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

July 18, 2013

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DEMOCRATIC STAFF DIRECTOR

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

Dear Secretary Jewell:

The Committee on Natural Resources (“Committee”) is conducting oversight of the Obama Administration’s development and implementation of its National Ocean Policy, which includes activities to develop ocean and coastal zoning plans, to regulate commercial and agricultural activities even in areas far removed from the coast, and to exclude local stakeholders from management decisions.

The Department of the Interior (“Department”) is one of more than 20 Federal agencies and departments that make up the National Ocean Council, which is responsible for implementing the National Ocean Policy. The National Ocean Council’s final implementation plan, released on April 16, 2013, directs agencies to take more than 200 actions between 2013 and 2017 to implement the National Ocean Policy. The cost of implementing the policy to tax payers and impacts on recreational and commercial users of the oceans and coastal areas, as well as on-land activities, are unknown.

According to the implementation plan, the Department will be responsible for 82 actions, including ones affecting endangered species and wildlife, watersheds and wetlands, marine spatial planning, and climate change. The implementation plan, however, does not specify what specific regulatory actions, new policies, and legal authorities the Department is considering to implement the policy.

The Committee’s jurisdiction includes matters affecting fisheries and wildlife, marine affairs including coastal zone management, and oceanography and other matters affected by the National Ocean Policy.

In order for the Committee to better understand the activities, authorities, and costs associated with implementing the National Ocean Policy, it is requested that the Department provide the following complete and unredacted documents and information no later than August 8, 2013:

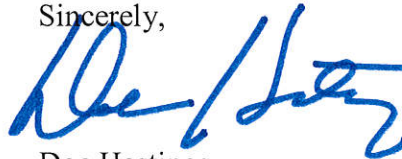
- 1) Please provide copies all emails and other documents created, received or otherwise in the possession of the Department concerning meetings, agendas, briefing materials, and minutes for the National Ocean Council and/or the Governance Coordinating Committee;
- 2) Copies of any drafts, edits, or comments to the draft and final National Ocean Policy implementation plans created, received or otherwise in the possession of the Department;
- 3) Copies of all FY 2013 and FY 2014 budget submissions provided by the Department to the Office of Management and Budget and/or the National Ocean Council, including the Council on Environmental Quality or the Office of Scientific and Technology Policy, related to implementation of the National Ocean Policy;
- 4) The name, title, office, dates, and grade of any Department employees who have served on a detail or temporary assignment to the White House, the National Ocean Council, or any participating agencies under the Intergovernmental Personnel Act or other authority to work on any aspect of the National Ocean Policy, marine spatial planning, or final implementation plan;
- 5) Copies all emails and other documents concerning meetings, agendas, briefing materials, minutes, as well as authorizations, payments, and reimbursements for travel, for meetings of any Regional Planning Bodies established under the National Ocean Policy attended by an employee of the Department;
- 6) Copies all emails and other documents concerning meetings, agendas, briefing materials, minutes, as well as authorizations, payments, and reimbursements for travel, for meetings of any regional ocean planning or marine spatial planning workshop or other meeting attended by an employee of the Department; and
- 7) The Unified Agenda of Regulatory and Deregulatory Actions released by the Office of Management and Budget in July 2013 identifies several regulatory and policy actions the Department is planning that could regulate the use of oceans, coasts, and inland areas and be impacted by the National Ocean Policy. For the following actions, please explain how each will be used to implement any aspect of the National Ocean Policy and how the directives of the National Ocean Policy will influence the action:
 - a) Protections for Marine Mammals (RIN: 1010-AD84)
 - b) Arctic Regulations (RIN: 1010-AD85)
 - c) Wildlife and Fisheries; Clean Vessel Act Grant Program; Financial Assistance (RIN: 1018-AW66)

- d) Alaska National Wildlife Refuges; Other Refuge Uses – Recreational Activities and Refuge-Specific Regulations, Alaska Maritime and Kenai National Wildlife Refuges (RIN: 1018-AX56)
- e) Depredation Orders for Double-Crested Cormorants at Aquaculture Facilities and for Protection of Public Resources (RIN: 1018-AX82)
- f) Endangered and Threatened Wildlife and Plants; ESA Section 7 Consultation Regulations; Incidental Take Statements (RIN: 1018-AX85)
- g) Endangered and Threatened Wildlife and Plants; Implementing Changes to the Regulations for Designating Critical Habitat (RIN: 1018-AX86)
- h) Endangered and Threatened Wildlife and Plants; Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (RIN: 1018-AX87)
- i) Endangered and Threatened Wildlife and Plants; Definition of “Destruction or Adverse Modification” of Critical Habitat (RIN: 1018-AX88)
- j) Endangered and Threatened Wildlife and Plants; Expanding Incentives For Voluntary Conservation Actions Under the Endangered Species Act (RIN: 1018-AY29)
- k) Subsistence Management Regulations for Public Lands in Alaska; 2015-16 and 2016-17 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AZ67)
- l) Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Updates Following the 16th Meeting of the Conference of the Parties (CoP) (RIN: 1018-AZ73)
- m) Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Three U.S. Caribbean Plants (*Cordia Rupicola*, *Gonocalyx Concolor*, *Agave Eggersiana*) (RIN: 1018-AZ79)
- n) National Wildlife Refuge System; Management and Regulation of Conservation Lands and Administrative Sites Owned by the U.S. Fish and Wildlife Service (RIN: 1018-AZ88)
- o) National Wildlife Refuge System; U.S. Fish and Wildlife Service Manual Chapter on Strategic Growth of Refuge System (RIN: 1018-AZ89)
- p) Non-Federal Oil and Gas Rights (RIN: 1024-AD78)
- q) National Natural Landmarks Program (RIN: 1024-AD81)
- r) Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Results of 14th and 15th Meetings of the Conference of the Parties (CoPs) (RIN: 1018-AW82)
- s) Endangered and Threatened Wildlife and Plants; Listing Two Arkansas Mussels (Neosho Mucket and Rabbitsfoot) (RIN: 1018-AX73)
- t) Endangered and Threatened Wildlife and Plants; Listing Determination for Two Tennessee River Mussels (RIN: 1018-AY06)
- u) Endangered and Threatened Wildlife and Plants; Listing Determinations for 15 Hawaii Big Island Species (RIN: 1018-AY09)
- v) Migratory Bird Hunting; Approval of Nontoxic Shot for Use in Waterfowl Hunting (RIN: 1018-AY59)
- w) Migratory Bird Hunting; Application for Approval of Copper-Clad Iron Shot as Nontoxic for Waterfowl Hunting (RIN: 1018-AY61)

- x) Endangered and Threatened Wildlife and Plants; Listing and Designating Critical Habitat; Revisions to the Regulations for Impact Analyses of Critical Habitat (RIN: 1018-AY62)
- y) Marine Mammals: Incidental Take During Specified Activities; Polar Bears and Pacific Walruses, Chukchi/Bering Seas and Adjacent Alaskan Coast (RIN: 1018-AY67)
- z) Endangered and Threatened Wildlife and Plants; Critical Habitat Determination for the Northwest Atlantic Distinct Population Segment of the Loggerhead Sea Turtle (RIN: 1018-AY71)
- aa) Subsistence Management Regulations for Public Lands in Alaska; 2014-2016 Taking of Wildlife (RIN: 1018-AY85)
- bb) Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Four Central Texas Salamanders (RIN: 1018-AZ24)
- cc) Endangered and Threatened Wildlife and Plants; Ecosystem-Based Critical Habitat Designation for the Maui Nui, Hawaii, Species (RIN: 1018-AZ25)
- dd) Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Six West Texas Aquatic Invertebrate Species (RIN: 1018-AZ2)
- ee) Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Three Hawaiian Big Island Plant Species (RIN: 1018-AZ38)
- ff) Grand Canyon National Park (RIN: 1024-AD50)
- gg) Procedures for Hydropower Licensing Hearings and Alternative Conditions and Prescriptions (RIN: 1090-AA91)

Enclosed are instructions and definitions for complying with this request. Please have your staff contact Byron R. Brown in the Office of Oversight and Investigations at (202) 225-2761 with any questions regarding this request, or to make arrangements for the production of the requested material.

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