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Second Subpoena Issued to Interior Dept for Investigation into New Obama Coal Regulations that Could Cost Thousands of Jobs

WASHINGTON, D.C. – House Natural Resources Committee Chairman Doc Hastings (WA-04) today issued a [second subpoena](#) to the Department of the Interior (DOI) for additional information relating to the investigation into the Obama Administration’s rewrite of the Stream Buffer Zone Rule (Rule) that began over a year ago. The second subpoena follows after DOI has failed to comply with the April 5th [subpoena](#) for documents sent as part of a more than yearlong investigation into the Obama Administration’s rewrite of coal regulations that could cost thousands of jobs, negatively impact the economies of 22 states and significantly harm American energy production.

In issuing today’s subpoena, Chairman Hastings wrote a letter to Department of the Interior Secretary Ken Salazar. Click [here](#) to read the full letter.

“The [April 5] subpoena was narrowly crafted and asked for specific documents and recordings. The expectation was that the subpoenaed material would be readily producible by the Department. It is unfortunate that the Department has chosen not to comply with this straightforward request. Department officials and political appointees are not allowed to shield their communications from public scrutiny on the basis that the information may prove embarrassing, especially where, as here, there are very serious questions about how and why this administrative action was initiated and is to be completed on a hastened schedule.”
wrote Chairman Hastings. *“The fact that an agency may be in the process of improperly imposing new regulations, eliminating thousands of jobs, and raising energy costs on the American people, is absolutely not a shield against transparency and Congressional oversight. Absent a valid claim of Executive Privilege for these documents, the Department has a duty to fully and promptly comply with both of these duly authorized and issued subpoenas and must do so by May 24, 2012. I am prepared to initiate further action, should the Department continue to refuse to comply.*

As previously stated, today’s subpoena to the Department seeks communications within OSM and the Department regarding the changes to the Stream Buffer Zone Rule, the decisions to expand the scope of the re-write, and the cost this rewrite will have on the American people and the economy. This subpoena represents a broader, more comprehensive set of information and documents that will answer questions the Department has refused to answer for more than a year. The specific documents sought in the subpoena include:

1. All documents regarding the March 2010 settlement between the Coal River Mountain Watch, et. al., the National Parks Conservation Association, and the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior “requiring OSM to make their best efforts to sign a final action on the proposed [Stream Protection] Rule no later than Friday, June 29, 2012”; including but not limited to:
 - a. Any drafts of the settlement;
 - b. Any changes or proposed changes to the settlement;
 - c. Any discussion about the Department and/or OSM’s effort to meet the terms of the settlement;
 - d. All documents related to attorney fees paid as a result of the settlement.
2. All documents, including emails or memoranda, regarding the decision not to rely on the EIS or RIA for the 2008 Stream Buffer Zone Rule and to conduct a new EIS and RIA.
3. All documents, including emails or memoranda, regarding OSM’s costs and benefits analysis of the Stream Protection Rule.
4. All documents, including emails or memoranda, within the Department and OSM; between the Department and OSM; between the Department and/or OSM, OMB, CEQ, USACE, and White House staff; and between OSM, the Department, and any Contractors or Subcontractors regarding the baseline parameters for the EIS and the RIA, specifically but not limited to documents regarding:
 - a. The baselines and parameters that were provided to the Contractors prior to and including February 2011.
 - b. The baselines and parameters that were provided to the Contractors after February 2011.
 - c. The decision to expand the scoping opportunities for the re-write of the 2008 Stream Buffer Zone Rule.
 - d. The decision to use the 2008, 2009, or 2010 coal production numbers, or an average of the three years combined in creating assumptions for the EIS or RIA.
 - e. Whether the proposed Stream Protection Rule would cover only surface mining or surface and underground mining.
 - f. The implementation timeline of the Stream Protection Rule.
 - g. Assumptions that the 2008 Stream Buffer Zone Rule was in effect and being enforced across the United States.
5. All communications, within the Department and OSM; between the Department and OSM; between the Department and/or OSM, OMB, CEQ, USACE, and White House staff; and between OSM, the Department, and any Contractors or Subcontractors regarding the baseline parameters (including all those parameters listed above in question 4), for the EIS and the RIA, including communications to/from and between the following individuals:
 - a. John Craynon

- b. Mary Katherine Ishee
- c. Brent Means
- d. Glenda Owens
- e. Dennis Rice
- f. Sterling Rideout
- g. Dianne Shawley
- h. Nancy Sloanhoffer
- i. Stephanie Varvell
- j. William Winters

The deadline for responding to this subpoena is May 24, 2012.

For more information, on the Committee's oversight investigation, visit <http://naturalresources.house.gov/oversight/coalregs>

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