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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 18, 2011

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DEMOCRATIC STAFF DIRECTOR

The Honorable Ken Salazar  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240-0001

Dear Mr. Secretary:

As you are aware, the Committee on Natural Resources (Committee) is actively investigating issues surrounding the Department of the Interior's Office of Surface Mining, Reclamation and Enforcement (OSM) rewrite of the 2008 Stream Buffer Zone Rule (Rule). Through series of letters to the OSM and the Department of the Interior (DOI), the Committee has requested information and documents relating to the revision of the Rule and the economic impact of the Rule. Under the Rules of the House of Representatives, the Committee has general and continuing oversight and investigative authority over the subject matter of the activities, policies, and programs of DOI. DOI has the responsibility and obligation to be responsive to requests for information from this Committee so it can fulfill its Constitutional oversight duties. While some limited information and documents have been produced and DOI has made representations to Committee staff about forthcoming productions of documents, DOI has largely failed to provide a written response to a number of requests. This failure to comply is all the more troubling as DOI continues to aggressively pursue a rewrite of this regulation.

Specifically, DOI has failed to provide the Committee a written response for the following items as requested by letter dated February 10, 2011, to OSM:

Please provide copies of information on meetings and all correspondence including emails, letters, faxes, and phone logs between your office, and the following federal agencies and offices, states and non-governmental organizations:

1. Federal Agencies and Offices:

- Ms. Carol Browner, White House Office of Energy and Climate Change Policy
- Ms. Lisa Jackson, Administrator of the Environmental Protection Agency (EPA)  
Mr. Peter Silva, Assistant Administrator Office of Water - EPA  
Mr. Bob Sussman, Deputy Administrator - EPA  
Mr. Greg Peck, Chief of Staff, Office of Water - EPA

- Ms. Nancy Sutley, Chair of the Council on Environmental Quality (CEQ)  
Mr. Michael Boot, Associate Director for Land and Water Ecosystems - CEQ  
Mr. Amelia Salzman, Associate Director for Policy Outreach – CEQ
- Mr. Ken Salazar, Secretary of the Interior  
Mr. David J. Hayes, Deputy Secretary  
Mr. Steve Black, Counselor to the Secretary  
Ms. Hilary Tompkins, Solicitor of the Interior  
Ms. Rhea Suh, Assistant Secretary, Policy Management and Budget  
Mr. Tom Strickland, Assistant Secretary, Fish, Wildlife and Parks  
Ms. Wilma Lewis, Assistant Secretary, Land and Minerals Management  
Ms. Anne Castle, Assistant Secretary, Water and Science  
Mr. Larry Echo Hawk, Assistant Secretary, Indian Affairs  
Mr. Jonathan Jarvis, Director, National Park Service (NPS) and/or other NPS employees  
Mr. Rowan W. Gould, Acting Director, U.S. Fish and Wildlife Service (FWS) and/or other FWS employees  
Ms. Marcia McNutt, Director, U.S. Geological Survey and/or other USGS employees  
Mr. Mike Connor, Commissioner, Bureau of Reclamation  
Mr. Bob Abbey, Director, Bureau of Land Management (BLM) and/or other BLM employees
- Ms. Jo Ellen Darcy, Army, U.S. Assistant Secretary of the Army (Civil Works)  
Ms. Meg Smith, Chief, Regulatory Program, Army Corps of Engineers

2. States:

- Alabama
- Indiana
- Kentucky
- New Mexico
- Utah
- Texas
- Virginia
- West Virginia
- Wyoming

3. Non-governmental Organizations:

- Appalachian Citizens Law Center
- Appalachian Voices
- Earthworks
- Keeper of the Mountains
- Kentuckians for the Commonwealth
- National Parks Conservation Association
- Northern Plains Resource Council
- Ohio Valley Environmental Coalition

- Save Our Cumberland Mountains
- Sierra Club
- Southern Appalachian Mountain Stewards
- Southern Utah Wilderness Alliance
- Waterkeeper Alliance
- West Virginia Highlands Conservancy
- WildEarth Guardians

A complete written response was to be provided to the Committee no later than March 18, 2011.

Further, DOI has failed to provide the Committee a written response for the following items as requested by letter dated April 1, 2011, to DOI.


1. Any and all documents and communication relating to concerns, discussions, comments, or questions regarding the quality of the Contractor's or any of its sub-contractor's work from May 1, 2010 to the present;
3. A list of all individuals or entities including their titles and telephone and mailing contact information receiving chapters of the draft Environmental Impact Statement (EIS) provided by the contractor or the DOI and the date on which draft chapters of the EIS was received; and
4. Copies of any and all agreements to maintain confidentiality including but not limited to "gag" or suppression orders or agreements and related conditions associated with such orders or agreements.

A complete written response was to be provided no later than April 15, 2011.

Given DOI's failure to meet these previous deadlines, we request that a complete written response be provided to the Committee no later than August 1, 2011. If compliance with the document request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation detailing why full compliance is not possible. Further, in the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author and recipient; and (e) the relationship of the author and recipient to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are ultimately up to the discretion of the Committee. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the deadlines set out in the original requests, shall be produced immediately upon location or discovery subsequent thereto. Please be advised, under the Rules of the House of Representatives, the Committee can compel the production of documents.

If you have any questions about this matter or to make arrangements for production, please do not hesitate to contact Traci Rodriguez, Senior Counsel, Office of Oversight and Investigations, or Tim Charters, Staff Director of the Subcommittee on Energy and Mineral Resources. We look forward to your timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings". The signature is stylized and somewhat cursive.

Doc Hastings  
Chairman  
Natural Resources Committee

A handwritten signature in blue ink, appearing to read "Doug Lamborn". The signature is cursive and clearly legible.

Doug Lamborn  
Subcommittee Chairman  
Energy and Mineral Resources

Cc: The Honorable Joseph G. Pizarchik, Director, Office of Surface Mining, Reclamation and Enforcement