

Congress of the United States

Washington, DC 20510

May 25, 2017

The Honorable Ryan Zinke
Secretary
c/o Mr. Micah Chambers
Acting Director, Office of Congressional and Legislative Affairs
U.S. Department of Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary:

We write you in response to your May 12, 2017 letter requesting congressional input regarding executive action(s) to be taken pursuant to President Donald J. Trump's April 26, 2017 Executive Order 13792 (the Order), which charges you with the task of a thorough review of national monuments created under the Antiquities Act—specifically, those designated since January 1, 1996 with footprints greater than 100,000 acres.

As a united delegation, we would like to begin by thanking you and the President for this long-overdue Order, which begins a critical examination of previously designated national monuments and establishes a new precedent for future monument proclamations. Our support rests upon a shared view that this action represents a significant step in addressing decades of Antiquities Act abuses, which have occurred time and time again against the will of the people, at great expense to regional prosperity, and contrary to the original intent of Congress when it delegated this authority to the President.

We applaud your review because our home state of Utah has repeatedly fallen victim to overreaching use of the Antiquities Act—a law that has become a tool of political advocacy rather than public interest. As you well know, the original intent of the Antiquities Act was to identify and protect objects of “historic or scientific interest” that are “limited to the smallest area compatible” with protection thereof. Regrettably, as you mentioned in your remarks, this guidance has become, “the exception, rather than the rule,” and many of Utah’s most rural and remote communities have suffered as a result.

Under the guise of protecting our nation’s antiquities, massive restrictions in access to our public lands discount Congressional intent. Congress—which holds sole authority under the Constitution to manage federal lands—granted the President only narrow authority to designate national monuments, specifically to protect objects of antiquities, such as Native American burial grounds, relics, and artifacts. Designating massive monuments that are larger than some states is a gross abuse of executive power.

Unfortunately, these colossal abuses have soured the appetite for national monument designations, making the Antiquities Act synonymous with overreach rather than a tool to be celebrated for protecting our national heritage. Restoring the legitimacy of Antiquities Act authority in the eyes of the public requires a responsible and collaborative approach to monument designations—an approach that takes into account the needs of local communities and restores trust between states and the federal government.

006657

OFFICE OF THE
EXECUTIVE SECRETARY

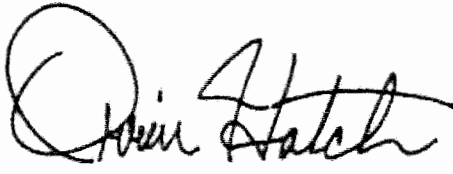
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We stand unified in our recommendation for a full rescission of Utah's most excessive monuments. Know that, as you conclude your review, you have our full support. We trust that your process will be fair, responsible, and thorough. To be clear, our top priority is the establishment of a new precedent for designating national monuments—one that corrects past abuses and remains consistent with the original intent of the Antiquities Act by limiting monument designations to the smallest area compatible with the protection of the antiquities within.

We welcome the review of the monuments in our state that failed to properly take into account the views of the most impacted local communities. We appreciate you taking the time to meet with a wide array of various stakeholders in Utah during your most recent visit, and we stand ready to support you as you finalize your review.


Sincerely,



Orrin G. Hatch
U.S. Senator



Mike Lee
U.S. Senator



Rob Bishop
Member of Congress



Jason Chaffetz
Member of Congress



Chris Stewart
Member of Congress



Mia Love
Member of Congress



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Utah Delegation Monument Letter

1 message

Downey Magallanes <downey_magallanes@ios.doi.gov>
To: randal_bowman@ios.doi.gov, robert_howarth@ios.doi.gov

Fri, May 26, 2017 at 7:30 PM

Sorry for multiple emails. This should work.

Sent from my iPhone

Begin forwarded message:

From: "Cox, Ed (Hatch)" <Ed_Cox@hatch.senate.gov>
Date: May 26, 2017 at 12:02:23 PM EDT
To: "Magallanes, Downey" <downey_magallanes@ios.doi.gov>
Subject: Fwd: Utah Delegation Monument Letter

Sent from my iPhone

Begin forwarded message:

From: "Johnson, Dallin (Hatch - Intern)" <Dallin_Johnson@hatch.senate.gov>
Date: May 26, 2017 at 12:00:14 PM EDT
To: "Cox, Ed (Hatch)" <Ed_Cox@hatch.senate.gov>
Subject: Utah Delegation Monument Letter

Dallin Johnson | O: 202-224-5251

Intern, U.S. Senator Orrin G. Hatch (UT)

President Pro Tempore

10 attachments **image001.png**
3K **image002.png**
3K **image003.png**
3K **image004.png**
4K **noname.html**
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 **Utah Delegation Monument Letter.pdf**
401K

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United States Congress

March 30, 2017

The Honorable Ryan Zinke
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Zinke:

We write to bring to your attention a vital coal project in Utah that requires your attention and action by the Bureau of Land Management (BLM). Since 2010, Alton Coal Development has operated the Coal Hollow Mine on private lands adjacent to a large tract of federal coal reserves.

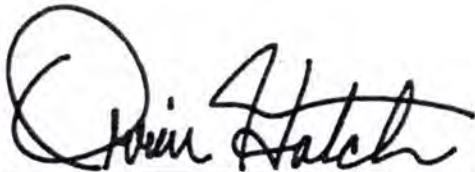
As background, in November 2004, Alton Coal Development filed a Lease by Application (LBA UTU-081895) for approximately 3,500 acres of coal on BLM lands containing approximately 45 million tons of high grade recoverable coal. In November 2011, the BLM published a Draft Environmental Impact Statement (EIS). Then, in 2012, the BLM determined to complete a Supplemental Draft EIS to address concerns raised during the public comment period, and the Supplemental Draft EIS was published in June 2015. Since then, Secretarial Order 3338 (S.O. 3338) halted further federal coal leasing activities. Although the Alton Coal application qualified under the emergency provisions of S.O. 3338, the previous administration refused to issue an emergency lease.

For the past eight years, the BLM has consistently delayed this project, created unnecessary obstacles, made misrepresentations to our offices, ignored the State of Utah's consistency review comments, and in doing so has jeopardized hundreds of high paying jobs in Kane and Garfield Counties in southern Utah. Alton has completed all requirements of the BLM, and the issuance of the Final EIS is the next and necessary step in this laborious process.

Now that you have reversed S.O. 3338, we are writing to request your attention to this important project in Utah and direct the BLM to respect the consistency review comments of the Governor of Utah and issue the Final EIS. Alton has built a solid environmental record over the past 13 years, and the EIS process is more than robust.

Please contact our offices for further information, and we stand prepared to assist in any way to complete this important project.

Sincerely,



Orrin G. Hatch
U.S. Senator

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Chris Stewart
Member of Congress

189200

Congress of the United States
Washington, DC 20515

March 1, 2017

The Honorable Ryan Zinke
Secretary
Department of Interior
1849 C Street, NW
Washington, D.C.

Dear Secretary Zinke,

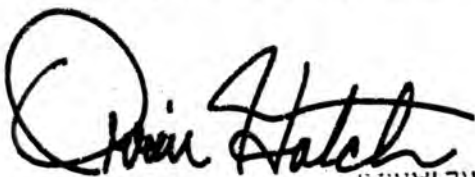
We write to request that you restore in the Department of the Interior's FY 2018 Budget Request robust construction funding to hasten completion of the Central Utah Project (CUP). CUP is the federal water project responsible for delivering Utah's allocation of Colorado River water to Utah residents. Since the enactment of the Central Utah Project Completion Act (CUPCA) in 1992, Utah has received on average over \$40 million annually from the Department of the Interior for water project construction.

In 2013, based solely on political considerations, Secretary Ken Salazar cut CUPCA construction funding in Utah to minimal levels while either maintaining or increasing water project funding for other states. For example, the Department's FY 2017 budget request for the CUPCA program was \$4.3 million and provided only \$1.35 million for construction of facilities for fish recovery. This funding level is fully \$25.7 million below what is needed for FY 2018.

Inadequately funding CUP will adversely impact U.S. taxpayers. Users who obtain water from this project are contractually obligated to reimburse the federal government for costs relating to the facilities. Although the future receipts to the Treasury from CUP water users are currently estimated at \$437 million, repayment does not begin until the water conveyance facilities are completed. Delaying completion of these projects not only shortchanges taxpayers, but also postpones a significant source of revenue that could be applied toward our national debt. We also understand that the facilities authorized under CUPCA are more than 70% completed, and not giving the administration the option to continue high-priority projects could result in the waste of the significant taxpayer resources that have been spent to date.

Completion of CUP is vital to supporting our rapidly growing population and maintaining continued economic progress in the State of Utah. We hope that you will work with us to complete the construction of this important project by restoring its funding in the FY 2018 budget request.

Sincerely,



Orrin Hatch
Senator

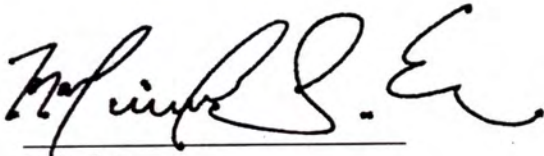


Jason Chaffetz
Member of Congress

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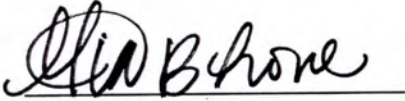
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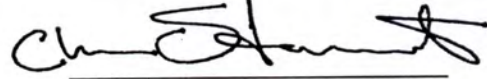
Mike Lee
Senator



Rob Bishop
Member of Congress



Mia Love
Member of Congress



Chris Stewart
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Rob Bishop
U.S. House of Representatives
Washington, DC 20515

Dear Representative Bishop:

Thank you for your letter dated March 1, 2017, to Secretary Zinke expressing support for robust construction funding in the 2018 President's budget request to hasten completion of the Central Utah Project (CUP). Secretary Zinke asked that I respond to you on his behalf.

On March 16, 2017, the President released "America First: A Budget Blueprint to Make America Great Again." The President's 2018 budget requests \$11.6 billion for the Department of the Interior (Department), a \$1.5 billion or 12 percent decrease from the 2017 annualized Continuing Resolution level. This fiscal restraint requires the Department to carefully examine and prioritize all of its programs to achieve these savings for the American taxpayer. The Department is currently formulating more detailed program funding allocations, including funding allocations for CUP, within the 2018 budget request for the Department. The President's detailed budget request is scheduled for release on May 23, 2017.

Similar letters have been sent to the cosigners of your letter. Thank you again for sharing your support for CUP.

Sincerely,

Olivia B. Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

Dear Representative Chaffetz:

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Olivia B. Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Orrin Hatch
United States Senate
Washington, DC 20510

Dear Senator Hatch:

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Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Mike Lee
United States Senate
Washington, DC 20510

Dear Senator Lee:

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Sincerely,

Olivia B. Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Mia Love
U.S. House of Representatives
Washington, DC 20515

Dear Representative Love:

Thank you for your letter dated March 1, 2017, to Secretary Zinke expressing support for robust construction funding in the 2018 President's budget request to hasten completion of the Central Utah Project (CUP). Secretary Zinke asked that I respond to you on his behalf.

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Sincerely,

Olivia B. Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 17 2017

The Honorable Chris Stewart
U.S. House of Representatives
Washington, DC 20515

Dear Representative Stewart:

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Similar letters have been sent to the cosigners of your letter. Thank you again for sharing your support for CUP.

Sincerely,

Olivia B. Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance and Acquisition

ORRIN G. HATCH
UTAH

ROBERT PORTER
CHIEF OF STAFF

104 Hart Senate Office Building

TELEPHONE: (202) 224-5251
TDD (202) 224-2849
FAX: (202) 224-6331

Website: hatch.senate.gov

United States Senate

WASHINGTON, DC 20510-4402

March 1, 2017

PRESIDENT PRO TEMPORE

COMMITTEES:

FINANCE
CHAIRMAN

JUDICIARY

HEALTH, EDUCATION,
LABOR, AND PENSIONS

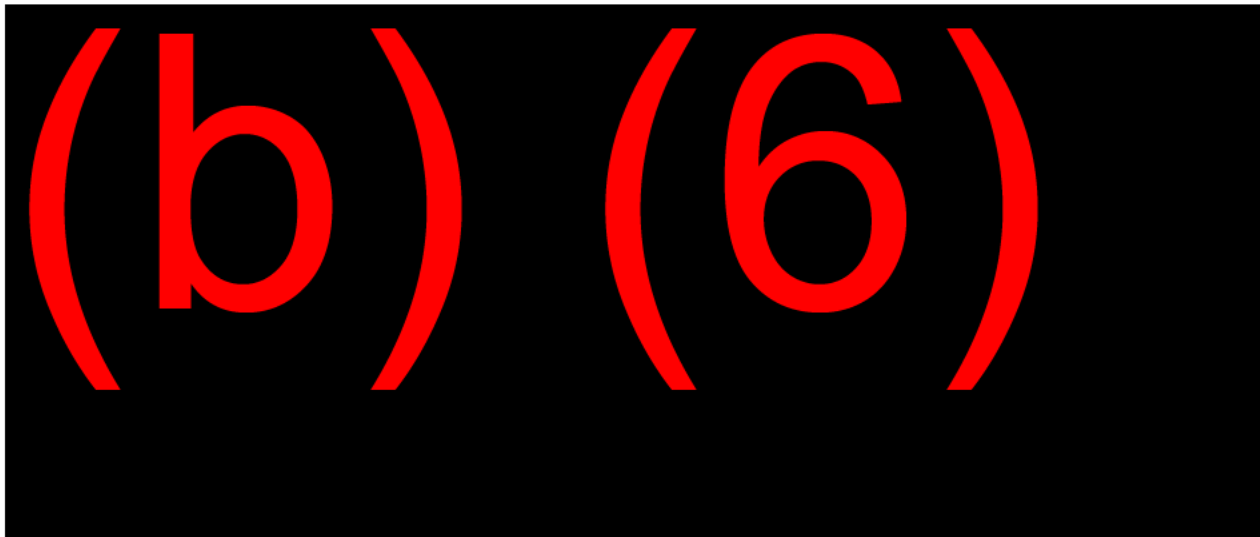
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JOINT COMMITTEE
ON TAXATION

The Honorable Ryan Zinke
Secretary
Department of Interior
1849 C Street, NW
Washington, DC

Dear Secretary Zinke:

I am writing to strongly recommend (b) (6) for the position of Director of the Fish & Wildlife Service (FWS) within the Department of Interior.



(b) (6) is needed at the FWS. For too long, the FWS has pursued an ideologically-driven agenda at the expense of responsible, impactful conservation measures. His breadth of experience and knowledge, paired with his depth of scientific understanding will make him an excellent choice to be director of the FWS.

I have had the opportunity to work with (b) (6) during his time serving the State of Utah, and I cannot recommend him more highly.

Sincerely,

EXECUTIVE SECRETARIAT
OFFICE OF THE
Orrin G. Hatch
U.S. Senator

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UNITED STATES SENATE
WASHINGTON, D. C. 20510

ORRIN G. HATCH
UTAH

February 27, 2017

The Honorable Ryan Zinke
Secretary
Department of Interior
1849 C Street, NW
Washington DC 20240

Dear Secretary Zinke:

I write to recommend [REDACTED] (b) (6) for a position with the Department of Interior (DOI), particularly with the US Fish and Wildlife Service (USFWS). I have enclosed his resume with this letter for your consideration.

(b) (6)

(b) (6)

(b) (6)

Thank you for taking the time to consider (b) (6)'s qualifications. He is an excellent candidate who would serve the Department and our nation well.

Sincerely,



Orrin G. Hatch
United States Senator



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Letter from Sen. Hatch to Secretary Zinke

1 message

Giles, Ayesha <ayesha_r_giles@ios.doi.gov>
To: Robert Howarth <robert_howarth@ios.doi.gov>

Fri, Mar 3, 2017 at 11:55 AM

Inquiry for entry into DTS.

—— Forwarded message ——

From: **Lyman, Samuel (Hatch)** <Samuel_Lyman@hatch.senate.gov>
Date: Fri, Mar 3, 2017 at 11:52 AM
Subject: Letter from Sen. Hatch to Secretary Zinke
To: "ayesha_r_giles@ios.doi.gov" <ayesha_r_giles@ios.doi.gov>
Cc: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>

Hi Ayesha,

Attached is the letter from Senator Hatch to Secretary Zinke. Could you send me a quick note just to confirm I sent this note to the right email address?

Thanks,

Sam Lyman

Office of Senator Hatch

Letter to Secretary Zinke Recommending (b) (6) .pdf
302K

ROB BISHOP
1ST DISTRICT, UTAH

123 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-0453

324 25TH STREET
SUITE 1017
OGDEN, UT 84401
(801) 625-0107

6 NORTH MAIN STREET
BRIGHAM CITY, UT 84302
(435) 734-2270



Congress of the United States
House of Representatives
Washington, DC 20515-4401

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN

COMMITTEE ON
ARMED SERVICES

CONGRESSIONAL WESTERN CAUCUS
CHAIRMAN EMERITUS

10TH AMENDMENT TASKFORCE
CHAIRMAN

May 2, 2017

Secretary Zinke
Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Zinke,

As the Department of Interior begins to advance President Trump's agenda for public lands management, including the review of the abuses of the Antiquities Act, having a team of highly qualified individuals will be vital to the success of the Secretary's priorities. Given this, I would like to recommend that (b) (6) be hired onto the Interior Department team as a career Senior Executive Service member under the authority of reemployment of retired employees.

001

(b) (6)

(b) (6) in returning to the Department of the Interior, would be a valuable asset to the Secretary's team. She has expressed interest in two potential appointments. The first would be the appointment based out of Salt Lake City as the Secretary's Western Representative, where she would focus on Secretarial priorities and work with western public stakeholders. The second would be as Deputy Director of BLM, also based in Salt Lake City. With (b) (6) as Deputy Director in Salt Lake City, I am confident she could help facilitate relocation efforts help focus BLM priorities on the ground.

I believe (b) (6) would be a valuable addition to your team. Her background in public lands management issues, executive management skills, and ability to work with stakeholders at every level will contribute to the success of implementing the President's agenda.

Sincerely,

Rob Bishop
Member of Congress

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

May 3, 2017

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The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

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OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Secretary Zinke:

We write to express our concerns regarding the administration of two climate change adaptation programs within the Department of the Interior (Interior). One of the programs, Climate Science Centers (CSCs), is led by the U.S. Geological Survey. The second program, Landscape Conservation Cooperatives (LCCs), is principally managed by the U.S. Fish and Wildlife Service. As you are aware, CSCs and LCCs were established by Secretarial Order Number 3289, issued on September 14, 2009 by former Interior Secretary Ken Salazar. The CSCs and LCCs are charged with furthering the Department's directive to "coordinate an effective response" to address the impact climate change will have on land, water, fish, wildlife, and cultural resources managed by the Department.¹

Despite a significant federal investment of at least \$149 million,² their effectiveness, management, and levels of oversight remain serious concerns to the Committee. Since their inception, the CSCs and LCCs have lacked necessary internal controls, failed to develop effective communication policies, and have put taxpayer dollars at risk by acting in contravention of guidelines issued by Interior and the Office of Management and Budget (OMB).

For example, a 2013 program audit conducted by the Department of the Interior Office of Inspector General (OIG) discovered that LCCs did not comply with federal guidelines in 36 out of 38 financial awards examined during the audit. The LCCs either failed to post notice of funding opportunities altogether or posted funding opportunities for insufficient duration that it

EXECUTIVE SECRETARIAT
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¹ Dep't of the Interior Secretarial Order No. 3289 (2009), available at <https://www.doi.gov/sites/doi.gov/files/migrated/whatwedo/climate/cop15/upload/SecOrder3289.pdf>.

² See *infra* note 5 at 3. For Fiscal Years 2013-2015, the CSCs and LCCs received a total of \$149,406,822.

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effectively foreclosed competition for the funding award.³ OIG also identified instances where the Southern Rockies LCC provided federal awards on a non-competitive basis despite not posting a sole-source justification and listing the awards as competitive on Grants.gov. Moreover, the recipients for these noncompetitive awards included those who hold positions on the LCC's steering committee.⁴

Most recently OIG issued a program evaluation in which it found that taxpayer dollars are further imperiled due to the fact that the "CSCs and LCCs had no formal process to coordinate the prevention of duplication in research grants"⁵ In its review, OIG found that the CSCs and LCCs lacked a written policy for coordination, and that the LCCs failed to adequately keep track of their projects in a centralized database that could be utilized and accessed program-wide.⁶ In addition, by failing to post project data to Climate.Data.Gov, as required under Executive Order Nos. 13653 and 13642, the CSCs and LCCs have further frustrated federal efforts to increase transparency, reduce duplication of efforts, and reduce the potential for wasted taxpayer dollars.⁷

In order to assist the Committee in evaluating the effectiveness of these two programs, please produce the following documents and information as soon as possible, but no later than May 17, 2017:

1. Documents sufficient to show the metrics used by Interior to track the effectiveness of CSC and LCC programs;
2. Documents sufficient to show how Interior determines the level of federal funding individual CSCs and LCCs receive in a given fiscal year;
3. Documents sufficient to show Interior's requirement and verification processes to ensure that CSCs and LCCs have written protocols to facilitate better coordination within their individual programs and with each other;
4. Documents sufficient to show annual training requirements of LCC and CSC Coordinators, Science Coordinators, and Grant Officers; and
5. An explanation of whether Interior will require LCCs to adopt a single, uniform project tracking database that can be accessed by other programs within the Department, including the CSCs. If Interior will not require such a database, please provide an explanation of how duplication concerns will be resolved.

³ OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF THE INTERIOR'S CLIMATE CHANGE PROGRAM: LANDSCAPE CONSERVATION COOPERATIVES 5 - 7 (2013), *available at* <https://www.doioig.gov/sites/doioig.gov/files/ER-IN-MOA-0015-2011Public1.pdf>.

⁴ *Id.* at 8.

⁵ OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF THE INTERIOR'S CLIMATE EFFECTS PROGRAM COORDINATION 1 (2017), *available at* https://www.doioig.gov/sites/doioig.gov/files/ClimateEffectsPrograms_042017_Public.pdf.

⁶ *Id.* at 6-9.

⁷ *Id.* at 11-12.

The Honorable Ryan Zinke
May 3, 2017
Page 3

Please deliver your response to Room 1324 of the Longworth House Office Building. The Committee prefers, if possible, to receive your response in electronic format. An attachment contains additional instructions for responding to the Committee's request. Please contact Christopher Santini or Christen Harsha of the Oversight and Investigations Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources



Raúl R. Labrador
Chairman
Subcommittee on Oversight and
Investigations

Enclosure

cc: The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable A. Donald McEachin, Ranking Member, Subcommittee on Oversight and
Investigations

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, employers, 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

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

April 17, 2017

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

Dear Secretary Zinke:

I am writing to highly recommend (b) (6) for a Principal Deputy Assistant Secretary at the Department of the Interior. (b) (6)

[REDACTED]

(b) (6) is principled, contentious and dedicated and has demonstrated expertise on numerous issues including federal regulations, the Endangered Species Act and natural resources and the environment in general. His work, (b) (6) and conducting oversight of a wide array of issues, substantially advanced (b) (6) agenda and is greatly appreciated. Upon this record and personal attributes, I confidently recommend him.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

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

March 8, 2017

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Zinke:

In its decision in *Carcieri v. Salazar*, 555 U.S. 379 (2009), the U.S. Supreme Court determined that the Seventy-Third Congress that enacted the Indian Reorganization Act (IRA) intended the word “now” in the phrase “now under Federal jurisdiction” in the “Indian” definition in section 19 of the IRA to mean the date of enactment of the IRA: June 18, 1934.

The purpose of this letter is to ask your assistance as we work with other members of the Committee on Natural Resources to develop legislation that, if enacted, will amend section 19 to alter the Court’s interpretation of the Seventy-Third Congress’s intent.

We cannot begin that process until we first identify the tribes that the Bureau of Indian Affairs (BIA) and the Solicitor believe have been adversely affected by the *Carcieri* decision because on June 18, 1934, they were not “under Federal jurisdiction.”

Unfortunately, despite our repeated requests that it do so, throughout the Obama administration the BIA and the Solicitor refused to develop, and to then provide to the Committee on Natural Resources, a list of those tribes. For that reason, we are hopeful that under your leadership the BIA and the Solicitor finally will provide the Committee with such a list.

The reason the BIA and the Solicitor’s compilation of such a list is important is that section 5 of the IRA, which delegates the Secretary of the Interior to take the title to land into trust for the benefit of “Indians,” has not been amended since the IRA was enacted in 1934 (except for a technical amendment made in 1988 that does not change the Secretary’s authority). It is reasonable for us and other members of the Committee on Natural Resources to consider

legislation to establish a new standard to control the Secretary's – i.e., the BIA's - exercise of the authority to take the title to land into trust under section 5 only when we can identify both the tribes that will benefit from that new standard and the land that, if its title is taken into trust, will be exempted from State and local taxation, and potentially also from State jurisdiction. Put another way, I do not want Congress to repeat a mistake such as the mistake that was made in 2010 when we and other members of the 111th Congress were told that we had to pass the Affordable Care Act in order to learn what was in it. (For the record, we voted against the ACA).

It also merits mention that, in addition to consulting with the potentially affected tribes (once the BIA has identified who they are), the Committee will consult with the potentially affected States when it develops legislation to resolve *Carcieri*. Because twenty-one States filed *amicus* briefs in *Carcieri* in support of the State of Rhode Island and no State filed an *amicus* brief in opposition to the State of Rhode Island, it is reasonable for the Committee to expect that those States will want to know what tribes and lands are affected by the BIA's trust land acquisition, and that none support a return to the pre-*Carcieri* *status quo*. A number of states understandably question the need for the BIA to have nearly unchecked power to dictate land use policy in their jurisdiction.

With these considerations in mind, we would like to pose the following questions:

1. Which tribes on the list of "Indian Tribal Entities" that Principal Deputy Assistant Secretary of the Interior for Indian Affairs Lawrence S. Roberts published in the Federal Register on January 17, 2017 do the BIA and the Solicitor believe were not "under Federal jurisdiction" on June 18, 1934?
2. What was the methodology the BIA and the Solicitor employed when they determined that the tribes described in Question No. 1 were not "under Federal jurisdiction" on June 18, 1934?
3. In developing the methodology referenced in Question No. 2 did the Solicitor rely on Solicitor's Opinion M-37029, March 12, 2014, entitled "The Meaning of 'Under Federal Jurisdiction' for Purpose of the Indian Reorganization Act"? We ask because we are concerned that the analysis in the opinion is flawed because Solicitor Tompkins relied on an interpretation of the intent of the Seventy-Third Congress embodied in the text of section 19 of the IRA that a single Justice, Justice Breyer, volunteered in a concurring opinion and that none of the other Justices considered.

We realize that complete responses to questions 1-2 may take some time. However, we would appreciate you providing us within two weeks an estimate of how long it may take to respond. On question 3, we request that a response be provided after the new Solicitor has been nominated and confirmed and he or she has had sufficient time to examine the question posed.

Thank you for your attention to the requests contained herein. We look forward to working with you, the new Solicitor, and the new Assistant Secretary for Indian Affairs to develop a reasonable, comprehensive bill whose enactment by the 115th Congress will modernize and improve law and policy for the acquisition of land for Indians.

Sincerely,



Rob Bishop
Chairman
House Committee on Natural Resources



Doug LaMalfa
Chairman
Subcommittee on Indian, Insular, and
Alaska Native Affairs

Cc: Raul Grijalva, Ranking Member
Norma Torres, Subcommittee Ranking Member

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

February 2, 2017

Mr. Kevin "Jack" Haugrud
Acting Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Acting Secretary Haugrud:

Over the past several years, many disturbing cases concerning Department of the Interior (Department) employee misconduct have cast doubts on the effectiveness of the Department's hiring, retention, and termination policies. The Department employs "about 70,000 people in approximately 2,400 locations."¹ As federal employees, these individuals should be held to the highest ethical and professional standards. From April 1, 2009 through September 30, 2016, the Department's Office of Inspector General (OIG) referred 310 criminal matters involving Department employees to the Department of Justice for prosecution, which resulted in 208 convictions.² Often times, however, Department employees found guilty of severe misconduct were permitted to continue federal service for a prolonged period of time or indefinitely while facing minimal consequences for their actions.

On May 24, 2016, the House Committee on Natural Resources Subcommittee on Oversight and Investigations (Subcommittee) held a hearing about the Department's workplace environment in which ethics violations were commonplace, particularly pertaining to then-political appointees and other senior officials.³ In continuing its oversight, on June 23, 2016, the Subcommittee conducted a hearing to examine the Obama Administration's lack of enforcement and accountability actions in response to a growing number of reports of unethical and criminal conduct at the Department.⁴

One example of misconduct examined by the hearings included then-National Park Service (NPS) Director John Jarvis' inappropriate use of his official position to obtain a

¹ U.S. Dep't of the Interior, *About Our Employees*, <https://www.doi.gov/employees/about> (last visited Jan. 30, 2017).

² OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, SEMI-ANNUAL REPORTS TO CONGRESS OCTOBER 2009 – OCTOBER 2016, available at <https://www.doi.gov/reports>.

³ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *Investigating the Culture of Corruption at the Department of the Interior*, 114th Cong. (May 24, 2016).

⁴ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *The Administration's Response to Findings of Unethical and Criminal Conduct at the Department of the Interior*, 114th Cong. (June 23, 2016).

publishing deal in which he used the official NPS logo to market his book in NPS stores.⁵ Another example included the then-Bureau of Indian Education (BIE) Director Charles "Monty" Roessel's improper use of his position to hire a family member, and a woman with whom he had a romantic relationship.⁶ The Subcommittee also investigated the former Chief of Administration and Information Management at the U.S. Fish and Wildlife Service (FWS), Stephen Barton, who concurrently held a position with a non-profit organization, the Western Association of Fish and Wildlife Agencies (WAFWA).⁷ Mr. Barton failed to disclose more than \$375,000 in outside employment income earned as the Treasurer of WAFWA over the span of a decade while serving as an FWS official.⁸

A 2015 investigation revealed a particular case of employee misconduct resulting in minimal accountability when a U.S. Bureau of Reclamation (USBR) employee was only suspended for fourteen days after being caught for storing inappropriate images on a government computer.⁹ The USBR employee stored thousands of photographs of children wearing gymnastics-related clothing and performing various poses. Additionally, the USBR employee stored hundreds of pictures of himself wearing girls' gymnastics leotards and possessed an unauthorized anti-forensics tool designed to hide the user's on-line history.¹⁰

On December 6, 2016, the Subcommittee conducted a hearing concerning two U.S. Geological Survey (USGS) employees who committed consecutive cases of continuous scientific misconduct and data manipulation that spanned almost two decades at a federal laboratory in Lakewood, Colorado.¹¹ Through two letters from the Subcommittee and an oversight hearing, the Subcommittee learned, among other concerns, that neither of the two USGS employees who engaged in misconduct, nor any of their managers, were held fully accountable.¹²

More recently, on December 28, 2016, the OIG completed its report of investigation concerning a Bureau of Land Management (BLM) law enforcement officer for alleged misconduct.¹³ The investigation, which was initiated in October 2015, concluded that a

⁵ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF JONATHAN JARVIS (2016), available at https://www.doiioig.gov/sites/doiioig.gov/files/JonathanJarvis_Public.pdf.

⁶ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF IMPROPER HIRING AT THE BUREAU OF INDIAN EDUCATION (2016), available at https://www.doiioig.gov/sites/doiioig.gov/files/ImproperHiringAtBIE_Public.pdf.

⁷ See *supra* note 4.

⁸ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF FAILURE TO DISCLOSE EMPLOYMENT AT THE U.S. FISH AND WILDLIFE SERVICE (2016), available at https://www.doiioig.gov/sites/doiioig.gov/files/FWS_FailuretoDiscloseEmployment_Public.pdf.

⁹ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, SUMMARY: INVESTIGATION OF INAPPROPRIATE USE OF A COMPUTER BY A USBR EMPLOYEE (2015), available at https://www.doiioig.gov/sites/doiioig.gov/files/InvestigativeSummary_USBRComputerUse.pdf.

¹⁰ *Id.*

¹¹ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *Examining Decades of Data Manipulation at the United States Geological Survey*, 114th Cong. (Dec. 6, 2016).

¹² Three employees were permitted to retire from USGS, each accruing more than twenty years of service.

¹³ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF ETHICAL VIOLATIONS AND MISCONDUCT BY BUREAU OF LAND MANAGEMENT OFFICIALS (2017), available at https://www.doiioig.gov/sites/doiioig.gov/files/EthicalViolationsAndMisconductByBLMOfficials_Public.pdf.

Supervisory Agent at BLM violated federal ethics rules when he used his official position to secure preferential treatment for his family members and girlfriend at the 2015 Burning Man event held at the BLM-managed Black Rock Desert in Nevada.¹⁴ The Supervisory Agent also misused government resources to provide escorting and logistical benefits to his family members and girlfriend.¹⁵ Additionally, the Supervisory Agent inappropriately used his position to manipulate the hiring process in favor of his friend, who was ultimately hired as a BLM special agent.¹⁶ The OIG investigators also determined that the Supervisory Agent attempted to mislead investigators and sought to influence individuals interviewed by OIG.¹⁷

On November 16, 2016, the OIG also completed a report of its investigation into allegations that BLM knowingly hired a convicted felon and registered sex offender to work as a Computer Assistant at its Lakewood, Colorado facility.¹⁸ The OIG confirmed that BLM did hire an applicant previously convicted of a "criminal attempt/sexual assault on a child" charge, which stemmed from his multiple attempts to solicit sex from someone he believed to be a thirteen-year-old girl on the internet. Evidentiary documents indicate that the solicitation was conducted from a state government computer.¹⁹

Notwithstanding the troubling criminal history of the sex offender BLM applicant, on August 9, 2011, a Personnel Security Specialist at BLM "signed the Certificate of Investigation [for the registered sex offender] and stamped it 'Favorable Determination – Subject Not Contacted.'"²⁰ The favorable adjudication ultimately resulted in an offer of employment to the sex offender as a Computer Assistant. Subsequent to entering federal service the individual has been arrested three additional times, garnering convictions for violating a protective court order and for a domestic violence-related criminal trespass.²¹

The OIG investigation also revealed that the BLM Human Resources Department never made further inquiry into the applicant's criminal history, despite the Bureau's knowledge regarding the nature of his conviction, and that the applicant admitted to having pornography stored on a work computer while at a previous job.²² In an attempt to justify the applicant's hiring, the BLM Human Resources Specialist, who was the personnel security adjudicator for the applicant, stated that BLM human resources officials are trained to default to "protecting the privacy of the candidate" and that any other BLM personal security adjudicator would have also reported this applicant's candidacy favorably. Further, the Human Resources Specialist

¹⁴ *Id.* at 1.

¹⁵ *Id.*

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, SUMMARY: INVESTIGATION OF BLM HIRING OF A CONVICTED FELON (2016), available at <https://www.doi.gov/reports/summary-investigation-blm-hiring-convicted-felon>.

¹⁹ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, REPORT OF INVESTIGATION: INVESTIGATION OF BLM HIRING OF A CONVICTED FELON Attachment 3 (2016) (on file with author).

²⁰ *Id.* at 2.

²¹ *Id.* at Attachments 1-4.

²² *Id.* at Attachment 9.

maintained that BLM human resources officials "are not required to inform selecting officials about potentially problematic information."²³

BLM's controversial hiring and retention of this individual does not appear to be an isolated case, but further highlights human resources failures within Department under the previous Administration. For example, just last week, the OIG released a report that determined that in 2012, an individual applying to be the Deputy Director of the Office of Acquisition and Property Management (PAM), a Senior Executive Service (SES) position within the Bureau of Safety and Environmental Enforcement (BSEE), knowingly misrepresented his military and federal employment records.²⁴ The Senior Executive falsified his records and provided a materially false statement regarding a previous revocation of his security clearance.²⁵ These actions were discovered during the application process and resulted in the unfavorable adjudication of the applicant's public trust background investigation.²⁶ The PAM Deputy Director position required that an applicant receive a favorable public trust adjudication.²⁷ The applicant, however, received a waiver from the PAM Director to assume the Deputy Director position during the pendency of the public trust adjudication process.²⁸

Despite having eventual knowledge of the unfavorable public trust adjudication and the applicant's material dishonesty, the PAM Director allowed the applicant to remain in his position and declined to take any disciplinary action whatsoever.²⁹ The PAM Director refused to change this disciplinary posture in spite of receiving a report from the BSEE Security Office which concluded that the applicant's conduct "directly conflicted with the integrity expected of an SES employee"³⁰ as well as a second internal BSEE memorandum that called for the applicant to either be disciplined or dismissed.³¹

The Committee seeks to better understand Department's employment policies. Therefore, in order to assist the Committee's oversight, please produce the following documents and information as soon as possible, but no later than 5:00 p.m. on February 16, 2017:

1. Documents sufficient to show the requirements placed on Department or agency-level human resources officers to share with hiring supervisors applicant information that may adversely impact the Department, its employees, or the applicant's performance of required duties;

²³ *Id.* at Attachment 10.

²⁴ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF FALSIFICATION OF EMPLOYMENT RECORDS BY THE DEPUTY DIRECTOR OF THE OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT 1 (2017), *available at* https://www.doi.gov/sites/doi.gov/files/FalsificationOfEmploymentRecordsByPAMDeputyDirector_Public.pdf.

²⁵ *Id.* at 2-5.

²⁶ *Id.* at 7.

²⁷ *Id.* at 2.

²⁸ *Id.* at 5.

²⁹ *Id.* at 7-8.

³⁰ *Id.* at 6.

³¹ *Id.*

2. Documents sufficient to show factors, aside from not meeting required professional or educational qualifications, that would merit the automatic disqualification of an individual's application for employment at the Department or its agencies;
3. Documents sufficient to show the requirement of employees at the Department or agency-level to report to human resources or their supervisor(s) any criminal conviction or adverse civil judgment against the Department employee that may occur after entering federal service;
4. Documents sufficient to show Department guidelines that help determine disciplinary action for employee misconduct;
5. Documents sufficient to show Department guidelines or policies that allow the hiring of convicted felons and registered sex offenders based on the amount of time lapsed between conviction and application to BLM; and
6. Documents sufficient to show the justification of retaining the Senior Executive Service employee at BSEE in his position after having his failure to obtain a favorable public trust adjudication.

Please deliver your response to room 1324 of the Longworth House Office Building. The Committee prefers, if possible, to receive your response in electronic format. An attachment contains additional instructions for responding to the Committee's request.

Please contact Sang Yi and Christopher Santini of the Oversight and Investigations Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Rob Bishop
Chairman

Enclosure

cc: The Honorable Raúl M. Grijalva, Ranking Member

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.
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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, employers, 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.

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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.
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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



Wolfe, Shane <shane_wolfe@ios.doi.gov>

Fwd: Letter to Acting Secretary Haugrud from Chairman Bishop

Robert Howarth <robert_howarth@ios.doi.gov>
To: Shane Wolfe <shane_wolfe@ios.doi.gov>

Fri, Feb 3, 2017 at 3:44 PM

Sent from my iPhone

Begin forwarded message:

From: "Chambers, Micah" <micah_chambers@ios.doi.gov>
To: Juliette Lillie <juliette_lillie@ios.doi.gov>, "Salotti, Christopher" <chris_salotti@ios.doi.gov>, "Howarth, Robert" <robert_howarth@ios.doi.gov>, Edward Keable <edward.keable@sol.doi.gov>, Amanda Kaster <amanda_kaster@ios.doi.gov>
Subject: Fwd: Letter to Acting Secretary Haugrud from Chairman Bishop

here we go.

----- Forwarded message -----

From: **Gwinn, Wesley** <Wesley.Gwinn@mail.house.gov>
Date: Thu, Feb 2, 2017 at 10:56 AM
Subject: Letter to Acting Secretary Haugrud from Chairman Bishop
To: "micah_chambers@ios.doi.gov" <micah_chambers@ios.doi.gov>
Cc: "Gordon, Rob" <Rob.Gordon@mail.house.gov>, "Santini, Christopher" <Christopher.Santini@mail.house.gov>, "Yi, Sang" <SYi@mail.house.gov>, "Lande, Emily" <Emily.Lande@mail.house.gov>, "Edgerton, Vic" <Vic.Edgerton@mail.house.gov>

Good Morning Micah,

Attached is a letter from Chairman Bishop to Acting Secretary Haugrud.

Please let me know if you have any questions, and thank you!

Sincerely,

Wes

Wesley A. Gwinn

Clerk, Subcommittee on Oversight & Investigations

Committee on Natural Resources

Hon. Rob Bishop, Chairman

Main: 202-225-7107

12 attachments



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2017-02-02 Chairman Bishop to Acting Secretary Haugrud re Employment Standards .pdf
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Nat. Resources_Responding to Committee Document Requests.docx
18K



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1K



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 17 2017

The Honorable Rob Bishop
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington DC 20515

Dear Mr. Chairman:

This is in response to your February 2, 2017, letter to Acting Secretary Jack Haugrud seeking documents and information related to the Department of the Interior's employment practices.

The Department has approximately 70,000 employees serving in permanent and seasonal positions covering over 350 job occupations and located in over 2,400 locations. Annually, the Department hires 15,000 to 20,000 employees to fill such critical needs as fighting wildfires and ensuring the protection of the Nation's public lands and visitors to those lands. The Department is dedicated to recruiting and hiring the best talent to fill available positions. Toward that end, we believe in the strength of the merit system principles for personnel management.

The Department follows the government-wide suitability and vetting process for candidates that involves the completion and submission of various forms, including application and background check forms, and the sharing of information through inter-agency reviews. This includes reviews carried out by the Department's personnel security specialists, law enforcement officials, Human Resources professionals, and selecting officials and staff at the U.S. Office of Personnel Management and the Federal Bureau of Investigations, that are necessary in order to properly complete the suitability adjudication for Federal employment.

One of the initial steps for those seeking Federal employment is the completion and submission of an application for a position. As part of that process, applicants are required to affirmatively certify that the information they have included in the application is true, complete, and made in good faith. To determine a candidate's suitability for employment, and depending on the requisite security sensitivity, he or she will need to complete Standard Forms (SF) 86, 85P, or 85, depending on position sensitivity; and Optional Form (OF) 306. Copies of these forms have been included on the disk accompanying this letter. These forms all contain statements indicating that false statements on any of these forms or declarations are grounds for not hiring the applicant, for firing the applicant after he or she has begun work, and may be punishable under 18 U.S.C. sec. 1001.

Pursuant to OPM guidance detailed in its “Suitability Processing Handbook”, which is also enclosed, the Department reviews all of the background materials, including investigation reports conducted by OPM, with assistance from the FBI.

In addition, the Department has issued its own internal policies to ensure that Departmental bureaus consistently implement suitability determinations and provide the best course of action with respect to disciplinary matters. This includes the following, enclosed with this letter:

- Department Manual, Part 441, Chapters 4, 5 and 8 – Law Enforcement and Suitability Program.
- Department Manual, Part 370 – Discipline and Adverse Actions, including Table of Penalties.

These two provisions provide Departmental guidance on background investigations and the process for carrying them out (Part 441), including a discussion of suitability review within the context of that process, as well as policies, procedures, and authorities related to administration of employee discipline (Part 370).

Two recent developments will inform the Department’s process. First, OPM recently issued a final rule (81 Fed. Reg. 86555 (Dec. 1, 2016), a copy of which is enclosed), revising its regulations pertaining to when during the hiring process agencies can request information collected during the background investigation of an applicant for employment.

In addition, under authority contained in the recently passed 2017 National Defense Authorization Act (Public Law 114-328)), specifically sections 1136 and 1140, Congress required agencies to update an employee’s official personal file with any adverse finding of conduct even if the review or finding was not completed prior to the employee’s departure from the agency. The law also requires that agencies review a candidate’s personnel file prior to making any determination with respect to appointment or reinstatement, to determine if any adverse inferences can be made when deciding to select that candidate for employment. The Department has begun implementing these sections. Copies of these provisions are also enclosed.

Finally, you requested information relating to conduct matters reviewed by the Department’s Office of Inspector General. Other than the information in the possession of the Inspector General or provided with this letter, the Department is not in possession of any additional responsive documents.

We do take the process of determining the suitability of applicants for positions at the Department, as well as the due process afforded to Federal employees by statute and regulation, seriously. We will continue to reinforce to our supervisors, HR professionals, and law enforcement communities what a critical role they play in creating a trustworthy and high performing workforce.

We appreciate your interest and assistance on these critically important matters. We are happy to meet with you or your staff should you have any questions regarding the processes referenced in this letter. If you have any questions, please contact Micah Chambers at 208-5348.

Sincerely,



Mary Pletcher
Deputy Assistant Secretary
For Human Capital and Diversity
U.S. Department of the Interior

Enclosure

cc: The Honorable Raul Grijalva
Ranking Member

725

Congress of the United States

Washington, DC 20515

001626

March 13, 2017

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1848 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

In 2015, for the first time, the U.S. Government Accountability Office (GAO) designated Improving the Management of Information Technology (IT) Acquisitions and Operations as a "high risk" in order to call attention to the challenges the government faces in delivering new IT systems.¹ GAO continued the high-risk designation in 2017.² One of GAO's key findings leading to the high risk designation was that the government spends less on modernization of IT and more on operations and maintenance (O&M) costs for legacy IT, making the government increasingly reliant on antiquated and expensive-to-maintain systems.

The federal government annually spends over \$80 billion on IT, but over 75 percent of this spending is for legacy IT.³ In fact, since FY 2010, agencies have increased spending on legacy IT, thereby crowding out spending on development, modernization, and enhancement activities.⁴

The Committees are continuing their oversight in the area of legacy IT that began during the 114th Congress. To assist and inform our work, we request information from your agency regarding the use of legacy IT that follows up on the Committees' requests in December 2015 and February 2016, and your agency's response to the Committees in 2016. The Committees are prepared to adequately safeguard any responsive information that your agency deems to be sensitive. Please provide the requested information below no later than April 3, 2017:

1. In the Committee's prior request, your agency was asked to identify the top three mission-critical IT systems in need of modernization. Please restate and update the information your agency provided in 2016:
 - a. If a planned date for modernization was provided, please confirm whether the agency is on track to meet this date. If not, explain why.
 - b. For each system, provide the amount your agency spent on operations and maintenance costs for the last three fiscal years.

¹ Gov't Accountability Office, *High Risk Series* (Feb. 2015) (GAO-15-290).

² Gov't Accountability Office, *High Risk Series* (Feb. 2017) (GAO-17-317).

³ Gov't Accountability Office, *Federal Agencies Need to Address Legacy Systems* (May 2016) (GAO-16-468).

⁴ *Id.* at 13.

- c. If any of these systems have been modernized or replaced, please estimate annual cost savings over the next three fiscal years that can be attributed to the modernization or replacement.
 2. What are the oldest programming languages in use today at your agency (in particular, ASP, COBOL, FORTRAN, C, Assembly Language Code, and Visual Basic)? Please submit an update on previously provided information:
 - a. Restate and update the number of lines of codes your agency maintains as identified in your agency's response in early 2016.
 - b. How many staff are dedicated to maintaining these programming languages?
 - i. How many of these staff are contractors? If you are unable to provide an estimate of contractors, please provide an explanation as to why you are unable to provide this information.
 - c. How much was obligated to contracts supporting these programming languages over the last three fiscal years?
 3. Please identify the top five oldest hardware and infrastructure components, by manufacturer, model number, year of production, and type of component (e.g., server, router, switch, etc.) at your agency today.
 - a. For each, provide a date for when you plan to replace or upgrade it and specify if there is not a specific date for modernization or replacement.
 - b. Identify which of these legacy hardware components house critical mission systems.
 - c. Identify which of these legacy hardware components house personally identifiable information.
 - d. Restate and update your response to this question from 2016 with the details requested above.
 4. Does your agency use any software or operating systems no longer supported by the vendor?
 - a. Please provide the name and version of the software and the last date of support by the vendor. For example, Windows XP (released in 2001) was no longer supported by Microsoft as of April 2014.
 - b. If the software or operating systems are no longer supported by the vendor, how does the agency support this software?

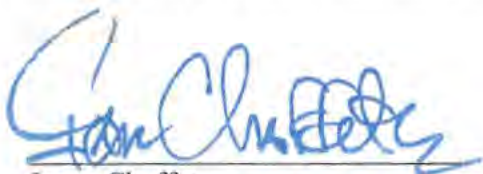
- c. Please restate your agency's planned date to upgrade unsupported software and confirm whether this action was completed by the planned date. If not, explain why.
5. Please address the number of IT staff at your agency as follows:
 - a. What is the total number of federal IT employees at your agency? (Do not include contract IT full-time employees (FTE)).
 - b. What is the total number of contract IT FTE at your agency?
 - c. For agency staff, what is the average age of IT staff?
 - d. For agency staff, what is the turnover rate for the last three fiscal years?
 - e. When hiring federal employee IT staff, what education, training, and outside certifications are required?
 - f. When evaluating contracts for IT services, what education, training, and outside certifications are required for contractor IT staff?
6. Does your agency have any active IT contracts providing services for enterprise upgrades of unsupported hardware or software? If yes, please provide the following information for each contract:
 - a. Contract number and a short description of the project.
 - b. Total contract value (base year and any option years).
 - c. Total funding expensed toward contract as of January 31, 2017.
7. Does your agency have any active contracts for replacement legacy IT hardware and software systems? If yes, please provide the following information for each contract:
 - a. Contract number and a short description of the project.
 - b. Total contract value (base year and any option years).
 - c. Total funding expensed toward contract as of January 31, 2017.
8. Did your agency submit to OMB an Enterprise Roadmap for 2016, as stated in OMB's draft *IT Modernization Initiative* memo?⁵ If so, provide a copy of this Roadmap.

⁵ OMB Draft Memorandum "Information Technology Modernization Initiative".
<https://policy.cio.gov/it-modernization/approach/> (last visited February 23, 2017).

The House Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

The Senate Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government." Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices."

Sincerely,



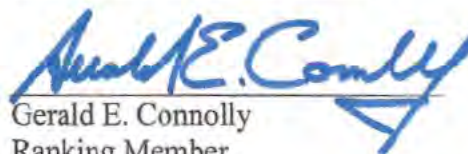
Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives



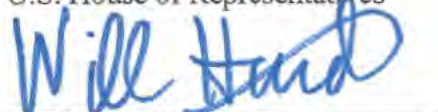
Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives



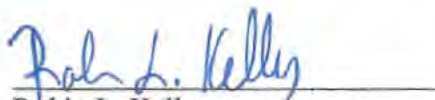
Mark Meadows
Chairman
Subcommittee on Government Operations
U.S. House of Representatives



Gerald E. Connolly
Ranking Member
Subcommittee on Government Operations
U. S. House of Representatives



Will Hurd
Chairman
Subcommittee on Information Technology
U.S. House of Representatives



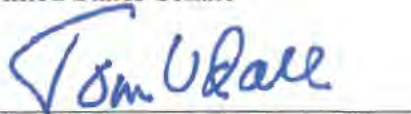
Robin L. Kelly
Ranking Member
Subcommittee on Information Technology
U.S. House of Representatives



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate



Claire McCaskill
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate



Tom Udall
United States Senate



Jerry Moran
United States Senate



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Bicameral Letter re Legacy IT

1 message

Chambers, Micah <micah_chambers@ios.doi.gov>

Mon, Mar 13, 2017 at 6:20 PM

To: "Howarth, Robert" <robert_howarth@ios.doi.gov>, Juliette Lillie <juliette_lillie@ios.doi.gov>, Amanda Kaster <amanda_kaster@ios.doi.gov>, "Salotti, Christopher" <chris_salotti@ios.doi.gov>, "Burley, Jamie" <jamie_burley@ios.doi.gov>, Richard Myers <richard.myers@sol.doi.gov>

FYI.

----- Forwarded message -----

From: **Casey, Sharon** <Sharon.Casey@mail.house.gov>

Date: Mon, Mar 13, 2017 at 6:13 PM

Subject: Bicameral Letter re Legacy IT

To: "micah_chambers@ios.doi.gov" <micah_chambers@ios.doi.gov>

Cc: "Dunne, Julie" <julie.dunne@mail.house.gov>, "Stock, Troy" <Troy.Stock@mail.house.gov>, "Bailey, Katie" <Katie.Bailey@mail.house.gov>

Attached please find a letter from Chairman Chaffetz and Members of the U.S. House of Representatives Committee on Oversight and Government Reform, and Chairman Johnson and Members of the U.S. Senate Committee on Homeland Security and Governmental Affairs. Please note the letter requests a response by April 3, 2017.

Please acknowledge receipt of this letter.

Thank you,

Sharon Casey

Sharon Ryan Casey

Deputy Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn Building, Washington, DC 20515

202-593-8219 sharon.casey@mail.house.gov




3/13/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Bicameral Letter re Legacy IT

Micah Chambers

Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

 **2017-03-13 Bicameral Letter to Zinke-DOI - Legacy IT due 4-3.pdf**
1505K



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter dated March 13, 2017, to Secretary Zinke requesting updated information on older, or legacy, information technology (IT) maintained and operated by the Department of the Interior (Department). The Secretary asked me to respond to you on his behalf.

The Department appreciates your continued interest and concern regarding legacy IT systems, and we welcome the opportunity to engage in a constructive dialogue with Congress about our modernization and replacement efforts. IT tools are of vital importance to the delivery of the Department's broad and diverse mission, and cybersecurity and privacy continue to be top priorities for the Department. For this reason, we ask that you continue to treat the information being provided in response letter, and related communications between the Department and your office, as sensitive. Its disclosure could create a risk to the Department by providing details related to specific systems that could be exploited by bad actors seeking to cause harm to the Department. We understand that, separately, some of the information provided may appear innocuous. However, aggregated information related to your inquiries could pose a threat if released.

Agency resource constraints, the absence of successor technologies capable of performing required functions, and vendor support are some factors that contribute to the use of legacy IT. Although some of the Department's IT hardware and software are older, we require all systems to maintain current assessment and authorizations, consistent with National Institute of Standards and Technology (NIST) standards. However, for that to continue, the Department, and the Federal Government as a whole, must have a constant and continued commitment to IT modernization.

Modernizing our Nation's critical IT infrastructure, in particular, is a challenge that government and industry need to address together. A component of the Department's critical infrastructure, the modernization of which would need to be addressed through a government-wide modernization effort, is the Department's Supervisory Control and Data Acquisition (SCADA) systems. The SCADA systems are widely used by utilities and industries and are critical to physical infrastructure and energy delivery in countries around the world. The SCADA systems remain the Department's top mission-critical IT systems in need of modernization. The Department employs multiple SCADA systems, which currently perform effectively, but should

be considered for modernization by the Federal Government in the near future. Because SCADA systems are in use across the Government, modernization efforts for critical infrastructure and SCADA systems will need to be addressed as part of a Government-wide critical infrastructure modernization effort. The Department would be happy to offer a briefing to your staff to provide additional context related to the modernization of the Department's mission critical IT systems.

The Department has made progress in our SCADA cybersecurity modernization during the past year. The Reclamation Industrial Control System (ICS) cybersecurity program is focused on strengthening and standardizing how we design, purchase, implement, manage, and secure ICS, which typically have a system lifecycle of at least 15-plus years due to system complexity, availability requirements, and the length of time required for system upgrades and installations. To mitigate the cybersecurity risk of outdated ICS components, the Bureau of Reclamation (Reclamation) is the first Government agency to finalize an Interagency Agreement with the Department of Homeland Security (DHS) ICS Cyber Emergency Response Team (ICS-CERT) to conduct cybersecurity assessments on Reclamation ICS and recommend improvements, perform design architecture reviews, provide technical subject matter expertise, and share threat intelligence. Reclamation also has several ongoing SCADA modernization projects occurring, to include major multi-year upgrades on hydropower and water SCADA systems.

The oldest programming languages in use at the Department are FORTRAN and Programming Language for Microcomputers (PL/M), both of which are in use in at least one mission-critical system. The Department has 18 IT staff to maintain our 3,157,917 lines of FORTRAN code and 2 staff for our 930,134 lines of PL/M code. None of these staff are contractors, nor was any contract funds spent to support these over the last 3 fiscal years. FORTRAN has been in use at the Department since 1983 and PL/M has been in use at the Department since 1990.

Regarding specific systems at the Department, the oldest IT hardware infrastructure in use resides in Reclamation. The single oldest system was put in service in 1985 and is scheduled to be replaced in 2019. The other systems are scheduled for replacement in 2020. In 2016, the Department decommissioned the fifth oldest piece of hardware as reported in the March 2016 response to Congress. Four of these five systems house mission critical systems, while none of the five house personally identifiable information (PII).

Your letter inquired whether there are operating systems or software that are no longer supported by their respective vendor, but currently in use at the Department. Generally, the Department relies on the IBM Endpoint Manager (IEM) solution provided by the Department of Homeland Security (DHS) to serve as our authoritative software management tool. That solution identified 10 specific software products that are in use at the Department, but no longer supported by their vendor. All 10 products identified are Microsoft products. However, it should be noted that many vendors do not provide IBM with information about when the vendor will no longer support its software. Therefore, the Department recognizes that there are additional software products in use that are not supported by the vendor and which IEM is unable to identify.

In two instances identified by IEM, although the vendor's mainstream support has ended, extended support will be available through January 2020. The Department retired 3 software packages since last year's response.

The Department manages unsupported software in different ways. For example, where appropriate, the Department purchases specialized support services from the vendor until a long-term solution can be put in place. In some cases, end-of-life software that is part of a larger application must be retained due to incompatibility of newer versions of that software.

As an alternative to purchasing extended support from a vendor, the Department sometimes uses contractors or employees, who are very knowledgeable with regard to a particular software product and can provide the necessary support. In some cases, the Department's IT staff will work collaboratively with knowledgeable individuals outside of the organization to resolve issues with software no longer supported by its vendor. However, in other cases, the Department keeps unsupported software because it requires no maintenance and poses minimal security threats.

The Department's skilled IT staff is essential to the maintenance of our IT systems and the support of the Department's diverse missions and day-to-day operations. As of March 2017, the Department has 2,025 IT personnel in the 2210 occupational job series to support the work of the over 70,000 total Department employees working in more than 2,400 operating locations. We have over 1,500 contract IT staff, which varies based on level of effort, seasonality, and other factors. The turnover rate for the Department's IT staff was 9.3 percent in FY2014, 8.7 percent in FY2015, and 7.1 percent in FY2016. The average age of the Department's IT staff is 49.

Although, specific IT positions and duties differ, when hiring, the Department generally prefers qualified candidates with CISCO, Microsoft, International Information Systems Security Certification Consortium (ISC2), the Federal Acquisition Certification for Program and Project Managers (FAC-PPM), and the Project Management Institute's (PMI) Project Management Professional (PMP) certifications as applicable. The Department has recently identified areas in which we would like to strengthen our workforce's IT skillset. Those areas include digital forensics, investigation, incident response, vulnerability assessment and management, and information systems security operations. In our efforts to recruit and retain IT staff for cybersecurity positions, the Department follows the Office of Personnel Management's (OPM) November 23, 2015 memo regarding hiring, pay, and leave flexibilities that agencies may use to fill and retain qualified individuals in such posts. OPM's memo is available at <https://www.chcoc.gov/content/cybersecurity-hiring-pay-and-leave-flexibilities>.

The Department does not have IT contracts dedicated to providing enterprise upgrades to specific unsupported hardware or software. However, the Department does have active IT contracts that are able to provide a range of enterprise solutions as appropriate.

Additionally, the Department has active contracts to replace specific legacy IT hardware and software systems. The active contracts that have not been fully expensed as of March 2017 are listed below:

Investment Name (All Majors)	Contract ID Numbers (of FY17 Active Contracts) (i.e., Procurement Instrument Identifier (PIID))	Short Description of Project	Total Contract Value (base year and any option years)	Total funding expensed toward contract as of January 31, 2017
BLM - Automated Fluid Mineral Support System (AFMSS)	INL16PD00283	Support BLM Oil and Gas IT Applications	\$2,520,811.34	\$0
USGS - CSS - TNM Reengineering Project	ING09PA00025	Technical support services for the National Geographic Technical Operations Support Center	\$75,000,000.00	\$0
BOR - CARMA (Capital Asset and Resource Management Application)	IND14PD01152	U.S. Department of the Interior, Maximo License Consolidation, Upgrade and Maintenance	\$16,233,068.64	\$9,715,977.28
BOR - LCD ICS (Lower Colorado Dams Industrial Control Systems)	INR13PA30177	SmartNet - SCADA - NERC/WECC	\$375,000.00	\$0
BOR - RSAMS (Reclamation's Services and Applications for Mission Support)	INR15PD00635	CONSOLIDATED APPLICATIONS SERVICES	\$4,356,060.40	\$1,762,562.80
BOR - RSAMS (Reclamation's Services and Applications for Mission Support)	INR15PD00573	APPLICATION TESTER SERVICES	\$807,572.80	\$468,684.00
BOR - RSAMS (Reclamation's Services and Applications for Mission Support)	INR15PD00574	TECHNICAL WRITER SERVICES	\$591,015.60	\$229,435.20
BOR - RSAMS (Reclamation's Services and Applications for Mission Support)	INR15PD00631	APPLICATION DATABASE ADMINISTRATION SERVICES	\$2,344,435.20	\$910,126.80

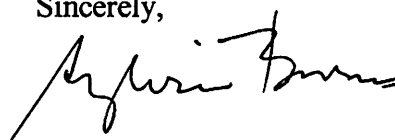
FWS - Environmental Conservation Online System (ECOS)	INF12PC00125	Environmental Conservation Online System Web and Database IT Support Services	\$20,000,000.00	\$0.00
OS-ONRR - Minerals Revenue Management Support System (MRMSS)	IND12PD70026	IT OPERATIONS AND SUPPORT	\$63,752,748.58	\$54,691,654.56
DOI - Infrastructure - IT Infrastructure Management Enabling Capabilities	IND16PD01008	Converged System Solution Lease	\$5,381,595.70	\$710,399.56
DOI - Infrastructure - Mainframe / Server Support	IND14PD01311 0001 GTRI	VTLS TO REPLACE MAINFRAME TAPE LIBRARIES	\$1,008,769.40	\$620,384.70
BIE - Native American Student Information System (NASIS)	INA13PS00237	NATIVE AMERICAN STUDENT INFO SYS (NASIS)	\$0.00	\$0.00

The Department submitted its Enterprise Roadmap to OMB on September 30, 2016, and the submitted documents are enclosed.

Again, we appreciate your interest in these issues, and remain willing to brief your staff on this subject. If you would like to arrange such a briefing, or if you or your staff has any questions, please contact Mr. Micah Chambers at (202) 208-7693 or micah_chambers@ios.doi.gov.

Similar responses were sent to the co-signers of your letter.

Sincerely,



Sylvia Burns
Chief Information Officer

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240
APR 28 2017

The Honorable Elijah E. Cummings
Ranking Member, Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cummings:

This responds to your letter dated March 13, 2017, to Secretary Zinke requesting updated information on older, or legacy, information technology (IT) maintained and operated by the Department of the Interior (Department). The Secretary asked me to respond to you on his behalf.

The Department appreciates your continued interest and concern regarding legacy IT systems, and we welcome the opportunity to engage in a constructive dialogue with Congress about our modernization and replacement efforts. IT tools are of vital importance to the delivery of the Department's broad and diverse mission, and cybersecurity and privacy continue to be top priorities for the Department. For this reason, we ask that you continue to treat the information being provided in response letter, and related communications between the Department and your office, as sensitive. Its disclosure could create a risk to the Department by providing details related to specific systems that could be exploited by bad actors seeking to cause harm to the Department. We understand that, separately, some of the information provided may appear innocuous. However, aggregated information related to your inquiries could pose a threat if released.

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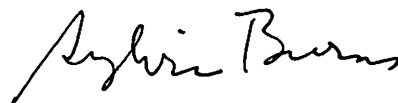
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Sincerely,



Sylvia Burns
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Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Mark Meadows
Chairman, Subcommittee on Government Operations
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Agency resource constraints, the absence of successor technologies capable of performing required functions, and vendor support are some factors that contribute to the use of legacy IT. Although some of the Department's IT hardware and software are older, we require all systems to maintain current assessment and authorizations, consistent with National Institute of Standards and Technology (NIST) standards. However, for that to continue, the Department, and the Federal Government as a whole, must have a constant and continued commitment to IT modernization.

Modernizing our Nation's critical IT infrastructure, in particular, is a challenge that government and industry need to address together. A component of the Department's critical infrastructure, the modernization of which would need to be addressed through a government-wide modernization effort, is the Department's Supervisory Control and Data Acquisition (SCADA) systems. The SCADA systems are widely used by utilities and industries and are critical to physical infrastructure and energy delivery in countries around the world. The SCADA systems remain the Department's top mission-critical IT systems in need of modernization. The

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APR 28 2017

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Ranking Member, Subcommittee on Government Operations
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

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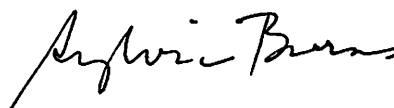
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APR 28 2017

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Chairman, Subcommittee on Information Technology
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

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Similar responses were sent to the co-signers of your letter.

Sincerely,



Sylvia Burns
Chief Information Officer

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Robin L. Kelly
Ranking Member, Subcommittee on Information Technology
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Representative Kelly:

This responds to your letter dated March 13, 2017, to Secretary Zinke requesting updated information on older, or legacy, information technology (IT) maintained and operated by the Department of the Interior (Department). The Secretary asked me to respond to you on his behalf.

The Department appreciates your continued interest and concern regarding legacy IT systems, and we welcome the opportunity to engage in a constructive dialogue with Congress about our modernization and replacement efforts. IT tools are of vital importance to the delivery of the Department's broad and diverse mission, and cybersecurity and privacy continue to be top priorities for the Department. For this reason, we ask that you continue to treat the information being provided in response letter, and related communications between the Department and your office, as sensitive. Its disclosure could create a risk to the Department by providing details related to specific systems that could be exploited by bad actors seeking to cause harm to the Department. We understand that, separately, some of the information provided may appear innocuous. However, aggregated information related to your inquiries could pose a threat if released.

Agency resource constraints, the absence of successor technologies capable of performing required functions, and vendor support are some factors that contribute to the use of legacy IT. Although some of the Department's IT hardware and software are older, we require all systems to maintain current assessment and authorizations, consistent with National Institute of Standards and Technology (NIST) standards. However, for that to continue, the Department, and the Federal Government as a whole, must have a constant and continued commitment to IT modernization.

Modernizing our Nation's critical IT infrastructure, in particular, is a challenge that government and industry need to address together. A component of the Department's critical infrastructure, the modernization of which would need to be addressed through a government-wide modernization effort, is the Department's Supervisory Control and Data Acquisition (SCADA) systems. The SCADA systems are widely used by utilities and industries and are critical to physical infrastructure and energy delivery in countries around the world. The SCADA systems remain the Department's top mission-critical IT systems in need of modernization. The

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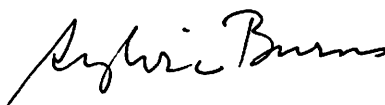
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Chief Information Officer

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United States Department of the Interior

OFFICE OF THE SECRETARY
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APR 28 2017

The Honorable Ron Johnson
Chairman, Committee on Homeland Security
and Government Affairs
United States Senate
Washington, DC 20510

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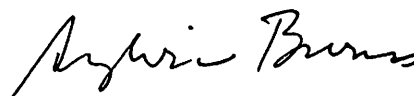
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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Claire McCaskill
Ranking Member, Committee on Homeland Security
and Government Affairs
United States Senate
Washington, DC 20510

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The Department has made progress in our SCADA cybersecurity modernization during the past year. The Reclamation Industrial Control System (ICS) cybersecurity program is focused on strengthening and standardizing how we design, purchase, implement, manage, and secure ICS, which typically have a system lifecycle of at least 15-plus years due to system complexity, availability requirements, and the length of time required for system upgrades and installations. To mitigate the cybersecurity risk of outdated ICS components, the Bureau of Reclamation (Reclamation) is the first Government agency to finalize an Interagency Agreement with the Department of Homeland Security (DHS) ICS Cyber Emergency Response Team (ICS-CERT) to conduct cybersecurity assessments on Reclamation ICS and recommend improvements, perform design architecture reviews, provide technical subject matter expertise, and share threat intelligence. Reclamation also has several ongoing SCADA modernization projects occurring, to include major multi-year upgrades on hydropower and water SCADA systems.

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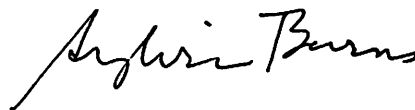
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Sincerely,



Sylvia Burns
Chief Information Officer

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Jerry Moran
United States Senate
Washington, DC 20510

Dear Senator Moran:

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The Department appreciates your continued interest and concern regarding legacy IT systems, and we welcome the opportunity to engage in a constructive dialogue with Congress about our modernization and replacement efforts. IT tools are of vital importance to the delivery of the Department's broad and diverse mission, and cybersecurity and privacy continue to be top priorities for the Department. For this reason, we ask that you continue to treat the information being provided in response letter, and related communications between the Department and your office, as sensitive. Its disclosure could create a risk to the Department by providing details related to specific systems that could be exploited by bad actors seeking to cause harm to the Department. We understand that, separately, some of the information provided may appear innocuous. However, aggregated information related to your inquiries could pose a threat if released.

Agency resource constraints, the absence of successor technologies capable of performing required functions, and vendor support are some factors that contribute to the use of legacy IT. Although some of the Department's IT hardware and software are older, we require all systems to maintain current assessment and authorizations, consistent with National Institute of Standards and Technology (NIST) standards. However, for that to continue, the Department, and the Federal Government as a whole, must have a constant and continued commitment to IT modernization.

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Sylvia Burns
Chief Information Officer

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 28 2017

The Honorable Tom Udall
United States Senate
Washington, DC 20510

Dear Senator Udall:

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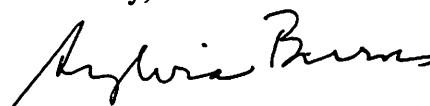
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U.S. Department of the Interior
Office of the Chief Information Officer

OMB Enterprise Roadmap Submission

September 30, 2016

Department of Interior

OMB Enterprise Roadmap Submission

09/30/2016



1. Introduction

This Enterprise Roadmap submission is part of a series of OMB information requirements, called out in OMB Memorandum M-13-09, *Fiscal Year 2013 PortfolioStat Guidance – Strengthening Federal IT Portfolio Management*, that help agencies improve IT investment portfolio management.

Commensurate with these requirements, the Department of Interior (DOI) developed an initial version of the Enterprise Roadmap in 2013. Since 2013, the DOI made annual updates to the Enterprise Roadmap.

For the 2016 update to the Enterprise Roadmap, OMB requested agencies to provide an overview of key IT capabilities delivered through Fiscal Years 2017 and 2018 and an associated sequencing plan. OMB also included additional requirements for a digitization assessment of mission and support functions throughout the agency. As defined by OMB, digitization is “more than automation, it involves process re-engineering and the use of robust IT solutions that are based on cloud-enabled platforms and shared services whenever possible, always with proper and effective security controls”. The scope of the digitization assessment includes:

- 1) IT mission and support functions that can be better accomplished through shared services from within or outside of the agency;
- 2) IT mission and support functions that other agencies or commercial entities are doing as well or better and therefore are candidates for transfer or outsourcing;
- 3) IT mission and support functions that the agency will stop doing, with a resulting termination of spending in those areas; and
- 4) Areas of Operations and Maintenance (O&M) spending on legacy systems that will be reduced during Fiscal Years 2017-18, with related funds being transferred to that system’s Development, Modernization, and Enhancement (DME) spending in support of the digitization of related agency functions.

Consistent with OMB direction, the update to the DOI Enterprise Roadmap focuses on providing an assessment of the DOI’s progress against the four digitization areas of interest. Much of the focus outlines the DOI’s progress towards establishing the foundational, organizational capabilities that allow for making actionable decisions to sustain improvements in each of the aforementioned areas.

2. Overview (of IT Capability Improvements) (A1)

The DOI Enterprise Roadmap provides a tactical view of how the overall agency and IT strategies support mission operations. The agency Strategic Plan focuses on how the DOI programs and projects effectively and efficiently deliver services to the American public, while the IRM Strategic Plan addresses how



information management resources best align to enable and deliver those services. Initiatives and projects contained within the Enterprise Roadmap deliver capabilities that directly support the achievement of IT goals and objectives, and have a clear line of sight to business and mission strategies. Therefore, an updated IT strategy, reflective of current mission and operational drivers, must exist in order for the Enterprise Roadmap to adequately scope and define the business and IT capabilities needed to support execution of such priorities and related strategies.

To this end, the DOI OCIO drives collaboration with its key program and business unit stakeholders that will result in the development of a revised the DOI IRM Strategic Plan over the next fiscal year that reflects the collective vision of the Department, bureaus and offices. A first step in this process was to develop an initial set of IT strategic priorities by the DOI Information Management and Technology Leadership Team (IMTLT) comprised of information and technology management (IMT) leadership from across the Department. The IMTLT strategic priorities serve as pillars that will guide the update of the DOI IRM Strategic Plan and will continue to evolve with equal participation from program/mission and IMT staff.

In addition, as part of its annual capital planning process, the DOI OCIO defined a set of more specific OCIO strategic priorities to focus IT portfolio planning. The OCIO provides Strategic Priorities (via DOI OCIO Memo: Budget Years 2018 and 2019 Information Technology Portfolio and Investment Management Priorities; November 15, 2015; Attached with Roadmap submission) as guidance to bureaus and offices shaping their IT investment portfolios in alignment with the IMTLT priorities and must be considered when conducting their IT budget formulation. The guidance reflects the OCIO's focus on supporting high priority mission and business areas, and federal-wide initiatives such as cybersecurity, data center optimization, cloud migration, shared services, and legacy systems modernization.

The table below details the alignment between the IMTLT Strategic Priorities and OCIO Strategic Priorities.

Figure 1 – IMTLT Priorities and OCIO Priority Alignment

IMTLT Strategic Priorities for DOI IT Strategic Plan (FY 2017-2021)	BY 2019 OCIO Strategic Priorities for IT Portfolio and Investment Management
Risk-based portfolio management (Cross-departmental Technology Business Management (TBM) pilot)	<ul style="list-style-type: none"> ● Strategic Sourcing and Category Management ● FITARA Implementation ● TBM Pilot
Revolutionize the computing experience to enable/advance the mission	<ul style="list-style-type: none"> ● Digital Services ● Wildland Fire IT ● Revenue Management Shared Services
Build an IT shared services coalition inside DOI	<ul style="list-style-type: none"> ● Strategic Sourcing and Category Management



IMTLT Strategic Priorities for DOI IT Strategic Plan (FY 2017-2021)	BY 2019 OCIO Strategic Priorities for IT Portfolio and Investment Management
(seeking services outside DOI and building them as needed)	(DHS CDM Implementation) <ul style="list-style-type: none"> ● Revenue Management Shared Services ● Wildland Fire IT
Protect the Department’s information assets (Includes information assurance, cybersecurity strategy, etc.)	<ul style="list-style-type: none"> ● Cybersecurity <ul style="list-style-type: none"> a. Hosting (Data Center Consolidation and Cloud); b. Telecommunications; and c. Secure Mobility ● FITARA Implementation ● DHS CDM Implementation
Manage data as a strategic asset (strategic management of data across the enterprise)	<ul style="list-style-type: none"> ● Digital Services (includes Open Data) ● Wildland Fire IT ● Revenue Management Shared Services
Build a Strategic IMT Workforce	<ul style="list-style-type: none"> ● FITARA Implementation
Communicate the new direction of IMT at DOI (Communicating the value of IT in enabling the mission)	<ul style="list-style-type: none"> ● Digital Services ● FITARA Implementation

As the IMTLT strategic priorities evolve, the OCIO will update the OCIO strategic priorities to reflect the alignment for the subsequent fiscal year. The Department will need certain capabilities (both business and IT) to support implementation of these OCIO priorities. Those capabilities will be defined as part of the Department’s strategic planning process that updates the IRM Strategic Plan.

2.1. Sequencing Plan (B1)

The IMTLT strategic priorities drive the identification, prioritization, and scoping of the operational capabilities through the IRM strategic planning process. Capability-specific sequencing plans will bridge strategic planning and tactical investment portfolio planning by articulating the business needs, improvement opportunities, and enabling transition projects required to operationalize the strategic priorities. During the portfolio planning and select phases of the Department’s IT investment capital planning process, current and proposed projects will be assessed for their alignment to the sequencing plan as a result of the IMTLT IRM strategic planning effort.



3. Digitization (C1)

While DOI's current operating model is largely decentralized, through the implementation of FITARA and the DOI's cybersecurity needs, the Department is driving toward a more consolidated and centralized model. The consolidated and centralized operating model will enable DOI to identify and transform common IT services and functions, and collaborate with the mission to deliver digital services.

The DOI IMT Governance Framework is a key component to establish the consolidated and centralized operating model. While the IMT Governance Framework supports proper collaboration, fosters advice and consultation, and establishes trust and transparency for effective and informed IT decision-making, it also establishes clear lines of authority and accountability whereby the CIO is the final authority. To this end, the DOI FITARA Implementation Plan sets forth governance bodies that reflect a new Assistant Chief Information Officer (ACIO) structure (one ACIO per bureau in place of bureau CIOs) and IMT communities across the department and bureaus. Prior to FITARA, bureau CIOs (Associate Directors for Information Resources (ADIRS)) reported exclusively to their respective bureau directors, but the creation of the ACIO role has created a governance framework wherein the DOI CIO is the second line supervisor for the ACIOs. This is one more innovative step toward optimization of bureau and Department IT strategy alignment.

DOI has made great strides in implementing its new IMT governance framework by establishing the FITARA Implementation Team (FIT), the aforementioned IMTLT, and the IMTLT Deputies Operations Team (DOT). As this new governance evolves, the DOI's collaborative decision-making structure responsible for inter-intra shared services analysis, or which functions should be transferred or terminated across the Department, will be further strengthened and institutionalized. The evolving DOI IMT governance framework, including its composition and the relationships between Department-level and bureau-level governance bodies, is presented in Figures 2 and 3 below:

Figure 2 – Departmental IMT Governance Structure

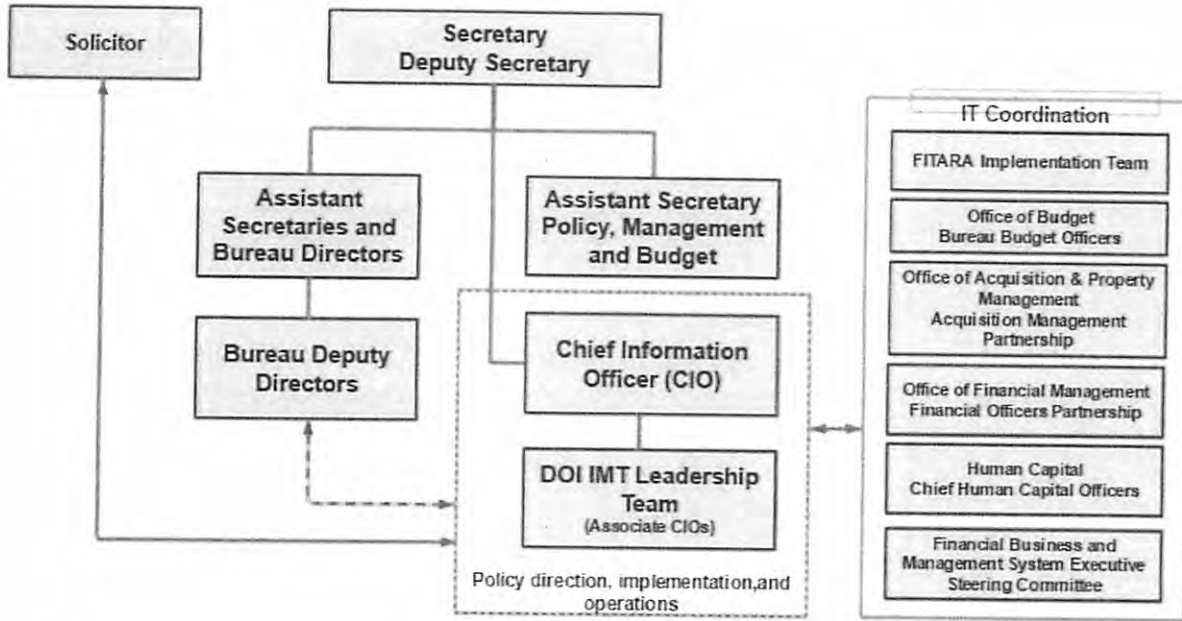
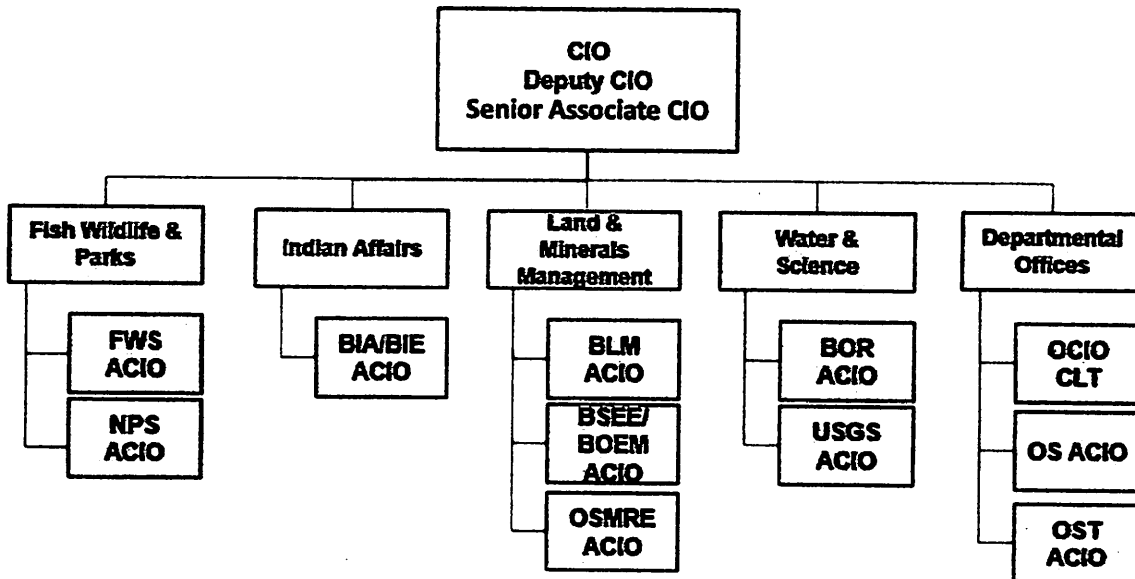




Figure 3 - DOI Information and Technology Management (IMT) Leadership Team



The ACIO is responsible for oversight and management of all IMT in her/his bureau. The Associate Chief Information Security Officer (ACISO) and Associate Privacy Officer (APO) report directly to the ACIO.

In the current state, the DOI OCIO routinely assesses its IT investment portfolio for candidate shared services and function transfer/termination opportunities based on a preliminary assessment of information that has been provided by bureaus and offices. The results of this assessment lead to investment improvement recommendations and guidance back to bureaus and offices through the budget formulation process. In the future, the governance model, headed by the IMTTL, will help formalize and drive these recommendations through implementation with the CIO, thereby strengthening the bridge between portfolio analysis, opportunity identification, and implemented actions that enhance portfolio performance.

Another means by which the DOI currently identifies shared services and transfer/termination opportunities is through applying the Department's Segment Roadmap process. Through this process, the Department has identified shared service opportunities within the revenue management, planning and budgeting, facilities maintenance and management, and human resources management segments. DOI has had some success in implementing these opportunities. For example, the Department established an enterprise license agreement (ELA) and standardized its bureaus and offices on the same version of the Maximo asset management platform. In addition, through this process, the Department



established the Legacy System Database (LSDB) which identifies and tracks system retirements as it relates to the financial management segment. While the LSDB and underlying governance process does not identify “functions” that can be terminated or transferred, it does identify and track functions at a programmatic level that can be transferred to another programmatic provider.

The DOI recognizes that assessing the portfolio and identifying opportunities for shared services is only the first step in a much larger decision making process. As the DOI governance framework is refined, decisions pertaining to the implementation of shared services should become more concrete and be able to withstand organizational challenges.

The remaining sections summarize DOI’s efforts in moving forward on digitization opportunities.

3.1. Shared Service Opportunities (C.1.1)

One of the strategic priorities listed in Table 1 is “Building a Shared Service Coalition”. DOI OCIO will build on the internal, shared services successes it has achieved that include the Bison Connect email and collaboration platform including email journaling (archiving); the Bureau of Safety and Environmental Enforcement provides IT services to the Bureau of Ocean Energy Management and the Office of Natural Resources Revenue; and Capital Planning and Investment Control (CPIC)-as-a-Service capabilities provided by the department to some bureaus and offices. In addition, DOI established its Core Data Center Managers Forum to bring key data center shared service providers together to provide hosting for internal and external partners, data center consolidation opportunities, and collaboration for the development of common service catalogs and data center cost models. Despite these early successes, DOI recognizes the need to develop a shared service coalition, integrated with a robust governance framework, to provide the formal arena by which to continually enhance the fundamental trust and transparency with its bureaus essential to adopting shared services. Trust and transparency is critical to creating the consensus and willing participation needed for successful enterprise services adoption, and is an integral part of building a shared service coalition, where it will drive the partnership between the Department and bureaus and offices, DOI’s customers, and key stakeholders.

With the planning and development of a Shared Service Coalition underway, the Department continues to assess opportunities for shared services. As part of the annual budget formulation process, the DOI OCIO collects information to assess the IT investment portfolio alignment with both Departmental and federal-wide priorities. One of the assessment areas is the level of adoption of shared services across the Department and potential candidates for shared services. Through the budget formulation process, bureaus and offices identify plans to provide or use shared services in the future and any investments that may potentially provide a similar functionality or service to their investments.

Using this information, the Department has assessed the viability of IT investments within the IT portfolio as candidates as a service consumer or provider for a shared service. As the Shared Services



Coalition and the IMTLT is developed, it is anticipated that this assessment process for shared service decisions will also evolve. This would include decisions regarding IT mission and support functions that can be better accomplished through shared services from within or outside of the agency.

3.2. Function Transfer and Termination Opportunities (C.2, C3)

In considering functions that are candidates for termination or for transferring to other agencies or commercial entities, agencies should first determine if the related investments or systems are effectively and efficiently supporting both business and technical requirements. From a business perspective, agencies should determine the strategic and regulatory importance of the function and related investments or systems, the costs of ownership, the criticality of the underlying data supporting the function, the benefits to users in its current state. From a technical perspective, understanding the security profile and data sensitivity of the related investments or systems, the system integration requirements, the level of complexity/cost for maintaining the system in its current state (e.g., predominantly COTS based), the level of optimization and modernization (e.g., cloud hosted, service oriented architecture).

To apply these types of criteria, both the OMB and the Government Accountability Office (GAO) have advocated the use of application rationalization. Application rationalization is the process of streamlining the investment portfolio to improve efficiency, reduce complexity and redundancy, and lower the cost of ownership. Application rationalization reveals improvement opportunities to retire aging and low-value applications, modernizing aging and high-value applications, eliminating redundant applications, improving the technology platform, or consolidating applications. In the Management and Oversight of Information Technology Memorandum M-15-14, OMB stated that application rationalization will be a focus of PortfolioStat sessions and required agencies to describe their approach to maturing the IT portfolio, including rationalizing applications, in the information resource management plans and enterprise roadmaps that are required to be updated annually. In addition, GAO in its report entitled *Information Technology: Agencies Need to Improve Their Application Inventories to Achieve Additional Savings (GAO-16-511)*, has called on agencies to employ application rationalization as a standard practice to optimize their investment and application portfolios.

The DOI is in the process of establishing application rationalization as a standard analytical technique to determine if a business function can be considered as a candidate for outsourcing to another agency or commercial entity and if its related investments or systems should be migrated or retired. Recognizing the need to establish common processes and techniques, integrated with the aforementioned governance framework, the DOI OCIO is currently reviewing and refreshing an enterprise policy to establish application rationalization as a standard analytical technique across the Department. Application rationalization will allow bureaus and offices to uniformly assess the business value and technical fit of its application portfolio to reveal improvement opportunities not limited to shared



services or a transfer/termination of functions. The results of the analysis will be integrated into current budget formulation and IRM governance processes.

4. Legacy Spending Reduction (D.1)

Bureau and office IT is primarily funded by mission programs. While bureaus and offices are required to provide explanations of change regarding their reductions in O&M spending for legacy IT investments, due to the nature in which IT is primarily funded, there is not a requirement to reinvest those reductions into DME spending for that IT investment or any other IT investment. In addition, through the use of existing governance mechanisms, the Department established a repeatable process to track reinvestments associated with cost savings and avoidance reported through the PortfolioStat Integrated Data Collection (IDC). However, savings and avoidance may or may not be reinvested in IT. For many of the cost savings/avoidance strategies reported, the funding originated from a mission program budget, not an IT budget. In these cases, the resulting cost savings/avoidance is usually reinvested into the mission program, not IT. OCIO does not have the purview to track the non-IT spend of mission programs. Mission program performance is tracked through the appropriate program performance reporting channels.

As an important first step in responding to OMB's Information Technology Modernization Initiative (ITMF) to fund the modernization, retirement, and replacement of legacy IT systems, the DOI OCIO has applied an initial set of criteria to identify high priority and high risk legacy IT systems. In addition, it is anticipated that the development of the IMTLT strategic priority of "Risk-based Portfolio Management" will identify opportunities to build upon the initial criteria and integrate with the new IRM governance framework to drive reductions in legacy spending and reinvestments into modern IT systems.

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Telephone (202) 225-6574
Fax (202) 225-5051
<http://oversight.house.gov>

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March 8, 2017

Ms. Kathleen McGettigan
Acting Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Ms. McGettigan:

Federal recordkeeping and government transparency laws such as the Federal Records Act and the Freedom of Information Act (FOIA) ensure the official business of the government is properly preserved and accessible to the American public.¹ As the Committee with legislative jurisdiction over these laws, we have a longstanding interest in ensuring compliance with their provisions.² Over the past decade, our oversight has included monitoring trends in federal employees' use of technology in order to ensure the statutory requirements of these laws keeps pace with their original purpose. The Committee has authored several updates to these laws, such as the Presidential and Federal Records Act Amendments of 2014 and the FOIA Improvement Act of 2016.³ We plan to pursue additional efforts to update these laws.

Federal Records Act challenges have spanned across administrations. A 2013 report by the Inspector General for the Commodities Futures Trading Commission found that former Chairman Gary Gensler used his personal email consistently.⁴ Documents produced as part of the Committee's investigation into the Department of Energy's disbursement of funds under the Recovery Act showed that the former Executive Director of the Loan Program Office Jonathan Silver often used his personal email account to conduct official business.⁵

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¹ Pub. L. No. 81-754 (1950); Pub. L. No. 89-487 (1967).

² See, e.g., letter from Hon. Henry Waxman, Chairman, Comm. on Oversight & Gov't Reform, to Hon. Michael Astrue, Comm'r, U.S. Soc. Sec. Admin., et al. (Apr. 12, 2007); letter from Hon. Darrell Issa, Chairman, Comm. on Oversight & Gov't Reform, to Hon. Jeffrey Zients, Acting Dir. for Mgmt., Office of Mgmt. & Budget, et al. (Dec. 13, 2012); MAJORITY STAFF OF H. COMM. ON OVERSIGHT & GOV'T REFORM, 114TH CONG., FOIA IS BROKEN: A REPORT (2016).

³ Pub. L. No. 113-187 (2014); Pub. L. No. 114-185 (2016).

⁴ OFFICE OF INSPECTOR GEN., COMMODITY FUTURES TRADING COMM'N, REVIEW OF THE COMMODITY FUTURES TRADING COMMISSION'S OVERSIGHT AND REGULATION OF MF GLOBAL, INC. (May 16, 2013).

⁵ See Carol D. Leonnig and Joe Stephens, *Energy Department loan program staffers were warned not to use personal e-mail*, WASH. POST, Aug. 14, 2012, http://articles.washingtonpost.com/2012-08-14/politics/35490043_1_personal-e-mail-e-mails-email.

Where a federal employee conducts any business related to the work of the government from a non-governmental email account, such as a personal email account, the Federal Records Act requires that the employee copy their official account or forward the record to their government email account within 20 days.⁶ Official business must be conducted in such a way as to preserve the official record of actions taken by the federal government and its employees.

Recent news reports suggest federal employees may increasingly be turning to new forms of electronic communication, including encrypted messaging applications like Signal, Confide, and WhatsApp, that could result in the creation of federal records that would be unlikely or impossible to preserve.⁷ The security of such applications is unclear.⁸ Generally, strong encryption is the best defense against cyber breaches by outside actors, and can preserve the integrity of decision-making communications. The need for data security, however, does not justify circumventing requirements established by federal recordkeeping and transparency laws.

To assist the Committee in better understanding your agency's policies on these issues, please provide the following information as soon as possible, but by no later than March 22, 2017:

1. Identify any senior agency officials who have used an alias email account to conduct official business since January 1, 2016. Include the name of the official, the alias account, and other email accounts used by the official to conduct official business.
2. Identify all agency policies referring or relating to the use of non-official electronic messaging accounts, including email, text message, messaging applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures.
3. Identify all agency policies referring or relating to the use of official text message or other messaging or communications applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures.
4. Identify agency policies and procedures currently in place to ensure all communications related to the creation or transmission of federal records on official electronic messaging accounts other than email, including social networking platforms, internal agency instant messaging systems and other communications applications, are properly captured and preserved as federal records.

⁶ 44 U.S.C. § 2911 (2017).

⁷ Andrew Restuccia, Marianne Levine, and Nahal Toosi, *Federal workers turn to encryption to thwart Trump*, POLITICO, Feb. 2, 2017, <http://www.politico.com/story/2017/02/federal-workers-signal-app-234510>; Jonathan Swan and David McCabe, *Confide: The app for paranoid Republicans*, AXIOS, Feb. 8, 2017, <https://www.axios.com/confide-the-new-app-for-paranoid-republicans-2246297664.html>.

⁸ Sheera Frenkel, *White House Staff Are Using A "Secure" App That's Not Really So Secure*, BUZZFEED NEWS, Feb. 16, 2017, <https://www.buzzfeed.com/sheerafrenkel/white-house-staff-are-using-a-secure-app-thats-really-not-so>.

5. Explain how your agency complies with FOIA requests that may require searching and production of documents stored on non-official email accounts, social networking platforms, or other messaging or communications.
6. Provide the status of compliance by the agency with the Managing Government Records Directive issued by the Office of Management and Budget on August 24, 2012.⁹

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

For any questions about this request, please have your staff contact Jeff Post of the Majority staff at (202) 225-5074 or Krista Boyd of the Minority staff at (202) 225-9493. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member

Enclosures

⁹ Jeffrey D. Zients, Acting Director, Office of Management and Budget and David S. Ferriero, Archivist of the United States, National Archives and Records Administration, *Managing Government Records Directive* (Aug. 24, 2012) (M-12-18).

2017-03-08 JEC-EEC to 55 Agencies - Federal Records Act due 3-22 was sent to:

Agency for International Development
Central Intelligence Agency
Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of Justice
Department of Labor
Department of State
Department of the Interior
Department of the Treasury
Department of Transportation
Department of Veterans Affairs
Environmental Protection Agency
Executive Office of the President
General Services Administration
National Aeronautics and Space Administration
National Science Foundation
Nuclear Regulatory Commission
Office of Personnel Management
Office of the Director of National Intelligence
Small Business Administration
Social Security Administration
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Consumer Product Safety Commission
Corporation for Public Broadcasting
Equal Employment Opportunity Commission
Export-Import Bank of the United States
Farm Credit System Insurance Corporation
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Reserve Board

Federal Retirement Thrift Investment Board
Federal Trade Commission
Legal Services Corporation
National Archives and Records Administration
National Credit Union Administration
National Endowment for the Arts
National Endowment for the Humanities
National Gallery of Art
National Labor Relations Board
National Railroad Passenger Corporation
National Transportation Safety Board
Overseas Private Investment Corporation
Peace Corps
Railroad Retirement Board
Securities and Exchange Commission
Smithsonian Institution
United States Postal Service

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also 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. Requested records, documents, data or information should not 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 request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this 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 under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this 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 are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. 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 subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

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, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and 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 graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) 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. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
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 in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ State/District of admission: _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the
undersigned as counsel for _____ in (select one):

- All matters before the Committee
- The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date



Howarth, Robert <robert_howarth@ios.doi.gov>

FYI ... HOGW website indicates this was sent to DOI


1 message

Salotti, Christopher <chris_salotti@ios.doi.gov>

Thu, Mar 9, 2017 at 12:24 PM

To: Micah Chambers <micah_chambers@ios.doi.gov>, Amanda Kaster <amanda_kaster@ios.doi.gov>, Pamela Barkin <pamela_barkin@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>

Christopher P. Salotti
Legislative Counsel
U.S. Department of the Interior
Phone: 202.208.1403

 **2017-03-08-JEC-EEC-to-McGettigan-OPM-Federal-Records-Act-due-3-22.pdf**
1536K

Congress of the United States
House of Representatives
Washington, DC 20515-5000

000932

March 1, 2017

Secretary Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Zinke:

We look forward to working with you to address the many challenges facing our domestic natural resources policies in the United States. In particular, we want to draw your attention to an urgent issue that could help revitalize the economy of western coal producing states.

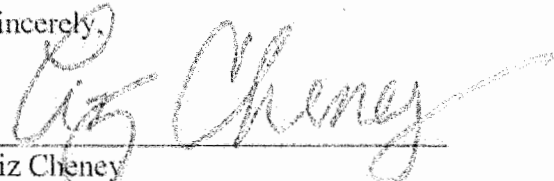
We request you take immediate steps to terminate Department of the Interior Secretarial Order 3338, under the authority of Sec. 9, issued by former Secretary of the Interior Secretary Jewell in January of 2016.

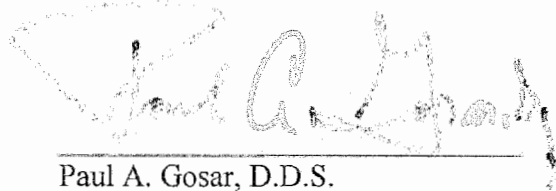
This Secretarial Order halted all coal leasing on federal lands and paused ongoing lease application and modification reviews. This was an unjustifiable decision made by unelected bureaucrats aimed at doing further damage to our nation's coal industry. The Department of the Interior also began a programmatic review of the federal coal leasing program, including overhauling the leasing process and changing royalty rates.

According to the Energy Information Administration, coal makes up 33 percent of the nation's electricity production. According to the Bureau of Land Management, approximately 40 percent of that coal is produced on federal lands. As such, Wyoming and other coal producing states with federal lands remain the foundation of our energy production. Immediate action to terminate Secretarial Order 3338 will help bring American jobs back and further secure American energy independence.

Coal production on federal lands creates jobs, provides affordable electricity and generates important revenue for federal and state governments. We urge you to act quickly to end this damaging and unnecessary moratorium.

Sincerely,


Liz Cheney
Member of Congress


Paul A. Gosar, D.D.S.
Member of Congress

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OFFICE OF THE CLERK
EXECUTIVE SECRETARIAT



Jason Chaffetz
Member of Congress



Kevin Cramer
Member of Congress



Scott Tipton
Member of Congress



Chris Stewart
Member of Congress



John Bridenstine
Member of Congress

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-5074

Minority (202) 225-5061

<http://oversight.house.gov>

000991

March 1, 2017

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Mr. Secretary:

The Committee currently has certain pending requests for documents and information with the Department of the Interior. As the Department transitions to new leadership, these requests here. For your ready reference, I have attached them hereto.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please have your staff contact Melissa Beaumont of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your cooperation in this matter.

Sincerely,



Jason Chaffetz
Chairman

RECEIVED
2017 MAR -2 AM 6:28
OFFICE OF THE
EXECUTIVE SECRETARIAT

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Enclosures

Attachments

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Mobile: 202 225-5074
Main: 202 225-5001
<http://oversight.house.gov>

October 16, 2015

The Honorable Neil Kornze
Director
U.S. Bureau of Land Management
1849 C Street NW, Room 5665
Washington, DC 20240

Dear Director Kornze:

The hydraulic fracturing rule finalized by the Bureau of Land Management in March 2015 will impinge on thousands of wells, impose significant costs, and expand federal oversight of hydraulic fracturing operations in the West.¹ As a result, several states, including Utah and Wyoming, Indian tribes and other affected parties, have litigated to prevent the rule from being implemented.² On September 30, 2015, a federal judge in Wyoming granted an injunction that blocked the rule on the grounds that BLM exceeded its authority to regulate hydraulic fracturing.³

Given the controversy surrounding this rule, and the impact that it will have on the West, the Committee is reviewing the process by which the rule was made. To assist the Committee, please provide the following documents and information:

1. All documents and communications that comprise the full administrative record relating to the hydraulic fracturing rule issued by BLM on or about March 20, 2015.
2. All documents and communications, including, but not limited to, maps, charts, diagrams, photos, logs, illustrations, memoranda, guidelines, orders, instructions, regulations, journals, notes, periodicals, studies, proposals, meeting minutes/agendas, agreements, reports, contracts, matrices, comments, correspondence, lists, and presentations, referring or relating to the hydraulic fracturing rule.

¹ Michelle Ye Hee Lee, *You can't trust the numbers on the new fracking regs*, WASH. POST, Mar. 30, 2015, available at <http://www.washingtonpost.com/blogs/fact-checker/wp/2015/03/30/you-cant-trust-the-numbers-on-the-new-fracking-regs/> (last visited Sep. 30, 2015).

² Ann Butler, *BLM fracking rule stayed*, DURANGO HERALD, June 24, 2015.

³ Tom Morton, *Judge Grants Injunction Blocking Fracking in Favor of Energy Groups, States, Tribe*, K2 RADIO WYOMING, Sep. 30, 2015, available at <http://k2radio.com/judge-grants-injunction-blocking-fracting-in-favor-of-energy-groups-states-tribe/> (last visited Sep. 30, 2015).

The Honorable Neil Kornze
October 16, 2015
Page 2

It is our understanding that much of this information has already been gathered as part of the litigation process and we expect that BLM will produce those records promptly. Records that BLM has withheld from plaintiffs as privileged should also be produced pursuant to this request.

Please provide the requested information as soon as possible, but no later than 5:00 p.m. on October 30, 2015. An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the OGR Majority staff in room 2157 of the Rayburn House Office Building and the OGR Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Bill McGrath of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Cynthia Lummis
Chairman
Subcommittee on the Interior

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

Enclosure

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Monday (202) 225-5076
Tuesday (202) 225-8061
<http://oversight.house.gov>

February 4, 2016

The Honorable Neil Kornze
Director
U.S. Bureau of Land Management
1849 C Street NW, Room 5665
Washington, D.C. 20240

Dear Director Kornze:

The Committee has become aware of increasing complaints about Bureau of Land Management activities in Nevada and Utah. State officials have asserted that BLM law enforcement agents use tactics that amount to “bullying, intimidation and . . . lack of integrity.”¹ Those tactics have undermined safety in rural communities and strained local law enforcement budgets. In particular, BLM’s officers allegedly harass citizens and tourists, interfere with the work of local law enforcement, operate outside of their jurisdictions, and refuse to cooperate with local officials.² The situation has led some local counties to declare the presence of BLM law enforcement in Utah and Nevada “a threat to the health, safety and welfare of their citizens.”³

Last year, BLM law enforcement terminated long-standing contracts with county sheriffs in Utah. Under those agreements, BLM compensated local law enforcement officers for patrolling public lands, handling emergency and rescue operations, and providing crucial police oversight during busy periods.⁴ This decision created a law enforcement vacuum in the area and caused serious financial problems for local governments. As one county official from Utah stated, “BLM’s Chief of Law Enforcement cancelled the agreement leaving Garfield County with a significant budget shortfall and staff operating in an area without an agreement.”⁵

¹ *Threats, Intimidation and Bullying by Federal Land Managing Agencies, Part II, before the Subcomm. on Public Lands and Env’t Regulation*, 113th Cong. (2014) (Testimony of Leland F. Pollock, Commissioner, Garfield Cty, UT), available at <http://naturalresources.house.gov/uploadedfiles/pollocktestimony7-24-14.pdf>.

² *Id.*

³ Brian Maffley, *BLM, Utah Counties Wrangle Over Law Enforcement*, THE SALT LAKE TRIB., June 19, 2014.

⁴ *Id.*

⁵ *Supra*, note 1.

The press reported on allegations that the contracts were cancelled as retribution for state legislation passed in 2013 to limit federal police powers on public lands.⁶

Moreover, during the summer of 2015, BLM law enforcement demanded a more than \$1 million increase to the permit price for the annual *Burning Man* event in Nevada's Black Rock Desert to fund amenities for BLM agents.⁷ The demands were unrelated to providing safety and security, and instead included having laundry facilities, 24-hour access to ice cream, air conditioning, and vanity mirrors.⁸ BLM eventually withdrew its demands and granted the permit,⁹ but only after a significant public outcry, including intervention by Senator Harry Reid (D-NV), who criticized these "outlandishly unnecessary facilities."¹⁰

In order to help the Committee better understand BLM's changing role, please provide the following documents and information:

1. All documents and communications referring or relating to BLM's decision to terminate or not renew contracts with Utah sheriffs;
2. All documents and communications referring or relating to the BLM permit for *Burning Man* in 2015, and demands made by BLM law enforcement relating to the event;
3. All communications between BLM law enforcement personnel and state and local officials in Utah and Nevada, including elected officials, county commissioners and state/local law enforcement, from January 2009 to the present; and
4. All communications between BLM law enforcement personnel referring or relating to state and local officials in Utah and Nevada, including elected officials, county commissioners and state/local law enforcement from January 2009 to the present.

Please provide the requested information as soon as possible, but no later than by 5:00 p.m. on February 18, 2016. An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the OGR Majority staff in room 2157 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

⁶ *Supra*, note 3.

⁷ Jenny Kane, *RGJ Exclusive: BLM Wants \$1 Million VIP Compound From Burning Man*, RENO GAZETTE JOURNAL, June 26, 2015.

⁸ *Id.*

⁹ Assoc. Press, *Burning Man Gets Black Rock Site Permit, BLM Scraps 'Lavish' Request*, BILLBOARD, Aug. 10, 2015.

¹⁰ Jenny Kane, *Reid to BLM: You want flush toilets at Burning Man? Go to Gerlach*, RENO GAZETTE-JOURNAL, June 29, 2015.

The Honorable Neil Kornze
January 29, 2016
Page 3

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Bill McGrath of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Cynthia M. Lummis
Chairman
Subcommittee on the Interior

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

Congress of the United States

Washington, DC 20515

March 29, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Madam Secretary:

On February 12, 2016, the White House designated 1.8 million acres of land in California for conservation under the Antiquities Act of 1906.¹ The designation, which created three new national monuments in the California desert, nearly doubled the total amount of land set aside as national monuments by the President during his time in office.² In fact, the President has used the Antiquities Act to unilaterally designate approximately 265 million acres of land and water as national monuments—far more than any previous President.³

The broad and frequent application of the Antiquities Act raises questions about the lack of transparency and consultation with local stakeholders leading up to the President's designation of national monuments. To help the Committees understand how and why certain areas are designated for conservation, please provide the following documents:

1. All documents and communications referring or relating to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from January 1, 2015, to the present.

Please provide the requested information as soon as possible, but no later than 5:00 p.m. on April 12, 2016. When producing documents to the Committees, please deliver production sets to the Committee on Oversight and Government Reform Majority staff in Room 2157 of the Rayburn House Office Building and Minority staff in Room 2471 of the Rayburn House Office Building; the Committee on Natural Resources Majority staff in Room 1324 of the Longworth House Office Building and Minority staff in Room 1329 of the Longworth House Office Building; and to the Committee on Appropriations Majority staff in H-305 of the Capitol Building and Minority staff in 1016 Longworth House Office Building. The Committees strongly prefer to receive all documents in electronic format.

¹ White House Fact Sheet: President Obama to Designate New National Monuments in the California Desert (Feb. 12, 2016), available at <https://www.whitehouse.gov/the-press-office/2016/02/12/fact-sheet-president-obama-designate-new-national-monuments-california>.

² Jenny Rowland, *Obama Designates Three New National Monuments In The California Desert*, CLIMATE PROGRESS, Feb. 12, 2016.

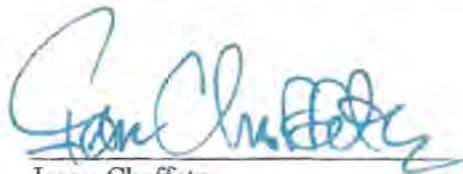
³ Timothy Cama, *Obama sets aside 1.8M California desert acres as monument*, THE HILL, Feb. 12, 2016.

The Honorable Sally Jewell
March 29, 2016
Page 2

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. The Committee on Natural Resources has broad jurisdiction with regard to the Department of the Interior and regarding relations of the United States with Native Americans and Native American tribes, public lands generally, fisheries and wildlife, mining interests generally and irrigation and reclamation as well. The Committee on Appropriation's jurisdiction includes the organization and operation of executive departments and agencies.

Please contact William McGrath of the Committee on Oversight and Government Reform staff at (202) 225-5074, or Spencer Kimball of the Committee on Natural Resources staff at (202) 226-7736, or Dave LesStrang of the Committee on Appropriations at (202) 225-2771 with any questions about this request. Thank you for your prompt attention to this important matter.

Sincerely,



Jason Chaffetz
Chairman
Committee on Oversight and Government Reform



Rob Bishop
Chairman
Committee on Natural Resources



Harold Rogers
Chairman
Committee on Appropriations

Enclosure

- cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

- The Honorable Raul M. Grijalva, Ranking Member
Committee on Natural Resources

- The Honorable Nita M. Lowey, Ranking Member
Committee on Appropriations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-5074
MINORITY (202) 225-6051
<http://oversight.house.gov>

May 11, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Madam Secretary:

In a letter dated March 29, 2016, this Committee, along with the House Committees on Natural Resources and on Appropriations, requested information related to use of the Antiquities Act of 1906.¹ As outlined in that letter, the Committees are interested in the Administration's process for using the Act. Specifically, the Committees requested documents and communications from the Council on Environmental Quality (CEQ) and the Department of the Interior referring or relating to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from January 1, 2015, to the present. The letter requested these materials by April 12, 2016. A similar request was sent to CEQ.

Since the Department received that letter, it has not provided a single responsive document to the Committees, or even an official response stating when the Department intends to do so. In fact, the Committees have only received an official response from CEQ, which vaguely indicated that the Committees should expect the Department to respond on its behalf at some point in the future. If the Department does not produce these documents voluntarily by 5:00 p.m. on May 25, 2016, the Committee will be required to issue a subpoena to obtain them.

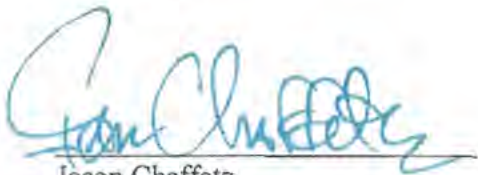
Additionally, in order to better understand the Administration's use of the Antiquities Act, the Committee requests a transcribed interview with DOI employee Nikki Buffa not later than May 25, 2016.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

¹ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, Hon. Rob Bishop Chairman, H. Comm. on Nat. Resources, and Hon. Harold Rogers, Chairman, H. Comm. on Appropriations, to Ms. Christy Goldfuss, Man. Dir., Council on Environmental Quality, (Mar. 29, 2016).

The Honorable Sally Jewell
May 11, 2016
Page 2

Please contact Bill McGrath of the Committee staff at (202) 225-5074 to schedule Ms. Buffa's interview, or with any questions about this request. Thank you for your prompt attention to this matter.



Jason Chaffetz
Chairman

Sincerely,



Cynthia M. Lummis
Chairman
Subcommittee on the Interior

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

The Honorable Rob Bishop, Chairman
Committee on Natural Resources

The Honorable Harold Rogers, Chairman
Committee on Appropriations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MURPHY (202) 225-6074
MURPHY (202) 225-5081
<http://oversight.house.gov>

August 4, 2016

The Honorable Neil Kornze
Director
U.S. Bureau of Land Management
1849 C Street NW, Room 5665
Washington, D.C. 20240

Dear Director Kornze:

On October 2, 2015, the Bureau of Land Management (BLM) California State Office issued a decision regarding the Cadiz Valley Water Conservation Recovery and Storage Project's use of a right-of-way on BLM land pursuant to the General Railroad Right-of-Way Act of 1875. For years, the Act has been interpreted to allow railroads to extend rights-of-way to third parties on BLM land without prior authorization from the agency,¹ until a November 4, 2011, memorandum from the Department of the Interior Office of the Solicitor changed this interpretation.² After the memorandum, in order for a third party to obtain a railroad right-of-way, the proposed use must advance a railroad purpose.³ In its recent decision concerning the Cadiz project, BLM decided that the project did not "originate from a railroad purpose" despite the fact that the project brought recognizable benefits to the railroad.⁴

The Committee is concerned that the November 4, 2011, memorandum may have been specifically drafted for the purpose of denying a permit to the Cadiz project. Documents obtained by the Committee also raise concerns about the level of coordination between BLM and private interests with respect to the Cadiz decision.

Emails obtained by the Committee show a Realty Specialist in BLM's California State office regularly communicated with an employee at Whetstone Capital Advisors, LLC about the Cadiz Project and the right-of-way authorization process it was unfolding.⁵ Cadiz Inc. is a publicly traded company, and the permit decision would affect the company's financial outlook.

¹The General Railroad Right of Way Act of 1875 (Mar 3, 1875), ch. 152, 18 Stat. 482.

²Memorandum from the Dep't of the Interior Office of the Solicitor to BLM, "Partial Withdrawal of M-36964-Proposed Installation of MCI Fiber Optic Communications Line Within Southern Pacific Transportation Co.'s Railroad Right-of-Way" (Nov. 4, 2011).

³*Id.*

⁴Letter from James Kenna, CA State Dir., BLM, to Jason Perry, Genesee & Wyoming Inc. and Scott Slater, Cadiz, Inc. (Oct. 2, 2015).

⁵Email from Mr. Erik Pignata, Realty Specialist, BLM, to Thomas McGannon, Whetstone Capital (Sept. 23, 2014).

Whetstone is a “Kansas City-based value oriented investment manager,” according to the fund’s website.⁶ Specifically, the emails show the BLM Realty Specialist shared information related to the potential approval of the Cadiz project with Whetstone.⁷ He also shared information from a meeting of senior BLM officials regarding the Department’s evaluation of the project,⁸ and his opinions on how the project was progressing.⁹

The emails obtained by the Committee raise questions about BLM’s decision-making process with respect to the Cadiz project. The emails also implicate executive branch ethics guidelines, including Executive Order 12731 which states, “Employees shall act impartially and not give preferential treatment to any private organization or individual.”¹⁰ E.O. 12731 also states, “Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.”¹¹

To help the Committee understand the Department’s decision on the Cadiz project, please provide the following documents and information:

1. All documents and communications between any Bureau of Land Management employee and any employee of Whetstone Capital, since June 1, 2014.
2. All documents and communications to or from any employee of the Bureau of Land Management, since June 1, 2014, referring or relating to:
 - a. Whetstone Capital;
 - b. the partial withdrawal of M-36964 by the Department of the Interior Office of the Solicitor;
 - c. The Cadiz Valley Water Conservation Recovery and Storage Project; and
 - d. The railroad purpose of the Cadiz Valley Water Conservation Recovery and Storage Project.

Please provide the requested information as soon as possible, but no later than by 5:00 p.m. on August 18, 2016.

⁶ Whetstone Capital Advisors, LLC website, *available at* <http://whetstone-capital.com/home>.

⁷ Email from Erik Pignata, Realty Specialist, BLM, to Thomas McGannon, Whetstone Capital (June 18, 2015).

⁸ Email from Erik Pignata, Realty Specialist, BLM, to Thomas McGannon, Whetstone Capital (Sept. 23, 2015).

⁹ Email from Erik Pignata, Realty Specialist, BLM, to Thomas McGannon, Whetstone Capital (Oct. 1, 2015).

¹⁰ U.S. Office of Govt. Ethics, “Executive Order 12731 of October 17, 1990 Principles of Ethical Conduct for Government Officers and Employees,” *available at*

[https://www2.oge.gov/Web/OGESites/All%20Documents/25792F3D2FF647AF85257E96006A90F1/\\$FILE/f69da5359a134002808b96ca703cc4692.pdf](https://www2.oge.gov/Web/OGESites/All%20Documents/25792F3D2FF647AF85257E96006A90F1/$FILE/f69da5359a134002808b96ca703cc4692.pdf)?open.

¹¹ *Id.*

The Honorable Neil Kornze
August 4, 2016
Page 3

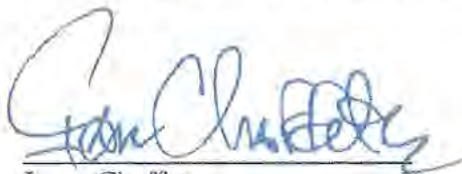
Additionally, please make Mr. Erik Pignata, BLM Realty Specialist, available for a transcribed interview as soon as possible, but no later than August 18, 2016.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

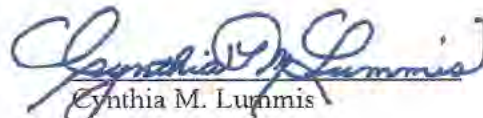
When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

Please contact Melissa Beaumont of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Cynthia M. Lummis
Chairman
Subcommittee on the Interior

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
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MINORITY (202) 321-5001
<http://oversight.house.gov>

September 9, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Madam Secretary:

The Department of the Interior has failed to respond to a series of requests for documents and information related to the Committee's oversight and investigative initiatives. The same challenges that have thus far prevented the Department from complying with the Committee's requests may also be affecting the Department's ability to fulfill its responsibilities under the Freedom of Information Act (FOIA).

To help the Committee understand how and why the Department is unable to comply with document requests in a timely and complete manner, please provide a briefing for Committee staff and a tour of the Department's resources for responding to document requests from Members of Congress and FOIA requests. The briefing and tour will assist the Committee's effort to identify ways by which the Department can improve the timeliness and completeness of its responses to such document requests.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please have your staff contact Melissa Beaumont of Chairman Chaffetz' staff at (202) 225-5074 to schedule the briefing and tour, or with any questions about this request. Thank you for your cooperation in this matter.



Jason Chaffetz
Chairman

Sincerely,



Mark Meadows
Chairman
Subcommittee on Government Operations



Cynthia M. Lummis
Chairman
Subcommittee on the Interior

The Honorable Sally Jewell

September 9, 2016

Page 2

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

The Honorable Brenda L. Lawrence, Ranking Member
Subcommittee on the Interior

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

SALES (202) 225-8011
Members (202) 225-5001
<http://Oversight.house.gov>

December 29, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Madame Secretary:

On December 28, 2016, President Obama designated the Bears Ears National Monument in Utah and the Gold Butte National Monument in Nevada pursuant to his authority under the Antiquities Act.¹ Advocates for this action touted it as a means to establish a co-management agreement for Bears Ears between the federal government and a group of Native American tribes.² In fact, in the press release announcing these new national monuments, the White House recognizes the importance of tribal participation in the management of the land and asserts this action serves as a tool to achieve co-management.³ Co-management of public lands, however, requires the approval of Congress.⁴ Advocacy organizations, federal agencies, and the White House have all put out differing opinions on co-management, and it is important to clarify the bounds of the President's authority. I am writing to obtain more information about how and why the President exercised his authority in this case.

¹ *Rumors point toward possible December 23 designation. Anxiety builds over possible national monument*, SAN JUAN RECORD, Dec. 13, 2016, available at http://www.sjrnews.com/view/full_story/27329673/article-Rumors-point-toward-possible-December-23-designation--Anxiety-builds-over-possible-national-monument-?instance=home_news_left.

² Amy Jol O'Donoghue, *Native American chairman says Jewell order lacks equality for tribes*, DESERET NEWS, Oct. 21, 2016, available at <http://www.deseretnews.com/article/865665388/Bears-Ears-coalition-leader-says-Jewell-order-lacks-equality-for-tribes.html?pg=all>.

³ FACT SHEET: President Obama to Designate New National Monuments Protecting Significant Natural and Cultural Resources in Utah and Nevada, <https://www.whitehouse.gov/the-press-office/2016/12/28/fact-sheet-president-obama-designate-new-national-monuments-protecting>.

⁴ See *U.S. Telecom Ass'n v. FCC*, 359 F.3d 554, 565-66 (D.C. Cir. 2004) (“[S]ubdelegations to outside parties are assumed to be improper absent an affirmative showing of congressional authorization When an agency delegates authority to its subordinate, responsibility—and thus accountability—clearly remain with the federal agency. But when an agency delegates power to outside parties, lines of accountability may blur, undermining an important democratic check on government decision-making. Also, delegation to outside entities increases the risk that these parties will not share the agency’s “national vision and perspective”). See also *High Country Citizens’ Alliance v. Norton*, 448 F. Supp. 2d 1235, 1246-1247 (D. Colo. 2006) (similar, citing *U.S. Telecom*).

The President has exercised his authority under the Antiquities Act to create or expand at least 25 national monuments—more than any other president in history.⁵ His sweeping application of the Antiquities Act raises questions about the Administration’s commitment to transparency and consultation with local stakeholders with respect to designating national monuments. It also raises serious questions about whether these designations are limited to the, “smallest area compatible with proper care and management of the objects to be protected.”⁶ The Antiquities Act “was designed to protect federal lands and resources quickly” in response to concerns about “theft from and destruction of archaeological sites.”⁷ In most cases, however, the processes outlined by the National Environmental Policy Act (NEPA) and the Federal Land Policy Management Act (FLPMA) are most appropriate because they require environmental studies, a review of the public purpose, and an opportunity for public participation before any federal agency action.⁸ The NEPA and the FLPMA processes provide for a more thoughtful determination, whereas the Antiquities Act was meant to be reserved for emergency scenarios.

Until yesterday, the Administration’s actions with respect to Bears Ears more closely resembled the NEPA and FLPMA process. In anticipation of the Bears Ears designation, the Department of the Interior took on a large role in gathering input and coordinating planning.⁹ You, Secretary Jewell, visited the potential site for a listening session.¹⁰ In fact, during a hearing before the Subcommittee on the Interior, Bureau of Land Management (BLM) Director Neil Kornze testified that BLM and the White House have been coordinating.¹¹ It is therefore unclear why the President opted to designate a massive national monument in Utah via the Antiquities Act in the waning days of his presidency, and to ignore federal environmental and procedural laws enacted to ensure stakeholders and other affected parties have a meaningful role in determining the outcome.

Similarly, the President’s actions with regard to the Gold Butte National Monument designation bypassed Congress and the public. Located in Clark County, Nevada, the Gold Butte National Monument spans nearly 300,000 acres.¹² Such a large designation, made unilaterally, deprives the American people and their elected representatives a collaborative discussion on how best to protect the land for all to enjoy. Large designations such as Gold Butte Monument are the type of major federal agency action envisioned by our federal environmental and procedural laws.

⁵ H. Sterling Burnett, *Obama’s Dangerous Use of The National Monument law*, FORBES, Oct. 12 2016.

⁶ Antiquities Act of 1906, 54 U.S.C. §§320301-320303

⁷ Carol Hardy Vincent, “National Monuments and the Antiquities Act,” Cong. Research Serv. (2016) (R41330).

⁸ *Id.*

⁹ Amy Jol O'Donoghue, *Bears Ears Controversy Ramps Up With Jewell's Visit; Bishop's Planned Legislation*, KSL NEWS, July 13, 2016, available at <https://www.ksl.com/?sid=40632616&nid=148&title=bears-ears-controversy-ramps-up-with-jewells-visit-bishops-planned-legislation>.

¹⁰ *Id.*

¹¹ *Examining BLM Public Lands Leasing Hearing Before the Subcomm. on the Interior of the H. Comm. on Oversight and Gov't Reform*, 114th Cong. 14 (2016) (statement of Neil Kornze, Director, Bureau of Land Management) (Mr. Kornze: “I am talking about looking at the country and figuring out where would this be appropriate, where would it not?” Mr. Gosar: “So there is some conversation going on between the White House and BLM and agencies in regards to antiquities withdrawal?” Mr. Kornze: “Yes.”).

¹² See *supra* note 3.

Furthermore, in a letter dated March 29, 2016, this Committee, along with the House Committees on Natural Resources and on Appropriations, requested information related to use of the Antiquities Act of 1906.¹³ After receiving an inadequate response, a follow up letter was sent on May 11, 2016.¹⁴ As outlined in both letters, the Committees are interested in the Administration's process for using the Antiquities Act. Specifically, the Committees requested documents and communications from the Council on Environmental Quality and the Department of the Interior (DOI) referring or relating to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from January 1, 2015, to the present.

To date, DOI has only provided a very limited response to the Committee that largely consisted of public statements and news clippings. If the Department does not produce these documents voluntarily, the Committee will be required to obtain them through compulsory measures.

Please immediately provide the documents requested in the Committee's March 29th and May 11th letters. In addition, please produce the following documents as soon as possible, but not later than January 13, 2016:

1. All calendars, including all meetings and attendees, for all DOI employees involved or referenced in any discussions related to any national monument selection or designation.
2. The daily schedules and call logs for Secretary Jewell, Tommy Beaudreau, Nikki Buffa and Neil Kornze from April 21, 2013 to present.
3. All communications between any DOI employee and White House staff, including but not limited to Senior Advisor Brian Deese, between January 2015 and present.
4. All documents and communications referring or related to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from April 21, 2013 to present.
5. All documents and communications related to the reduction in size, limitation, or repeal of a national monument from January 20, 2008 to present.

¹³ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, Hon. Rob Bishop Chairman, H. Comm. on Nat. Resources, and Hon. Harold Rogers, Chairman, H. Comm. on Appropriations, to Hon. Sally Jewell, Secretary, U.S. Department of the Interior (Mar. 29, 2016).

¹⁴ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, and Hon. Cynthia Lummis, Chairman, H. Comm. on Oversight and Gov't Reform Subcommittee on the Interior, to Hon. Sally Jewell, Secretary, U.S. Department of the Interior (May 11, 2016).

The Honorable Sally Jewell
December 29, 2016
Page 4

Additionally, please make available for transcribed interview the following three DOI officials as soon as possible, but not later than January 20, 2016: Bureau of Land Management Director Neil Kornze; your Chief of Staff Tommy Beaudreau; and DOI employee Nikki Buffa.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Chris Esparza of the Committee staff at (202) 225-5074 to schedule the interviews, or with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", written in a cursive style.

Jason Chaffetz
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Letter to Secretary Zinke DOI re 114th Document Requests

1 message

Micah Chambers <micah_chambers@ios.doi.gov>

Wed, Mar 1, 2017 at 5:37 PM

To: Robert Howarth <robert_howarth@ios.doi.gov>, juliette_lillie@ios.doi.gov, Christopher Salotti <chris_salotti@ios.doi.gov>

Here it is

Sent from my iPhone

Begin forwarded message:

From: "Casey, Sharon" <Sharon.Casey@mail.house.gov>
To: "micah_chambers@ios.doi.gov" <micah_chambers@ios.doi.gov>, "Amanda_kaster@ios.doi.gov" <Amanda_kaster@ios.doi.gov>
Cc: "Beaumont, Melissa" <melissa.beaumont@mail.house.gov>, "McGrath, William" <William.McGrath@mail.house.gov>, "McKenna, Liam" <Liam.McKenna@mail.house.gov>
Subject: Letter to Secretary Zinke DOI re 114th Document Requests

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform.

Please acknowledge receipt of this letter.

Thank you,
Sharon Casey

Sharon Ryan Casey
 Deputy Chief Clerk
 Committee on Oversight and Government Reform
 2157 Rayburn Building, Washington, DC 20515
 202-593-8219 sharon.casey@mail.house.gov

2 attachments

noname.html
1K



2017-03-01 JEC to Zinke-DOI - 114th Document Requests.pdf
3421K



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Letter to Secretary Zinke DOI re 114th Document Requests

1 message

Kaster, Amanda <amanda_kaster@ios.doi.gov> Wed, Mar 1, 2017 at 5:37 PM
To: Robert Howarth <Robert_Howarth@ios.doi.gov>, Christopher Salotti <chris_salotti@ios.doi.gov>, Pamela Barkin <pamela_barkin@ios.doi.gov>
Cc: Micah Chambers <micah_chambers@ios.doi.gov>

FYI

----- Forwarded message -----

From: **Casey, Sharon** <Sharon.Casey@mail.house.gov>
Date: Wed, Mar 1, 2017 at 5:34 PM
Subject: Letter to Secretary Zinke DOI re 114th Document Requests
To: "micah_chambers@ios.doi.gov" <micah_chambers@ios.doi.gov>, "Amanda_kaster@ios.doi.gov" <Amanda_kaster@ios.doi.gov>
Cc: "Beaumont, Melissa" <melissa.beaumont@mail.house.gov>, "McGrath, William" <William.McGrath@mail.house.gov>, "McKenna, Liam" <Liam.McKenna@mail.house.gov>

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform.

Please acknowledge receipt of this letter.

Thank you,
Sharon Casey

Sharon Ryan Casey
Deputy Chief Clerk
Committee on Oversight and Government Reform
2157 Rayburn Building, Washington, DC 20515
202-593-8219 sharon.casey@mail.house.gov




—
Amanda Kaster-Averill

3/1/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Letter to Secretary Zinke DOI re 114th Document Requests

Special Assistant
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

 **2017-03-01 JEC to Zinke-DOI - 114th Document Requests.pdf**
3421K



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter to Secretary Zinke dated March 1, 2017, which reiterated your request for information relating to the Bureau of Land Management's October 2015 administrative determination with respect to the Cadiz Valley Water Conservation Recovery and Storage Project.

Enclosed is a disk titled "20160804_006" that contains unredacted versions of 12 documents that your staff previously reviewed during a visit to the Department of the Interior (Department) in December 2016. Consistent with established third-agency practice, we have consulted the Department of Justice (DOJ) about our provision of one additional document. We have been advised by DOJ that the document is not appropriate for disclosure because it pertains to a pending law enforcement matter.

If you or your staff needs any additional assistance regarding this production, please contact Micah Chambers, Office of Congressional and Legislative Affairs, at (202) 208-5348 or micah_chambers@ios.doi.gov.

Sincerely,



Michael D. Nedd
Acting Director

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform

The Honorable Blake Farenthold, Chairman, Subcommittee on Interior, Energy, and the Environment

The Honorable Brenda Lawrence, Ranking Member, Subcommittee on Interior, Energy, and the Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051
<http://oversight.house.gov>

January 19, 2017

Ms. Sue Fritzke
Superintendent
Bryce Canyon National Park
P.O. Box 640201
Bryce, UT 84764

Dear Ms. Fritzke:

On December 28, 2016, President Obama designated the Bears Ears National Monument in Utah and the Gold Butte National Monument in Nevada pursuant to his authority under the Antiquities Act.¹ The following day, the Bryce Canyon National Park's official Twitter account tweeted: "Welcome to the family Bears Ears (& Gold Butte) NM! A hopeful slot in our front desk maps has long been held for you."²

This message created the appearance that officials at Bryce Canyon coordinated with the White House prior to this most recent designation. If it is true that you or your staff knew in advance about the Bears Ears National Monument designation, it calls into question the White House's claim to Utah Governor Gary Herbert that no decision had been made about Bears Ears as of December 15, 2016.³

To help the Committee understand the timeline and level of coordination with respect to the Bears Ears National Monument designation, please answer the following questions as soon as possible, but not later than January 31, 2017:

1. Identify any employees of Bryce Canyon National Park consulted regarding the Bears Ears National Monument Designation. For each employee, identify the communications, that is, when did those conversations occur and with whom?

¹ FACT SHEET: President Obama to Designate New National Monuments Protecting Significant Natural and Cultural Resources in Utah and Nevada, <https://www.whitehouse.gov/the-press-office/2016/12/28/fact-sheet-president-obama-designate-new-national-monuments-protecting>.

² Bryce Canyon National Park (@BryceCanyonNPS), Twitter, (Dec. 29, 2016, 7:27 AM), <https://twitter.com/BryceCanyonNPS/status/814493123149602817/photo/1>.

³ Letter from Gary R. Herbert, Governor, State of Utah, to Dennis McDonough, Chief of Staff, White House (Dec. 15, 2016).

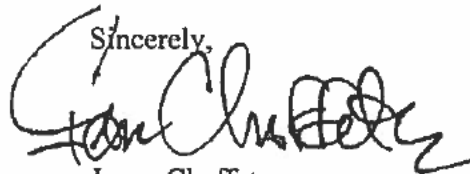
2. When was a Bears Ears map slot created in the Bryce Canyon National Park's front desk national parks and monuments map area?
3. Who made the decision to create a Bears Ears map slot in the Bryce Canyon National Park's front desk national parks and monuments map area?
4. When did you become aware of the Bears Ears National Monument designation and from whom?

Please deliver your response to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Chris Esparza of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also 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. Requested records, documents, data or information should not 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 request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTHOUR, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this 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 under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this 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 are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. 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 subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

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, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and 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 graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) 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. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
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 in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.



United States Department of the Interior
NATIONAL PARK SERVICE
BRYCE CANYON NATIONAL PARK
Highway 63-Headquarters
P.O. Box 640201
Bryce, Utah 84764



IN REPLY REFER TO:

NPS0022845

FEB 27 2017

Mr. Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
Congress of the United States, House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Chaffetz:

Thank you for your letter dated January 19, 2017, regarding the Bears Ears National Monument. The following are responses to your questions regarding the appearance of coordination by Bryce Canyon officials with the White House about the Bears Ears National Monument designation.

1. "Identify any employees of Bryce Canyon National Park consulted regarding the Bears Ears National Monument Designation. For each employee, identify the communications, that is, when did those conversations occur and with whom?"

Answer: No employees of Bryce Canyon National Park were consulted with, or coordinated with, any entities regarding the designation of Bears Ears National Monument.

2. "When was a Bears Ears map slot created in the Bryce Canyon National Park's front desk national parks and monuments map area?"

Answer: During late summer 2016, when a park volunteer was assigned the task of reorganizing the materials available at the information desk in the Visitor Center.

3. "Who made the decision to create a Bears Ears map slot in the Bryce Canyon National Park's front desk national parks and monuments map area?"

Answer: The assignment to reorganize the area was given to park volunteer who saw a news report regarding the potential for a Bears Ears National Monument. He approached his supervisor about holding a brochure slot, and she approved it knowing that if the Bears Ears National Monument was not created the slot could be used by another regional recreation area.

4. "When did you become aware of the Bears Ears National Monument designation and from whom?"

Answer: When it was announced through local/national news media outlets, and subsequently reported on the InsideNPS NPS news site.

Please let me know if you have any further questions about this issue.

Sincerely,

A handwritten signature in blue ink that reads "Susan L. Fritzke". The signature is written in a cursive style with a large initial 'S' and 'F'.

Susan L. Fritzke
Interim Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
BRYCE CANYON NATIONAL PARK
Highway 63-Headquarters
P.O. Box 640201
Bryce, Utah 84764



IN REPLY REFER TO:

NPS0022845

FEB 24 2017

Mr. Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
Congress of the United States, House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Chairman Chaffetz:

Thank you for your letter dated January 19, 2017 regarding the Bears Ears National Monument. The following are responses to your questions regarding the appearance of coordination by Bryce Canyon officials with the White House about the Bears Ears National Monument designation.

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Answer: When it was announced through local/national news media outlets, and subsequently reported on the InsideNPS NPS news site.

Please let me know if you have any further questions about this issue.

Sincerely,

A handwritten signature in blue ink that reads "Susan L. Fritze". The signature is written in a cursive style with a large initial 'S' and a distinct 'F'.

Susan L. Fritze
Interim Superintendent

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJOR TEL: (202) 225-5014

MINOR TEL: (202) 225-5051

<http://oversight.house.gov>

January 26, 2017

Mr. Jim Kurth
Acting Director
U.S. Fish and Wildlife Service
1849 C Street NW, Room 3331
Washington, D.C. 20240

Dear Mr. Kurth:

On his last full day in office, former Fish and Wildlife Service (FWS) Director Dan Ashe issued Director's Order No. 219. This order bans the use of lead ammunition and fishing tackle on all property managed by the U.S. Fish and Wildlife Service by January 2022.¹ As I understand it, FWS issued this order abruptly with little or no input from interested parties on the last full day of the previous administration.² The Committee questions the cost and burden that this order would place on sportsmen who recreate on FWS lands. We also are interested in knowing the considerations weighed in the preparation of this order.

To assist our oversight duties, please provide all documents referring or relating to the development and issuance of Director's Order No. 219 by February 13, 2017. In addition, the Committee requests a briefing from FWS within the next two weeks explaining its outreach efforts to the states and sportsmen's community in anticipation of issuing Director's Order No. 219. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal investigative committee of the House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

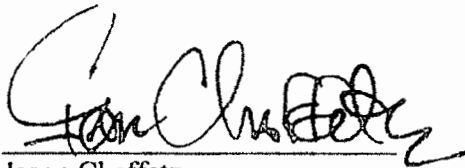
¹ U.S. Dep't of Interior, Bureau of U.S. Fish and Wildlife Service, Director's Order No. 219 (Jan. 19, 2017).

² See, e.g. Press Release, Association of Fish and Wildlife Agencies, Statement from the Association of Fish and Wildlife Agencies Regarding U.S. Fish and Wildlife Service Director's Order 219 (Jan. 20, 2017).

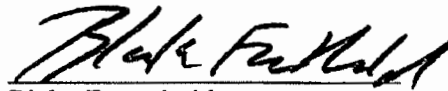
Mr. Jim Kurth
January 26, 2017
Page 2

Please contact Drew Feeley of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Blake Farenthold
Chairman
Subcommittee on the Interior,
Energy, and Environment

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Stacey E. Plaskett, Ranking Member
Subcommittee on the Interior, Energy, and Environment

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also 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. Requested records, documents, data or information should not 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 request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this 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 under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this 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 are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. 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 subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

MAR 03 2017



In Reply Refer To:
FWS/AEA/CLA 065221

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
House of Representatives
Washington, DC 20515

Dear Chairman Chaffetz:

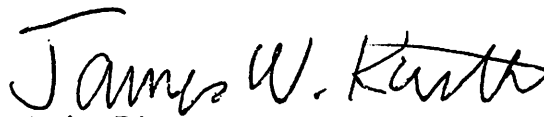
Thank you for your letter dated January 26, 2017, requesting information on Director's Order No. 219, the use of lead ammunition and tackle on U.S. Fish and Wildlife Service-administered lands.

Enclosed with this letter is a disk labeled "00000083_001" that contains 269 documents from the U.S. Fish and Wildlife Service that are responsive to your request. This set of documents completes the U.S. Fish and Wildlife Service's response to your request.

For your awareness, I am also enclosing a copy of Secretarial Order No. 3346, signed by Secretary Ryan K. Zinke on Thursday, March 2, 2017, which revokes Director's Order No. 219.

A similar letter has been sent to Rep. Farenthold. If you or your staff has any additional questions related to this matter, please contact me directly at (202) 208-4545.

Sincerely,


Acting Director

Enclosures

DISTRICT OFFICES

420 EAST SOUTH TEMPLE STREET, #300
SALT LAKE CITY, UT 84111
(801) 364-5550

253 WEST ST. GEORGE BOULEVARD, #100
ST. GEORGE, UT 84770
(435) 627-1500



Congress of the United States
House of Representatives
Washington, DC 20515-1402
April 11, 2017

CHRIS STEWART
2ND DISTRICT, UTAH

COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
SUBCOMMITTEE ON
FINANCIAL SERVICES AND GENERAL GOVERNMENT
SUBCOMMITTEE ON
STATE FOREIGN OPERATIONS, AND
RELATED PROGRAMS
PERMANENT SELECT COMMITTEE ON
INTELLIGENCE
CHAIRMAN
DEPARTMENT OF DEFENSE INTELLIGENCE
AND CYBERSECURITY ARCHITECTURE SUBCOMMITTEE

Ryan Zinke
Secretary
U.S. Department of the Interior
1894 C Street, N.W.
Washington, D.C. 20240

Dear Ryan,

I'm writing to recommend (b) (6) for a political appointment in the Department of Interior. (b) (6)

[Redacted]

[Redacted]

As a former member from a public lands state, you understand that the issues under this portfolio are complex and sensitive and require excellent staff work. (b) (6)

[Redacted]

[Redacted] brings a personal perspective and commitment to issues involving our public lands.

Thank you for your time and for your consideration of (b) (6) to work in the Department. (b) (6) and if given the opportunity, I'm sure he will be to you as well.

Best regards,

EXECUTIVE SECRETARY
OFFICE OF THE

2017 APR 17 PM 2:33
Chris Stewart

003041

RECEIVED