

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
TOM MCCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAUL R. LABRADOR, ID
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
JON RUNYAN, NJ
MARK AMODEI, NV
MARKWAYNE MULLIN, OK
CHRIS STEWART, UT
STEVE DAINES, MT
KEVIN CRAMER, ND
DOUG LAMALFA, CA
JASON SMITH, MO

TODD YOUNG
CHIEF OF STAFF

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

October 31, 2013

PETER A. DEFazio, OR
RANKING DEMOCRATIC MEMBER
ENI F.H. FALCOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
COLLEEN W. HANABUSA, HI
TONY CÁRDENAS, CA
STEVEN HORSFORD, NV
JARED HUFFMAN, CA
RAUL RUIZ, CA
CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA

PENNY DODGE
DEMOCRATIC STAFF DIRECTOR

The Honorable Daniel M. Ashe
Director, U. S. Fish and Wildlife Service
1848 C Street, N. W.
Washington, D. C. 20240

Dear Director Ashe:

The Committee on Natural Resources (“Committee”) is conducting oversight of the U.S. Fish and Wildlife Service’s (“FWS”) preparation for and activities during the recent lapse in appropriations and shutdown of the federal government, including the process used for determining which employees were exempt from furlough; the decision to restrict public access to National Wildlife Refuge System sites that are not regularly fenced, staffed, or patrolled; and the related closure of concessionaires and state lands affiliated with the Refuge System.

A letter was sent on October 11, 2013 requesting that document related to the shutdown be preserved and indicating that the Committee would be following up with this formal oversight request letter.

In response to the recent lapse in appropriations, the FWS restricted access to state lands that adjoin Refuge areas, closed down federal lands in Alaska that by law are to remain accessible without fees or permits, and sent home more than 43,000 volunteers who help operate the Refuge system.

Under Rule X of the House of Representatives, the Committee has jurisdiction over fisheries and wildlife, including research, restoration, refuges, and conservation.

In order to better understand the FWS’ actions, it is requested that the FWS provide the following documents and information by close of business on November 21, 2013, so that the Committee can fulfill its oversight responsibilities:

- 1) A list of all FWS employees and summary of job duties for such employees who were identified as exempt from the furlough, organized by FWS organizational unit;

- 2) A list of all FWS employees were recalled from furlough status during the shutdown, as well as the legal basis and period of time for their recall;
- 3) Copies of all drafts of the Closure Determination and Notice for the National Wildlife Refuge System signed October 4, 2013;
- 4) Copies of any analysis of legal authority or potential liability concerning the order to Refuge System concessionaires to cease operations;
- 5) Copies of all FWS documents concerning the state of Wisconsin's decision to defy the closure order and/or to keep open Wisconsin state parks affiliated with Refuge areas;
- 6) Copies of all FWS documents concerning access during the federal government shutdown to shellfish areas in or adjacent to the Monomoy National Wildlife Refuge in Massachusetts;
- 7) Copies of any analysis of legal authority under the Alaska National Interest Lands Conservation Act concerning public access to federal lands in Alaska during the shutdown.
- 8) Copies of any communications involving the FWS and the White House, including the Office of Management and Budget, concerning the closure of Refuge System, including the closure and/or reopening of concessionaires, due to the lapse in appropriations; and
- 9) Any documents or communications concerning the operation, updating, and maintenance of the FWS website during the lapse in appropriations.

Enclosed with this letter are instructions and definitions to be used in complying with this request. Please have your staff contact Byron Brown in the Office of Oversight and Investigations at 225-2761 with any questions.

Sincerely,



Doc Hastings
Chairman

Enclosure

Responding to Committee Document Requests

A. Definitions

1. 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, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, 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.
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.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
4. As used herein, “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

B. Instructions

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. 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 of why full compliance is not possible.
8. 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 any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

10. If a date or other descriptive detail set forth in this document request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
11. 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 return date, shall be produced immediately upon location or discovery subsequent thereto.
12. Production materials should be delivered to:

Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington D.C. 20515