

**SUBPOENA**

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA**

To The Honorable Dan Ashe, Director, U.S. Fish & Wildlife Service

You are hereby commanded to be and appear before the Committee on Natural Resources

of the House of Representatives of the United States at the place, date and time specified below.

to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1324 Longworth House Office Building

Date: April 18, 2014

Time: 12 noon

To U.S. Marshals Service or any designated staff member  
of the Committee on Natural Resources to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,  
at the city of Washington, this 7<sup>th</sup> day of April, 2014.

[Signature]  
Chairman or Authorized Member

Attest:  
Karen P. Haas  
Clerk

**PROOF OF SERVICE**

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Subpoena for The Honorable Dan Ashe, Director, U.S. Fish & Wildlife Service  
Service: Carlos Uriarte, Sr. Counsel, U.S. Dept of the Interior

Address Department of the Interior, 1849 C St., NW  
Washington, D.C. 20240

before the Committee on Natural Resources

*U.S. House of Representatives*  
*113th Congress*

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Served by (print name) Byron R. Brown

Title Sr. Counsel and Director, Office of Oversight and Investigations

Manner of service by hand delivery to Carlos Uriarte

Date April 7, 2014

Signature of Server Byron R Brown

Address 1324 Longworth House Office Building

## SCHEDULE OF DOCUMENTS

In accordance with the attached schedule instructions, you, Dan Ashe, Director, U.S. Fish & Wildlife Service ("FWS"), are required to produce complete and unredacted copies of all records described below:

- 1) All documents relating to communications between employees of FWS's Washington state office and Stephen Link, Kathryn Beck, Peter Dunwiddie, Joseph Arnett, Tom Kaye, Brad Thompson, Danica Harbaugh Reynaud, Richard Cronn, Geraldine Allen, and/or Stephen O'Kane concerning any peer review of White Bluffs bladderpod, the listing of the White Bluffs bladderpod as a threatened species, and/or designation of critical habitat for the White Bluffs bladderpod under the Endangered Species Act.
- 2) All documents from FWS's Washington state office relating to the selection of Stephen Link, Kathryn Beck, Peter Dunwiddie, Joseph Arnett, Tom Kaye, Brad Thompson, Danica Harbaugh Reynaud, Richard Cronn, Geraldine Allen, and/or Stephen O'Kane to serve as peer reviewers in connection with the listing of the White Bluffs bladderpod as a threatened species and/or designation of critical habitat for the White Bluffs bladderpod under the Endangered Species Act.
- 3) All documents of the FWS relating to any conflicts of interest, financial disclosures, prior policy positions, sources of funding, or recusals for Stephen Link, Kathryn Beck, Peter Dunwiddie, Joseph Arnett, Tom Kaye, Brad Thompson, Danica Harbaugh Reynaud, Richard Cronn, Geraldine Allen, and/or Stephen O'Kane in connection with any peer review conducted in connection to the listing of the White Bluffs bladderpod as a threatened species and/or designation of critical habitat for the White Bluffs bladderpod under the Endangered Species Act.
- 4) All documents of the FWS relating to the development of charge questions and/or instructions given to peer reviewers in connection to the listing of the White Bluffs bladderpod as a threatened species and/or designation of critical habitat for the White Bluffs bladderpod under the Endangered Species Act.
- 5) All communications between FWS employees and any employees or representatives of the Center for Biological Diversity relating to the White Bluffs bladderpod.

## SCHEDULE INSTRUCTIONS

1. In complying with this subpoena, you shall produce all responsive materials that are in your possession, custody, or control.
2. Documents responsive to the subpoena shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

3. In the event that any entity, organization or individual denoted in the subpoena has been, or is currently, known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
4. Each document produced shall be produced in a form that renders the document capable of being copied.
5. When you produce documents, you shall identify the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the documents respond.
6. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this subpoena was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they shall be organized into separate folders by subject matter prior to production.
7. Each folder and box shall be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the Schedule of Documents in the Committee's subpoena to which the documents are responsive, shall be provided in an accompanying index.
8. It is not a proper basis to refuse to produce a document that any other person or entity also possesses a nonidentical or identical copy of the same document.
9. If any of the subpoenaed 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), you shall consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format shall be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above. Documents produced in an electronic format shall also be produced in a searchable format.
10. In the event that a document is withheld on any basis, you shall provide the following information concerning the document: (a) the reason the document is not being produced; (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.
11. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, you shall 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.
12. If a date or other descriptive detail set forth in this subpoena 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 subpoena, you shall produce all documents which would be responsive as if the date or other descriptive detail were correct.

13. This subpoena is continuing in nature and applies to any newly-discovered document. Any document not produced because it has not been located or discovered by the return date shall be produced immediately upon location or discovery subsequent thereto.
14. All documents shall be bates-stamped sequentially and produced sequentially.
15. Two sets of documents shall be delivered to the Committee office in Room 1324 of the Longworth House Office Building. You shall consult with designated Committee staff regarding the method of delivery prior to sending any material.
16. Upon completion of the document production, you shall 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 or identified in a privilege log provided to the Committee.

#### **DEFINITIONS FOR SCHEDULE**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, whether classified or unclassified, whether original or copy, or whether draft or final, 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, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meeting or other communications, calendar entries, 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). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, 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 "Committee" means the Committee on Natural Resources of the U.S. House of Representatives.
3. The term "documents in your possession, custody, or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
4. 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, telexes, discussions, releases, personal delivery, or otherwise.
5. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena 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.
6. The terms "person" or "persons" means 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, and other units thereof.
7. The terms "concerning," with respect to any given subject, document, or communication, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.