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

May 23, 2012

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JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar:

Earlier this year, the Department of the Interior (“Department”) withdrew 1 million acres in northern Arizona from new uranium mining claims. By taking this action, the Obama Administration voided a bipartisan agreement partially codified in law that has been respected for nearly three decades. In making this decision, you argued the withdrawal was necessary to protect drinking water sources. However, the Administration’s own review of the potential impacts of uranium mining to the environment, as well as studies by the State of Arizona, do not support the 1 million acre withdrawal imposed by the Department and, in fact, show that uranium development can be done safely in an environmentally conscious manner. There is a legitimate concern that the Obama Administration has elevated politics over sound science by initiating and taking this action

Under House and Committee rules, the Committee on Natural Resources has broad oversight jurisdiction over the Department and its activities, including those affecting mineral resources on public lands, mining interests generally, conservation of the radium supply in the United States, mineral land laws, and the Geological Survey.

In April 2009, we sent a letter requesting all documents and correspondence from the then Superintendent of the Grand Canyon National Park and the Director of the Grand Canyon National Park Science Center related to correspondence with the news media and several non-profit organizations, including the National Parks Conservation Association, Grand Canyon Trust, Center for Biological Diversity, Defenders of Wildlife, and the National Trust for Historic Preservation. The Department’s September 2009 response informed us that our Congressional request for information was handled as a Freedom of Information Act (“FOIA”) request and that the Department had withheld 399 pages “under FOIA’s deliberative process exemption.”

As FOIA section (d) prohibits using FOIA exemptions to withhold information from Congress, we request the Department provide by June 1, 2012 complete and unredacted copies of the previously withheld 399 pages.

In order to better understand the circumstances surrounding the withdrawal decision, the science upon which the decision was based, including but not limited to impacts on water quality, and the impact on the uranium endowment, please provide by June 11, 2012 all documents, including emails, notes, briefing papers, and memoranda, concerning comments on, edits to, and/or revisions of the Draft Environmental Impact Statement, the Final Environmental Impact Statement, and/or the Record of Decision for the Northern Arizona Proposed Withdrawal created between January 1, 2009 and the present date that were sent to, from, or created by the following individuals:

National Park Service: Jonathan Jarvis, Steve Martin, Dave Uberuaga, Martha Hahn, Jan Balsom, Steve Rice, Jane Rodgers, Kerry Moss, Chris Turk, Deanna Greco, Tammy Whittington, Patrick Walsh, John Wessels, Mike Snyder, Dave Steensen, Harold Pranger, Lisa Norby, Janelle Rohweller, Cynthia Valle, Julie Sharp, Bert Frost, Gary Rosenlieb, Bill Jackson, and Larry Martin.

Bureau of Land Management: Bob Abbey, Neil Kornze, Janet Lin, Mike Nedd, Ray Suazo, Kathy Pedrick, Scott Florence, Pam McAlpin, Angelita Bullets, Lorraine Christian, Scott Haight, Chris Horyza, Diana Hawks, Tim Hughes, Richard Spotts, Brent Lewis, and Bob Smith.

Fish and Wildlife Service: Dan Ashe, Steve Spangle, Bryan Arroyo, Roger Helm, Shaula Hedwall, Brenda Smith, Cathy Gordon, Brian Wooldridge, and Bill Austin.

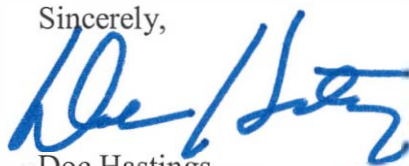
Indian Affairs: Larry Echo Hawk, Donald Laverdure, Michael Black, Marvin Keller, Harrilene Yazzie, and Sharon Pinto.

Geological Survey: Marcia McNutt, Linda Gundersen, Anne Kinsinger, Ione Taylor, Jerad Bales, Mark Sogge, Andrea Alpine, Donald Bills, Kristin Brown, James Otton, Jo Ellen Hinck, Fred Tillman, Bradley Van Gosen, John Hoffman, and Bob Hart.

In responding to this request, please do not provide copies of publicly available scientific studies, copies of public comment letters, or other documents in the public domain. Please have your staff contact Byron R. Brown, Senior Counsel for Oversight, Office of Oversight and Investigations, on (202) 225-2761 with any questions regarding this request, or to make arrangements for the production of the requested material. An attachment to this letter provides additional information about responding to this request, including definitions and instructions for compliance.

Thank you for your prompt attention to this matter.

Sincerely,



Doc Hastings
Chairman



Rob Bishop
Subcommittee Chairman

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), 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