

## **Questions from Chairman Lowenthal**

1. During your oral testimony, you stated that "The Secretary determined, through the process, that a case-by-case approach was the right approach to look at the effects of the Twin Metals leases in the Boundary Waters area ... " This contradicts the press release issued by the U.S. Department of Agriculture in September 2018 announcing the cancellation of the withdrawal study. That press release stated that USDA cancelled the study because "The analysis did not reveal new scientific information."

The Committee has repeatedly requested a copy of the cancelled withdrawal study and other communications to confirm this conclusion, but we have yet to receive the information. Does the Forest Service still maintain that the analysis did not reveal any new scientific information?

Answer: There are two methods for withdrawing Federal lands from mineral entry. The first is a legislative withdrawal where Congress legislates the permanent withdrawal of an area. The second method is an administrative withdrawal by the U.S. Department of the Interior (DOI). Administrative withdrawals from mineral entry can last up to 20 years. Once initiated, the administrative process need not reach completion; an application for withdrawal can be cancelled at any time. The documents being prepared for the withdrawal application were never finalized and therefore they were incomplete drafts.

2. Emails from September 1 released under the Freedom of Information Act appear to show career staff forwarding a nearly completed study to the Forest Service Washington office and seeking final edits by September 18. The email references all work being done except for one remaining report. Can you explain why career staff were working to finalize the study and seeking final edits just five days before it was cancelled?

Answer: Generally, agency employees would have been working on documents to inform a decision in regards to a withdrawal application package. Drafting and editing documents are part of agency employee's work and Forest Service staff continued to draft, review, and edit materials until the Secretary announced that he would cancel the administrative withdrawal application. Thus, the documents being prepared for the withdrawal application were never finalized and therefore they are still incomplete drafts.

3. Did career staff make the recommendation to the Secretary that the withdrawal study should be cancelled in favor of a "case-by-case approach"? If so, please provide the Committee with documentation of their analysis and recommendation.

Answer: Agency staff brief and update the Secretary on on-going tasks and work products on a regular basis. Drafting and editing documents are part of agency employee's work and Forest

Service staff continued to draft, review, and edit materials until the Secretary announced that he would cancel the withdrawal application. Thus, the documents being prepared for the withdrawal application were never finalized and therefore they are still incomplete drafts.

4. In response to a Freedom of Information Act lawsuit, the Department of Agriculture produced a document with a cover page titled, "Northern Minnesota Federal Minerals Withdrawal Environmental Assessment," dated September 2018, without the word "Draft" appearing on that page (attached to this document). The subsequent 60 pages of that document were fully redacted. Despite being clearly within the scope of the documents requested in the March 1, 2019, letter sent by Natural Resources Committee Chair Grijalva, Interior-Environment Appropriations Subcommittee Chair McCollum, and myself, this document has not been provided to Congress, yet the Department is providing tenuously relevant documents such as a roughly 58-page poorly formatted Western Caucus press release. In light of this:
  - a. Please explain why the document titled "Northern Minnesota Federal Minerals Withdrawal Environmental Assessment," and dated September 2018, has not been produced to Congress.
  - b. Please provide the unredacted version of that document no later than two weeks after receipt of these questions.
  - c. If the Department is unable or unwilling to provide the unredacted version of that document, please provide detailed explanations of why in accordance with the "Responding to Committee Document Requests" document that was attached to our letter of March 1, 2019.

Answer: The initial request for documents submitted by Chair Grijalva and Chair McCollum encompassed a large universe of documents and data with equities across the Department. Collecting and compiling responsive documents through USDA's decentralized system is a demanding and time-consuming endeavor. In regards to this specific request, agency employees were working on documents to inform a decision on the withdrawal application package in September of 2018. The Environmental Assessment referenced was not finalized though and remains an incomplete draft. It is possible that a version was emailed internally that did not have the word "draft" listed on the first page. The documents being prepared for the withdrawal application were never finalized and therefore they are still incomplete drafts. Department staff welcome the opportunity to meet and further discuss these documents and better understand how to best respond to your request.