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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 Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Vilsack:

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 U.S. Department of Agriculture (“USDA”) 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, is unknown.

According to the implementation plan, USDA will be responsible for more than 20 actions, including developing best management practices for water and soil conservation. The implementation plan, however, does not specify what specific actions and authorities USDA is considering to implement the policy.

The Committee’s jurisdiction includes matters affecting fisheries and wildlife, including research, restoration, refuges, and conservation, forest reserves and national parks created from the public domain, international fishing agreements, interstate compacts relating to apportionment of waters for irrigation, mineral resources of public lands, marine affairs including coastal zone management, and oceanography.


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 USDA 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 USDA, including the Secretary's Office, the Natural Resources Conservation Service, and the Forest Service, 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 USDA, including the Secretary's Office, the Natural Resources Conservation Service, and the Forest Service;
- 3) Copies of all FY 2013 and FY 2014 budget submissions provided by the USDA 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 USDA 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 USDA, including the Secretary's Office, the Natural Resources Conservation Service, and the Forest Service;
- 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 USDA, including the Secretary's Office, the Natural Resources Conservation Service, and the Forest Service; 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 USDA is planning that could regulate the use of forest lands or agricultural activities that affect 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 the National Ocean Policy and how the directives of the National Ocean Policy will influence the action:

- a) Environmental Compliance and Related Concerns (RIN: 0560-AH02)
- b) National Flood Insurance Regulations (RIN: 0575-AC07)
- c) Water Systems for Rural and Native Villages in Alaska (RIN:0572-AC28)
- d) Environmental Policies and Procedures (RIN: 0575-AC56)
- e) Water and Waste Loans and Grants (RIN: 0572-AC03)
- f) Environmental Quality Incentives Program (RIN: 0578-AA45) Ground Water Resource Management Policy Direction (Forest Service Manual, Chapter 2560 and Forest Service Handbook 2709.11) (RIN: 0596-AC51)
- g) Water Quality Management and Best Management Practices for Water and Soil Conservation (RIN: 0596-AC71)
- h) Forest Service Manual 2020 - Ecological Restoration and Resilience Policy (RIN: 0596-AC82)
- i) Wilderness Management Policy (RIN: 0596-AC96)
- j) Disposal of National Forest Timber: Cancellation of Timber Sale Contracts (RIN: 0596-AC99)
- k) National Forest System Invasive Species Management Handbook (RIN: 0596-AD05)

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