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

September 28, 2011

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The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1951 Constitution Avenue, NW
Washington, DC 20240

Dear Mr. Secretary:

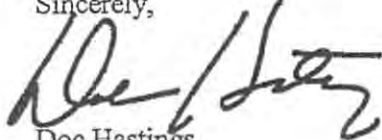
As you know, the Committee is conducting an investigation into DOI's Office of Surface Mining, Reclamation and Enforcement's (OSM) rewrite of the 2008 Stream Buffer Zone Rule (Rule). The Committee has made requests for information and documents by letters dated February 8, 2011; February 10, 2011; April 1, 2011; July 18, 2011; and August 15, 2011.

On August 19, 2011, Committee staff met with DOI staff regarding another ongoing investigation being undertaken by the Committee. During this meeting, DOI staff represented that documents relating to concerns, discussions, comments or questions regarding the quality of Polu Kai's work performed in connection with the revision of the Rule would be provided to the Committee the following week. This information had been requested by the Committee in its April 1st letter. DOI staff also informed Committee staff that because of perceived privilege concerns, DOI would be inviting Committee staff to come to DOI to review documents responsive to the Committee's other requests relating to the rewrite of the Rule. Additionally, DOI staff informed Committee staff that DOI was making a distinction between information relating to the RIA and the EIS because the RIA was not yet public and the EIS had been made public. Because of this distinction, DOI viewed the RIA and the scope of the Rule as part of ongoing rule making and related information and documents did not have to be provided to the Committee. Consequently, DOI would not be providing any information and documents responsive to Request 2 as set forth in the Committee's April 1st letter. At this time, the Committee reserves comment on DOI's position.

On September 2, 2011, after the Committee did not receive any documents from DOI, Committee staff contacted Christopher Mansour to inquire about the status of the production. Mr. Mansour indicated that DOI planned to provide the information discussed at the August 19th meeting in early September.

Given the passage of time since the original request for this information was made, the Committee requests that any and all information relating to the quality of Polu Kai's work in connections with OSM's rewrite of the Rule be provided to the Committee no later than October 5, 2011. The Committee also requests that by October 5th, DOI staff make any documents relating to the Rule that DOI has privilege concerns available for Committee staff review. We look forward to DOI fulfilling its obligation to be responsive to the Committee's requests.

Sincerely,



Doc Hastings
Chairman
Natural Resources Committee



Doug Lamborn
Subcommittee Chairman
Energy and Mineral Resources

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