

FOR IMMEDIATE RELEASE

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## Committee Investigation: Hastings & Lamborn Request Documents on Administration's Proposed Rewrite of Mining Rule

*"It's important to determine whether the Department's dissatisfaction with the contractor originated only after news media disclosure of estimates that the Administration's proposal would destroy over 7,000 American jobs"*

**WASHINGTON, D.C.** – House Natural Resources Committee Chairman Doc Hastings (WA-04) and Energy and Minerals Subcommittee Chairman Doug Lamborn (CO-05) continued an investigation into the Office of Surface Mining's rewrite of a coal mining rule by sending a [letter](#) today to Interior Department Secretary Ken Salazar requesting documents and information regarding the Administration's proposed rule rewrite and the Department's interaction with Polu Kai Services LLC.

Polu Kai Services was hired by the Department's Office of Surface Mining as a contractor and produced a draft report that said the Administration's proposed rule could cost over 7,000 jobs and a decline in coal production in 22 states. According to [media reports](#), the contract with Polu Kai Services ended prematurely on March 24<sup>th</sup>.

*"There are very serious questions about the Obama Administration initiating a rewrite of the existing rule," said **Chairman Hastings**. "There are even more questions about how the Administration has acted after it was exposed that their policy could destroy thousands of American jobs. It is important to determine whether the Department's dissatisfaction with the contractor originated only after news media disclosure of estimates that the Administration's proposal would destroy over 7,000 American jobs. This matter is under active investigation by the Committee."*

The letter asks the Interior Department to provide the following information to the Committee by April 15, 2011:

- 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;
- 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;
- 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
- 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.

[Click here to view a copy of the letter to Secretary Salazar.](#) Full text is below.

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 subcontractor'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 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.

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

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