



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 29 2020

The Honorable Alan Lowenthal  
Chairman, Subcommittee on  
Energy and Mineral Resources  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Lowenthal:

Enclosed are responses prepared by the Office of Surface Mining Reclamation and Enforcement to the questions for the record submitted following Subcommittee's March 10, 2020, budget hearing, "Examining the Policies and Priorities of the Office of Surface Mining Reclamation and Enforcement."

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Cole Rojewski  
Director  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable Paul Gosar, Ranking Member

**Questions for the Record  
House Committee on Natural Resources  
Subcommittee on Energy and Mineral Resources  
*Examining the Policies and Priorities of the Office of Surface Mining Reclamation and Enforcement*  
March 10, 2020**

**Questions from Chairman Alan Lowenthal (D-CA):**

**According to an investigation by the DOI Inspector General, OSMRE halted the National Academy of Science's study on the Potential Health Effects of Surface Coal Mining Operations in Central Appalachia without having any prior concerns about NAS's performance. The Inspector General concluded that the roughly half-million already spent on the study had been, quote, "wasted."**

**In response to our request for information on this decision, DOI sent us nearly 9,000 pages of information. Nearly 3,600 pages were duplicates. There were only 56 pages from the period between inauguration day and when the study was cancelled.**

**In May of last year, we received the first 47 heavily redacted pages of the document production. Soon after, we requested the unredacted version. On February 28th, nearly nine months later, we received those unredacted pages.**

**One of the now unredacted sentences quotes Kate MacGregor, then the Acting Assistant Secretary for Land and Minerals Management and now the Deputy Secretary, saying, after the decision to halt the study had already been made, "I would also appreciate any clarity on how[,] if accurate, four hundred and fifty thousand plus dollars in taxpayer funds have been spent in less than one month's time for conducting less than two activities. This is of great concern to me."**

**This is not accurate. The National Academies had been working on the study for nearly a year and had already set up the fourth meeting of the expert panel for the following week.**

**Question 1: Did you correct Ms. MacGregor on this inaccurate information?**

**Response: OSMRE clarified the information.**

**According to the Inspector General, it was Ms. MacGregor that ordered the cancellation of the study. Yet, she was clearly badly misinformed about that study when she canceled it.**

**Question 2. Ms. Owens, did Ms. MacGregor's misinformation about this study contribute to the decision to cancel the study?**

**Response: The NAS study was reviewed as part of the Department's review of cooperative agreements. Because the review revealed the existence of studies on the same or similar subject by the U.S. Environmental Protection Agency and the U.S. Department of Health and Human Services, it was determined that it would not be prudent to spend additional federal dollars on the NAS study.**

**Questions for the Record**

**House Committee on Natural Resources**

**Subcommittee on Energy and Mineral Resources**

*Examining the Policies and Priorities of the Office of Surface Mining Reclamation and Enforcement*

**March 10, 2020**

**Question 3: As was previously requested by Chairs Grijalva and Lowenthal in the February 11, 2019, letter to then Acting Secretary Bernhardt, please provide all documents and communications within and between employees and persons in the Immediate Office of the Secretary, the Deputy Secretary's office, the office of the Assistant Secretary for Land and Minerals Management, and the Office of Surface Mining Reclamation and Enforcement, for the time period from January 21, 2017, through August 17, 2017, regarding the decision to cancel the National Academies' study on the Potential Health Effects of Surface Coal Mining Operations in Central Appalachia. To be clear, this request covers all documents and communications concerning the study, not simply those created after the decision was made to cancel the study.**

**Response:** I understand that the Department is continuing to identify and process documents responsive to this request.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 02 2020

The Honorable Alan Lowenthal  
Chairman, Subcommittee on  
Energy and Mineral Resources  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Lowenthal:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted following Subcommittee's February 5, 2020, legislative hearing on H.R. 5598, the "*Boundary Waters Wilderness Protection and Pollution Prevention Act.*"

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Cole Rojewski  
Director  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable Paul Gosar, Ranking Member

**Questions from Chairman Alan Lowenthal**

**Question 1: Supporters of the proposed Twin Metals mine repeatedly point out that the mine would not be within the Boundary Waters, so therefore they are not at risk. Which direction does water flow from the site of these leases? Does it flow into the Boundary Waters, or away from the Boundary Waters?**

**Response:** Portions of the Boundary Waters Canoe Area Wilderness (BWCAW) are located to the northeast, north, and northwest of the two Twin Metals Minnesota leases, MNES 1352 and MNES 1353, which are generally upstream from the BWCAW.

**Question 2: We heard that the upcoming environmental review of the mine plan is the appropriate place to evaluate issues associated with sulfide copper mining in the Boundary Waters watershed. Given the extensive work by the Forest Service already over the course of nearly two years on its own Environmental Assessment, will you commit to using data from this cancelled study in BLM's analysis?**

**Response:** The Forest Service, as the surface manager, is a cooperating agency in the development of this mine plan Environmental Impact Statement (EIS). As such, the BLM will rely on the Forest Service to identify the relevant scientific data and information related to surface resources that will inform the EIS, and the BLM will coordinate with the Forest Service on surface-resources related scientific matters. The BLM will consider any information the Forest Service provides from its environmental review that is within the scope of the mine plan environmental review.

Additionally, while the BLM will not be preparing a joint EIS with the State of Minnesota, we will continue to work cooperatively with the State of Minnesota to reduce duplication and to coordinate our review of the project on matters such as data submittals, analytic approaches, and public participation.

**Question 3: Will the BLM commit to including a no-mine alternative in its review of the Twin Metals project?**

**Response:** The BLM is committed to conducting an environmental review that complies with applicable legal requirements, including the National Environmental Policy Act (NEPA). Considering a no-action alternative is a requirement of a NEPA-compliant EIS.

**Question 4: Your written testimony also says that there are 41 other mineral applications in the Superior National Forest. Will the BLM consider cumulative impacts of potential additional mines in these areas, now or in the future, as part of your environmental reviews?**

**Response:** The BLM is committed to conducting an environmental review that complies with applicable legal requirements, including NEPA.