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

February 23, 2012

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DEMOCRATIC STAFF DIRECTOR

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

Dear Mr. Secretary:

On April 25, 2011, we wrote the Department of the Interior (“Department”) to request documents about White House edits to the Executive Summary of the final report entitled “Increased Safety Measures for Energy Development on the Outer Continental Shelf” (“ISM Report”). On the same date, we wrote separately to the Department’s Office of Inspector General (“OIG”) requesting documents related to its investigation into the editing of the ISM Report. The OIG’s November 2010 report of its investigation “determined that the White House edit of the original DOI draft Executive Summary led to the implication that the moratorium recommendation had been peer reviewed by the experts.”

To date, the OIG has provided us 34 documents, including copies of its final report and investigator notes. However, the OIG has been unable to provide copies of 13 documents pursuant to directions from the Department’s Solicitor’s Office to withhold them from us. In the 9 months since our request, the Department has provided us copies of 86 separate documents that largely reflect communications between senior Department officials and the peer reviewers after the ISM Report was issued. In its February 2, 2012 response, the Department mischaracterized our investigation as focusing on the OIG report, when we have been clear from the outset that we are reviewing the edits made to the ISM Report by Departmental and White House officials and that the OIG report does not adequately describe the documents and communications surrounding this issue. As part of this response, the Department also provided a copy of a 1-page memorandum dated April 20, 2010 from Secretary Salazar to senior managers instructing them to cooperate with OIG investigations generally. This memorandum predated the development of the ISM Report and the OIG’s investigation into the White House edits and is not responsive to our request. The Department is continuing to withhold an untold number of documents that do

get to the heart of our investigation, including drafts of the ISM Report, instructions to the peer reviewers and their comments on the draft ISM Report, and communications internal to the Department and between the White House concerning the editing of the ISM Report and the peer reviewer's comments.

On February 17, 2012, the Department made available three of these 13 OIG documents for inspection by the Committee's majority oversight staff and provided limited information about other withheld OIG and Department documents. The limited number of documents that the Department has made available to us has left significant questions unanswered. The Departmental staff who accompanied these documents for review by the Committee's majority oversight staff did not have first-hand knowledge of the activities that are the subject of our investigation and were not in a position to provide the information we are seeking. The Committee's majority oversight staff will be conducting interviews of Department officials who may have knowledge of the activities that are the subject of this investigation. As a first step in this process, we request that a schedule be established by the close of business on February 28, 2012 for the interviews of the following officials:

- Steve Black, Counselor to the Secretary
- Mary Katherine Ishee, Senior Advisor, Office of Surface Mining, Reclamation and Enforcement (former Deputy Administrator, Minerals Management Service)
- Walter Cruickshank, Deputy Director, Bureau of Ocean Energy Management (former Deputy Administrator, Minerals Management Service)
- Kallie Hanley, White House Liaison & Special Assistant

Witnesses may be represented by personal counsel at these interviews. Department counsel may be allowed to accompany the witness and be present during an interview with employees of the Department on a case by case basis where such presence would not involve a conflict of interest or otherwise potentially impede our ability to conduct an effective, fair, and efficient interview. Witnesses are not placed under oath in an interview; however, witnesses are required by law to be truthful in answering questions from Congress. A witness or his or her personal counsel may raise an objection to a question. If such an objection cannot be resolved in the interview, the witness may be compelled to appear for a hearing. Under Committee rule 4(h), claims of common-law privileges are applicable only at the discretion of the Chairman. Witnesses will be given an opportunity to review at the Committee's offices any interview transcript generated as part of the interview and may be allowed to submit grammatical or typographical changes on a copy of the transcript itself but must submit in writing to the Committee any suggested substantive corrections to the transcript. Any such transcripts are for the official use of the Committee and copies of transcripts are not given to the witnesses. Careful consideration is given to any concerns a witness may raise regarding the public dissemination of any parts of the transcript.

Please contact us, or have your staff contact Byron R. Brown, Senior Counsel for Oversight, Office of Oversight and Investigations, to make arrangements for the scheduling of these interviews.

Thank you for the Department's prompt attention to and cooperation with this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings".

Doc Hastings
Chairman
Natural Resources Committee

A handwritten signature in blue ink, appearing to read "Doug Lamborn".

Doug Lamborn
Subcommittee Chairman
Energy and Mineral Resources