively to maintain or enhance species and their habitats, so as to avoid possible listings under the Endangered Species Act" and
- Less than one in four (24%) believed that Hamilton would "stand up for scientific staff or supervisors who take controversial stands".

One FWS supervisor succinctly summed up what Hamilton's operation needs this way:

"More backbone, less dog-and-pony show..."

Looking at his record, it appears that Mr. Hamilton rarely used the Endangered Species Act to protect wildlife. Data from a three year period, the latest available, shows that though the Southeast Region conducted 5,974 consultations; yet, Mr. Hamilton issued only one jeopardy finding. By contrast the Rocky Mountain region conducted 586 consultations and issued 100 jeopardy findings.

Under Mr. Hamilton, the Southeast Region failed to designate a single acre of critical habitat for the acutely endangered Florida panther despite a loss of more than 3 million acres in panther habitat during the past 15 years. At the end of 2007, at the request of developers, the Southeast Region abrogated its consultative responsibility by shrinking the panther consultation area by 900,000 acres (an area roughly the size of Rhode Island). Less than one year later, FWS concluded that there was not enough habitat remaining to allow the panther to recover in Florida, which will eventually result in the Florida panther's extinction. Under these policies, soon the Florida panthers will truly be just a "zoo species" as one of Mr. Hamilton's lieutenants described the cat in justifying why any jeopardy opinions would be futile.

Nor is the apparent dereliction of duty confined to endangered species. One-third of National Wildlife Refuges in the Southeast U.S. are growing genetically modified crops with approval from Mr. Hamilton's office, according to agency records obtained by PEER under the Freedom of Information Act. Planting GM crops on a wildlife refuge is illegal without full prior environmental and public review under a federal court ruling won by PEER and allied groups last year, but none of the Southeastern refuges have undertaken the required reviews.

PEER urges the Committee to scrutinize Mr. Hamilton's past 12 years heading the Southeast Region as the key in determining his fitness to serve as the Director of the Fish and Wildlife Service. We are concerned that the practices that flourished under his leadership, so destructive in the Southeast Region, would be disastrously expanded to the national level if Sam Hamilton is confirmed.

The Fish & Wildlife Service desperately needs strong new leadership. To end the cycle of Endangered Species Act lawsuits, the Fish and Wildlife Service needs a director who is willing to follow the law and actually implement the Act. Sam Hamilton's record suggests that he will extend the policies of Bush era rather than bring needed change.

Thank you for you consideration of this important matter.

Sincerely,

Jeff Ruch  
Executive Director

Cc. Members, Committee on Environment & Public Works