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

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April 1, 2011

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

TODD YOUNG
CHIEF OF STAFF

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

Dear Secretary Salazar:

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 this letter, we request information and cooperation regarding communication between the Department of the Interior (DOI) and Polu Kai Services LLC (Contractor) and any of its subcontractors. Your response on behalf of DOI is important for the Committee to carry out its oversight and legislative responsibilities and to ensure that the rewrite of the Rule is consistent with state and federal laws.

Based on recent statements made by DOI officials, it appears as though the DOI purportedly expressed concerns about the quality of the Contractor's work, and information is sought to determine whether such concerns were expressed before, or only after, job loss impact information became publicly known through media reports. We also understand that as part of the Contractor's scope of work, the Contractor analyzed several different economic impact scenarios including the effect on coal mining and job loss at risk from the proposed Rule.

We request the following items:

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;
2. Any and all documents and communication relating to the economic impact or potential job loss estimates or figures from October 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.

The Honorable Ken Salazar
April 1, 2011
Page 2 of 2

The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.

The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, maps, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), notations of any type of conversation, telephone call, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.

We expect a complete written response to be provided to the Committee no later than April 15, 2011.


The staff contact on this matter is Tim Charters, Staff Director, Subcommittee on Energy and Mineral Resources. Any communication must be made in writing via email to Tim.Charters@mail.house.gov or fax, at (202) 225-5255, or letter to:

Chairman Doc Hastings
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth HOB
Washington, D.C. 20515

ATTN: Tim Charters

Thank you in advance for your cooperation with the Committee in its review of this matter.

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