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

December 5, 2013

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The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1951 Constitution Avenue, NW
Washington, DC 20240

Dear Secretary Jewell:

I am writing in regards to comments recently submitted by the National Park Service (NPS) to the Bureau of Land Management (BLM) on the proposed well stimulation and hydraulic fracturing rule on federal and Indian lands. As you likely know, the NPS's comments were based on non peer-reviewed data that appeared in an opinion piece for the New York Times, were incongruent with the NPS's policy on the Integrity of Scientific and Scholarly Activities, and have been largely rejected by technical experts and the scientific community.

I am deeply disappointed and troubled by NPS's actions. The comments from NPS have perpetuated a false narrative that hydraulic fracturing and well stimulation on Federal and Indian lands lack sufficient regulation and that stringent federal directives are needed. That commentary couldn't be further from the truth. As you astutely observed in April, "Fracking as a technique has been around for decades" and that you yourself have even "performed the procedure myself very safely¹."

Hydraulic fracturing and well stimulation has occurred on private, state, and federal lands for decades, and has an impeccable safety and efficiency record. State-by-state regulations, tailored to the exact geologic makeup of an area, have proven to be the most effective and efficient form of regulation in protecting the environment and fostering responsible exploration.

The NPS comments enabled the false narrative that hydraulic fracturing is not regulated and is unsafe. On August 29, 2013, just six days after the NPS comments were

¹ Coleman, Zack (April 22, 2013) Interior chief Jewell: 'One size doesn't fit all' on fracking. Retrieved December 2, 2013 from <http://thehill.com/blogs/e2-wire/295317-interior-chief-jewell-one-size-doesnt-fit-all-on-fracking>

filed, the Independent Petroleum Association of America outlined, in a letter to the NPS, the plethora of inaccuracies included in the NPS comments. On September 6, 2013, I sent a letter to NPS Director Jarvis requesting the withdrawal of the comments because of the well-documented inaccuracies.

However, it wasn't until November 26, 2013 that my office and the public were made aware of Director Jarvis's request to have the comments withdrawn from the record².

Although I was encouraged when Director Jarvis informed me that he requested to have the inaccurate comments removed from the record, I ask that you promptly act on the request and ensure the comments are withdrawn from the record and not considered as the Department of Interior (DOI) and BLM completes the final regulations.

Time is of the essence. Too much time has passed since the inaccuracies were highlighted and presented to the NPS.

It's further troubling that the NPS lacks a system of data accountability and quality control. Director Jarvis wrote in the November 13, 2013 letter: "I did not, nor did anyone from management, review the comments". This is very puzzling and raises further questions and concerns. Below are a series of additional questions that the subcommittee and I would like to see answered in light of the NPS actions. I look forward to receiving responses to the following questions by January 13, 2014:

- 1) How could NPS management and the Director himself not be involved in the comment review and submission process?
- 2) Is it typical for official rulemaking comments from the DOI or its bureaus to be submitted without management and director-level review?
- 3) Has the DOI, or other bureaus or agencies within the DOI, submitted comments on BLM's hydraulic fracturing rule following similar NPS review and submission protocols?
- 4) What is the DOI protocol for review and approval of official comments from the DOI or its bureaus?
- 5) In your capacity as Secretary, have you followed up with the Bureaus and Services to assure that any erroneous, inappropriate, and unapproved comments have been withdrawn from consideration?
- 6) What actions will the Department take to educate employees of the official comment development, submission, and review protocols?

² The letter from Director Jarvis to Chairman Bishop, dated November 13, 2013, was not delivered until November 26, 2013.

- 7) Will the DOI conduct an internal investigation to determine how the inappropriate and unauthorized comments were allowed to be submitted and represented as those of the National Park Service?
- 8) If protocols for official comments already exist, why were the employees responsible for the comments able to submit them as attributed to the NPS and did they knowingly violate policy?

Thank you for your prompt and personal attention on this matter. The NPS's actions reflect poorly on the entire Department, and I trust that you will quickly remedy the situation and prevent something like this from happening again.

Sincerely,



Rob Bishop
Chairman
Subcommittee on Public Lands and Environmental
Regulation