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

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March 27, 2015

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson:

The Department of the Interior (“DOI”) manages millions of acres on our Southern border under a variety of restrictive laws and regulations. The Committee on Natural Resources (“Committee”) has continually expressed concerns that the resulting impediments to access available to the Department of Homeland Security (“DHS”) hinder its ability to secure the border in an efficient and effective manner.

We understand the previous Administration entered into a well-intended 2006 Memorandum of Understanding between the Department of Homeland Security, the Department of the Interior, and the Department of Agriculture to facilitate communication and cooperation between those agencies. However, significant conflicts remain. This leaves the nation less safe and the environment under DOI’s jurisdiction susceptible to degradation.

The Committee continues to urge DOI to recognize that the ecological benefits of a safe and secure border can only be attained when DHS is afforded the access necessary to deter illegal entries through vigilance and apprehensions. However, it appears that DOI continues to find ways to delay and prohibit permits necessary for DHS to fulfill its mission, most egregiously by coercing payments from DHS to DOI in return for access.

Additionally, President Obama’s use of the Antiquities Act on May 21, 2014, to create the Organ Mountains-Desert Peaks National Monument appears to have ignored both DHS and local concerns to ensure adequate access for security purposes. This catastrophic abuse of power served only to undermine attempts to legislatively resolve longstanding border and immigration deficiencies. Worse, these policies have left the country less safe and with the impression that massive swaths of our sovereign territory, along with the American families that live there, have been ceded to the whims of foreign cartels and illegal activity.

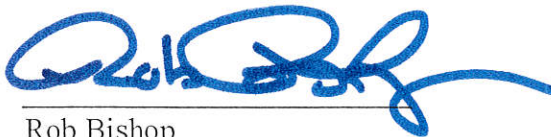
The Honorable Jeh Johnson  
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In order to better understand the priorities and policies of DHS and its agencies, please respond and provide the following to the Committee by April 10, 2015:

1. Copies of all documents and correspondence within the Department of Homeland Security related to requesting or negotiating access to DOI-managed lands in California, Arizona, New Mexico and/or Texas between January 1, 2014 and the present.
2. Copies of all documents and correspondence between the Department of the Interior and the Department of Homeland Security related to providing or denying access in California, Arizona, New Mexico and/or Texas between January 1, 2014 and the present.
3. Copies of all documents and correspondence between the Department of the Interior and the Department of Homeland Security related to the development, preparation, management and declaration of the Organ Mountains-Desert Peaks National Monument between January 1, 2014 and December 31, 2014.
4. Copies of all documents and correspondence within the Department of Homeland Security related to the development, preparation, management and declaration of the Organ Mountains-Desert Peaks National Monument between January 1, 2014 and December 31, 2014.
5. A list of mitigation payments, or any other funds requested by the Department of the Interior related to Department of Homeland Security operations and access in California, Arizona, New Mexico, and Texas, including the date, amount, and purpose of the payment.

Enclosed are definitions and instructions for complying with this request. Please have your staff contact Casey Hammond, Subcommittee on Oversight and Investigations, at 202-225-7107 with any questions about this letter and to arrange delivery of the requested information and documents.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources



Louie Gohmert  
Chairman  
Subcommittee on Oversight & Investigations



## 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), 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.
5. For purposes of this letter the term “access” includes, but is not limited to the ability to utilize, develop and maintain roads; locate, install and maintain equipment and tactical infrastructure; conduct routine patrols and pursuits; and other activities conducted by the Department of Homeland Security in which the Department of the Interior is required or compelled to exercise statutory or regulatory authority.

### 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, employers, 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