

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAUL R. LABRADOR, ID
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
ANDY HARRIS, MD
JON RUNYAN, NJ
MARK AMODEI, NV
MARKWAYNE MULLIN, OK
CHRIS STEWART, UT
STEVE DAINES, MT
KEVIN CRAMER, ND
DOUG LAMALFA, CA

TODD YOUNG
CHIEF OF STAFF

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

June 28, 2013

EDWARD J. MARKEY, MA
RANKING DEMOCRATIC MEMBER
PETER A. DeFAZIO, OR
ENI F.H. FALCOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
COLLEEN W. HANABUSA, HI
TONY CARDENAS, CA
STEVEN HORSFORD, NV
JARED HUFFMAN, CA
RAUL RUIZ, CA
CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Jewell,

As you know, for months many members of Congress have expressed concern regarding the lack of transparency and accountability in the implementation of Secretarial Order 3321 ("Order"). This Order establishes the "National Blueways System," which the Order describes as a headwaters to mouth approach to river management, and asserts that the Secretary may designate river watersheds as "Blueways" under the Order.

In a letter to Secretary Salazar in February of this year, 25 members of Congress urged the withdrawal of the Order and highlighted their apprehension that entire watersheds, including all land and non-navigable water therein, could be designated with no public input, no consultation with Congress, and little to no transparency. Months have passed and no greater transparency has been offered. Another letter was sent June 10, 2013 after the Subcommittee on Water and Power heard troubling testimony regarding secrecy in the designation process and lack of public notice or input. This letter, signed by nine members of Congress, asked for more clarity on this issue and requested a meeting to discuss this matter with Department staff. They have not yet received a response. The American people are without any clarity regarding the makeup of the National Blueways Committee; what the criteria are for the development, assessment, and designation of the Blueways; whether affected citizens and local governments will be afforded notice and an opportunity to be heard; and how the mission and policies of the Department will be changed to "align" with efforts to support the newly created designations. Given the vast implications that such an order could have on communities, local conservation efforts, and private property rights across the nation, as well as its impact on more than a century of federal deference to state water law, further delays in providing answers and information will only fuel uncertainty and jeopardize planning for localized conservation efforts and economic growth.

In order to obtain a better understanding of how this process has evolved, and how the Department intends it to work in the future, the following information and documents are to be provided no later than the close of business on July 12, 2013.

1. Please provide a list of all members of the National Blueways Committee, which agency designated each member, and if applicable, their agency affiliation.
2. Please provide meeting information for the Committee, including the date and location of each meeting, as well as any meeting minutes, notes, or recordings of Committee meetings.
3. Section 5 (b)(i) of Secretarial Order 3321 provides that the Committee will “oversee the process of National Blueways criteria development, assessment and designation . . .” Please provide all criteria established and used by the Committee for the development, assessment, and designation of the National Blueways.
4. Sections 5 (b)(ii), and (iv) of the Secretarial Order provide that the Committee will “make recommendations to the Secretary for the designation of National Blueways;” and “Report to the Secretary on the progress, accomplishments, opportunities, and challenges” of the National Blueways System. Please provide all recommendations that have been made to the Secretary and any and all reports that have been provided pursuant to 5(b)(ii) and (iv).
5. The nomination process described by Secretarial Order 3321 6(a) provides that “any established stakeholder partnership may . . . nominate a river and its associated watershed as a proposed National Blueway by submitting an application according to the nomination process and assessment criteria.” Please explain the nomination process and assessment criteria established by the Committee and provide any and all applications submitted.
6. Please describe the process through which a State, non-federal entity, or individual may request that a Blueway designation be revoked.
7. Please provide all documents, including all communications created, sent, or received by Department officials and staff, relating to the “alignment” of agency plans and programs with designated Blueways, including but not limited to documents created pursuant to Secretarial Order 3321, Sec. 6(d).
8. Please provide all documents, including all communications created, sent, or received by Department officials and staff, relating to the consideration of non-federal lands within existing Blueways for land acquisition.
9. Please provide all communications created by, sent to, or received by Rebecca Wodder regarding applications for any existing or potential National Blueways, including but not

limited to calendar entries for meetings related to the Order and communications related to soliciting and receiving applications.

10. Any and all ethics agreements, ethics recusals, or memorandums to file regarding potential, real, or perceived conflicts of interest related to Rebecca Wodder's work at the Department.
11. Please provide a list of all employees by name and title working full or part time on the designation of rivers and watersheds as National Blueways, and the total amount spent by the Department on this issue since May 24, 2012.
12. Please provide a complete accounting of the costs of implementing Order 3321 as of the date of receipt of this letter, including; administrative costs, staff transportation costs, and any other expenses made by the Department in carrying out Order 3321, including but not limited to any support provided by the Department pursuant to section 5(b)(iii) of the Order.

Enclosed with this letter are instructions and definitions for responding to this request. Please have your staff contact Machalagh Carr at 202-225-2761 in the Office of Oversight and Investigations with any questions.

Sincerely,



Doc Hastings,
Chairman

Enclosure

Responding to Committee Document Requests

A. Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
4. As used herein, “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

B. Instructions

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the document request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, and any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this document request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or

is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

11. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.
12. Production materials should be delivered to:

Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington D.C. 20515