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"Rummaging in the government's attic"

Description of document: Department of the Interior (DOI) Ten (10) Oldest pending FOIA requests and associated correspondence, 2020

Requested date: 26-December-2019

Release date: 03-August-2020

Posted date: 12-October-2020

Source of document: FOIA Request
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, DC 20240
Fax: (202) 219-2374
Email: osfoia@ios.doi.gov

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United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2020-00183

August 3, 2020

Via email

On December 26, 2019, you filed a Freedom of Information Act (FOIA) request seeking the following:

Copy of the request letter and interim letters of response along with administrative processing notes for the ten oldest requests in the Office of the Secretary.

Your request was assigned control number **OS-2020-00183**. Accordingly, we are writing today to respond to your request on behalf of the Office of the Secretary.

We have enclosed one file consisting of 127 pages, which is being released to you in part. Portions of these materials are being withheld under the following FOIA Exemption.

Exemption 6

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding four pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and

the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of a personal email address and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Wendy Schumacher, Office of the Secretary, Government Information Specialist is responsible for this partial denial. Adrienne DiCerbo, Attorney-Advisor in the Office of the Solicitor was consulted.

Fees

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g)*. Therefore, there is no billable fee for the processing of this request.

Appeals

You may appeal this decision to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the Office of the Secretary will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about our response to your request, you may contact Wendy Schumacher by phone at 202-513-0765, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

**WENDY
SCHUMACHER**

Wendy Schumacher
Office of the Secretary
FOIA Office

Digitally signed by
WENDY SCHUMACHER
Date: 2020.08.03 11:01:17
-04'00'

Electronic Enclosure



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - Acknowledgement Letter

1 message

OS, OS FOIA <osfoia@ios.doi.gov>

Mon, Jun 8, 2015 at 2:58 PM

To: kward@wvgazette.com

Dear Mr. Ward,

Please see attached the acknowledgement letter for OS-2015-00338 for the following:

[A]ny and all records on the agency's custody concerning Secretary Jewell and OSM
Director Pizarchik's visit to West Virginia to tour a coal operation on Friday, June 5, 2015.

Thanks,
Cindy

—

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



15-00338nc (responded to Molly's question about time period).pdf

188K



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2015-00338

June 8, 2015

Via email: kward@wvgazette.com

Ken Ward, Jr.
The Charleston Gazette
1001 Virginia St, East
Charleston, WV 25301

Dear Mr. Ward:

On June 8, 2015 you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ny and all records on the agency's custody concerning Secretary Jewell and OSM Director Pizarchik's visit to West Virginia to tour a coal operation on Friday, June 5, 2015.

Your request was received in the Office of the Secretary FOIA office on May 8, 2015, and assigned control number **OS-2015-00338**. Please cite this number in any future communications with our office regarding your request.

We have classified your request as a "media use request." As a "media use requester" you will not be charged for our search or review costs and are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

You have asked for a waiver of all FOIA processing fees. Please be advised that we are in the process of determining whether or not your entitlements are sufficient to enable us to process your request, or if we will need to issue a formal determination on your request for a fee waiver.

You have asked for expedited processing of your FOIA request.

The Department's FOIA regulations state that a bureau will provide expedited processing if you demonstrate to the satisfaction of the bureau that the request involves:

- (1) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
or

- (2) An urgency to inform the public about an actual or alleged Federal Government activity if the request is made by a person primarily engaged in disseminating information, e.g., a representative of the news media. This refers to information which has particular value that will be lost if not disseminated quickly, and ordinarily refers to a breaking news story of general public interest. However, information of historical interest only, or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.

43 C.F.R. § 2.20. Your request does not contain sufficient evidence to support these criteria.

Appeals

You may appeal this decision to the Department's FOIA Appeals Officer. Your appeal must be filed as soon as possible. Your appeal must be in writing and addressed to:

Attn: FOIA Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, D.C. 20240
Fax: 202-208-6677
E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the denial letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. An appeal concerning a denial of expedited processing should also demonstrate fully that there is a compelling need for the records. See 43 C.F.R. § 2.20. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. Properly formatted appeals on decisions of expedited processing will be processed ahead of other appeals. See 43 C.F.R. § 2.20(g) For more information on FOIA Administrative Appeals, including how DOI will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

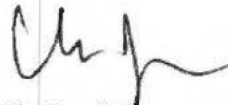
Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under 43 C.F.R. § 2.19. For the same reason, we are placing your request under the "Complex" processing track. See 43 C.F.R. § 2.15.

Given the subject of your request, we believe that the information that you are seeking may also be found within the Office of Surface Mining (OSM). Therefore, you may also want to file a separate FOIA request with them. Their contact information is as follows:

Department of the Interior
Office of Surface Mining (OSM)
Dele Awoniyi
MS-233, SIB
1951 Constitution Ave, NW
Washington, DC 20240
Phone: (202) 208-5840

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,



Clarice Julka
Office of the Secretary
FOIA Officer



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2015-00338

October 3, 2018

Via email: kward@wvgazette.com

Ken Ward, Jr.
The Charleston Gazette
1001 Virginia St, East
Charleston, WV 25301

Dear Mr. Ward:

On June 8, 2015 you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ny and all records on the agency's custody concerning Secretary Jewell and OSM Director Pizarchik's visit to West Virginia to tour a coal operation on Friday, June 5, 2015.

Your request was received in the Office of the Secretary FOIA office on June 8, 2015, and assigned control number **OS-2015-00338**. Please cite this number in any future communications with our office regarding your request.

Due to the amount of time that has lapsed between the dates you submitted your request and the present, we are writing today to determine whether there is continued interest in having the Office of the Secretary process your request.

Please inform us whether you would like us to continue processing your request. If we do not receive a response within **30 workdays** from the date of this letter, we will presume that you are no longer interested in pursuing your request and will administratively close it.

If you have any questions regarding this letter or your request, you may contact Emily Karp by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request from www.doi.gov/foia

1 message

kward@wvgazette.com <kward@wvgazette.com>

Mon, Jun 8, 2015 at 12:30 PM

To: os_foia@ios.doi.gov

Your Contact Information:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart B.

Your Name*: **Ken Ward Jr.**

Street Address*: **1001 Virginia Street, East**

City*: **Charleston**

State or Country*: **WV**

Zip or Postal Code*: **25301**

Address Type: **Business**

Daytime Phone Number*: **304-348-1702**

Fax Number:

Your Email Address: kward@wvgazette.com

Your Organization: **The Charleston Gazette**

Are you filing the request on behalf of another party?*: **No**

- If so, who are you filing the request on behalf of?:

Your Request:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart B.

Bureau/Office*: **Office of the Secretary (OS)**

Relevant park, refuge, site or other location:

Request Description*: **Please provide me with any and all records on the agency's custody concerning Secretary Jewell and OSM Director Pizarchik's visit to West Virginia to tour a coal operation on Friday, June 5, 2015.**

Desired Format of Disclosure: **Electronic copies via CD**

Expedited Processing:

Note: This section corresponds with 43 C.F.R. § 2.10 and § 2.20.

Select the applicable reason why you are requesting expedited processing (if applicable):

- Justification: **Studies continue to show that coal-mining damages the environment and public health, and there is an urgent for newspaper articles to inform the public about government regulation of this activity.**
- I certify that the above statement(s) concerning expedited processing are true and correct to the best of my knowledge and belief: **Yes, I certify that the above statement(s) concerning expedited processing are true and correct to the best of my knowledge and belief.**

Fees and Waivers:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart G.

Please select the appropriate statement:

- I agree to pay fees up to this particular amount (if applicable): **I am requesting a waiver or reduction of fees.
\$50**

In order to assist you in determining my requester category to assess fees, you should know that I am: **a representative of the news media and this request is made as part of a news gathering effort and not for commercial use**

News Media/ Educational or Noncommercial Scientific Institution Affiliation (if applicable): **I am a reporter for the Charleston Gazette, the largest newspaper in West Virginia, and I cover the coal industry.**

Check the boxes to the right to confirm that you meet the Department's fee waiver criteria (if applicable):

- Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government:
- Disclosure of the information is not primarily in my commercial interest:

Detailed Fee Waiver Justification: **Information provided in response to this request will be used in the publication of newspaper stories about the role of DOI and OSM in regulating strip mining.**



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - 30 Day Letter

Ken Ward <kward@wvgazetteemail.com>
Reply-To: kward@wvgazetteemail.com
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Wed, Oct 3, 2018 at 5:28 PM

Please continue processing my request ... your agency's failure to respond in a timely manner doesn't lessen the public's need to know.

Ken Ward Jr.
Staff Writer
The Charleston Gazette-Mail
[1001 Virginia St., East](#)
[Charleston, W.Va. 25301](#)
(304) 348-1702
Fax: (304) 348-1233

Part of the ProPublica Local Reporting Network

Secure text me at kenwardjr on Wickr App

Secure email to kenwardjr@protonmail.com

<http://wvgazetteemail.com>.

Read my blog, Coal Tattoo at <http://blogs.wvgazetteemail.com/coalattoo/> and follow me on Twitter,

<http://twitter.com/Kenwardjr>

And check out Sustained Outrage, a Gazette watchdog journalism blog, <http://blogs.wvgazetteemail.com/watchdog/>

From: emily_karp@ios.doi.gov <emily_karp@ios.doi.gov> **On Behalf Of** OS, OS FOIA

Sent: Wednesday, October 3, 2018 4:57 PM

To: kward@wvgazette.com

Subject: FOIA Request - 30 Day Letter

[Quoted text hidden]

OS-2015-00338

DATE	COMMENTS
12/20/16	CDS - received control form from Rich Cardinale for Tracie Lassiter. Rich said that there are more records to come.
12/21/16	CDS - received records from Rich for Michael Anderson. He said that there are still more to come from ASLM though.
12/28/16	CDS - sent follow up to Rich for remaining ASLM documents.
1/4/17	NB- Sent follow-up to Ryan Witt regarding consult on OS generated materials and received release authorization
1/5/17	NB- Prepared first partial and received release authorization from Clarice. Sent partial out to requester. Requested BIA update and provided BLM with copies of the response letter and transmittal email.
1/10/17	Isf -scanned in rest of ASLM records. We should have the records now.
1/31/17	CDS - received records from Kathleen Lacko (liasion from BLM) helping ASLM.
3/29/17	kyoung - update from BIA - rcv'd a response from Navajo Region; They expect to complete search next week.
6/22/17	KM- NB sent follow up email and rec'd update from BIA on 6/16.
10/18/18	CDS - sent letter to request about if they were still interested in continuing the processing of their request.
10/18/18	CDS - received email from requester that he's still interested in continuing processing of this request.
6/11/19	CDS - requester asked about the status of his request.
6/12/19	CDS - spoke to Nick about this one and he hasn't been able to touch this one since it's not in litigation and he's been doing nothing but litigation for a while.

DATE	COMMENTS
6/13/19	CDS - asked Clarice how she wants to proceed and she said that she's going to ask Leah to take this one.
6/13/19	CDS - I informed the requester that a new processor and is currently being processed. Once we have finished reviewing and going through our processes then we can get these records to you. While we do not have a time line for this process, please know that we are working to get these records to you as soon as possible.
6/18/19	CDS - requester responded that he will need a response date in compliance with FOIA processing track exceptional/voluminous. He said that he also would appreciate the name of the new processor.
6/19/19	CDS - spoke to Clarice about this one. I let her know that I can reply back that we do not have a time line for the processing of this request. Please know that our office is short staffed and are working to get these records to you as quickly as possible. She said that would be fine.
6/19/19	CDS - I responded back to the requester as stated above.
7/12/19	REM - sent partial response with records from 18-572. Did an eedms search for Mike Connor's records and saved the results in the non-public folder (2 emails)
6/22/17	KM- NB sent follow up email and rec'd update from BIA on 6/16.
10/18/18	CDS - sent letter to request about if they were still interested in continuing the processing of their request.
10/18/18	CDS - received email from requester that he's still interested in continuing processing of this request.
6/11/19	CDS - requester asked about the status of his request.
6/12/19	CDS - spoke to Nick about this one and he hasn't been able to touch this one since it's not in litigation and he's been doing nothing but litigation for a while.

DATE	COMMENTS
12/20/16	CDS - received control form from Rich Cardinale for Tracie Lassiter. Rich said that there are more records to come.
12/21/16	CDS - received records from Rich for Michael Anderson. He said that there are still more to come from ASLM though.
12/28/16	CDS - sent follow up to Rich for remaining ASLM documents.
1/4/17	NB- Sent follow-up to Ryan Witt regarding consult on OS generated materials and received release authorization
1/5/17	NB- Prepared first partial and received release authorization from Clarice. Sent partial out to requester. Requested BIA update and provided BLM with copies of the response letter and transmittal email.
1/10/17	Isf -scanned in rest of ASLM records. We should have the records now.
1/31/17	CDS - received records from Kathleen Lacko (liaison from BLM) helping ASLM.
3/29/17	kyoung - update from BIA - rcv'd a response from Navajo Region; They expect to complete search next week.



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - Acknowledgement Letter

1 message

OS, OS FOIA <osfoia@ios.doi.gov>

Wed, Nov 9, 2016 at 11:00 AM

To: mike@sanjuancitizens.org

Dear Mr. Eisenfeld,

Please find attached the acknowledgement letter for FOIA request OS-2017-00062.

Thanks,

Cindy

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

**17-00062aa.pdf**

147K



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00062

November 9, 2016

Via email: mike@sanjuancitizens.org

Mike Eisenfeld
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499

Dear Mr. Eisenfeld:

On November 8, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

- 1) All communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices) that concern the Mancos-Gallup RMPA/EIS.
- 2) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, social media posts, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), Bureau of Indian Affairs (including Navajo Area Office), New Mexico State Historic Preservation Office, Navajo Nation Historic Preservation Office, and National Park Service that concern the Mancos-Gallup RMPA/EIS.
- 3) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), and oil and gas companies and New Mexico Oil and Gas Association (NMOGA) that concern the Mancos-Gallup RMPA/EIS.
- 4) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., from DOI to BIA (Sharon Pinto and Harrilene Yazzie), and/or BLM (Washington, Farmington and Santa Fe offices) including BLM/FFO Project Managers (Peggy Deaton and Mark Ames) and Field Managers/District Manager/State Director (including Dave Evans, Gary Torres, Maureen Joe, Victoria Barr, Rick Fields, and Amy Leuders) that concern the Mancos-Gallup RMPA/EIS. Please also include all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., between BLM and BIA.

Mr. Mike Eisenfeld

- 5) Please provide all DOI, BLM, and/or BIA National Historic Preservation Act consultation letters on the Mancos-Gallup RMPA/EIS and all replies to DOI/BLM/BIA consultation letters, including all responses to the expanded scoping announced on October 20, 2016. Consultation letters are normally sent to tribes/pueblos, consulting parties, and other government agencies.
- 6) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor that concern the Mancos-Gallup RMPA/EIS. Mr. Connor has engaged in responsive communications with BLM, BIA and/or the National Park Service.
- 7) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor, DOI, BIA, and/or BLM with "External Stakeholders." To aid the search, the October 20, 2018 DOI News Release, "Interior Expanding Scope of Resource Management Planning in New Mexico Area to Include Chaco Canyon" identified "External Stakeholders" to include the National Park Conservation Association; The Wilderness Society; Park Rangers for our Lands, Hispanics Enjoying Camping, Hunting and the Outdoors; Western Values Project; Western Energy Project, and Archeology Southwest.
- 8) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Environmental Management and Planning Solutions, Inc., who is contracted to maintain records and act on behalf of DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices in preparing the Mancos-Gallup RMPA/EIS.
- 9) Please provide the contract, employment agreement, billing statements, statement of work, and/or any other agency records that address the contractual agreement between Environmental Management and Planning Solutions, Inc. and DOI, BIA, and/or BLM involving preparation of the Mancos-Gallup RMPA/EIS, including all similar records involving sub-contractors and agents Energy Management and Planning Solutions, Inc. may have engaged to aid preparation of the Mancos-Gallup RMPA/EIS.

Your request was received in the Office of the Secretary FOIA office on November 8, 2016, and assigned control number **OS-2017-00062**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

We have classified your request as an "other-use request." As an "other-use requester" you are entitled to up to 2 hours of search time and 100 pages of photocopies before being charged for the processing of FOIA requests. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00, because the cost of collection would be greater than the fee collected. (See 43 C.F.R. §2.39, 2.49(a)(1)).

Mr. Mike Eisenfeld

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under [43 C.F.R. § 2.19](#). We therefore expect that we will dispatch a determination to you by December 14, 2016. For the same reason, we are placing your request under the “Complex” processing track. See [43 C.F.R. § 2.15](#).

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at (202) 513-0765, by fax at (202) 219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

Freedom of Information Act Request OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Mon, Nov 14, 2016 at 11:41 AM

To: mike@sanjuancitizens.org

Dear Mr. Eisenfeld,

As per our conversation this morning, you were informed that your request for a fee waiver in connection with OS-2017-00062 has been granted. You have also amended your request to search only for those responsive records held by the Office of the Secretary or by the Bureau of Land Management.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

Correspondence 10-14-2016 Re: Freedom of Information Act Request OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Wed, Nov 16, 2016 at 3:25 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>, Valerie Chavez <vchavez@blm.gov>, Ryan Witt <rwitt@blm.gov>

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. The original intent in clarifying your request's search parameters was to accelerate your request's processing by removing the need for the Department of the Interior to search for records held by the Bureau of Indian Affairs and instead focus on those records only held by the Bureau of Land Management and the Office of the Secretary. This would allow the Office of the Secretary to only coordinate a response between itself and the Bureau of Land Management. However, based on the language of your letter dated November 14, 2016 it appears you still desire the Department of the Interior to conduct searches for responsive records held by the Bureau of Indian Affairs, Bureau of Land Management, and the Office of the Secretary. As such, coordination by the Office of the Secretary is necessary for all three offices and the Office of the Secretary shall respond on behalf of the Department of the Interior.

On November 9, 2016 we informed you that your request fell into the "Complex" processing track. We now realize, however that because of the anticipated volume of potentially responsive documents based on your previous requests and need for coordination between the Bureau of Indian Affairs, Bureau of Land Management, and Office of the Secretary, your request falls into the "Exceptional/Voluminous" processing track. We therefore expect that we will dispatch a determination to you by March 31, 2017.

Thanks,

Nick

On Mon, Nov 14, 2016 at 6:08 PM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Mr. Nick Banco

U.S. Department of the Interior MS-7328, MIB 1849 C Street NW

Washington, D.C. 20240

Phone: (202) 513-0765

Fax: (202) 219-2374

E-Mail: os_foia@ios.doi.gov

Hello Nick,

Please see the attached correspondence concerning your email earlier today (November 14, 2016) on **FREEDOM OF INFORMATION ACT REQUEST OS-2017-00062**:

Thanks,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

On Nov 14, 2016, at 9:41 AM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

As per our conversation this morning, you were informed that your request for a fee waiver in connection with OS-2017-00062 has been granted. You have also amended your request to search only for those responsive records held by the Office of the Secretary or by the Bureau of Land Management.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

Status Update for OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Thu, Dec 1, 2016 at 5:09 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Dear Mr. Eisenfeld,

As your Freedom of Information Act (FOIA) request is currently being processed, an update might be useful to brief you on its progress. As I've stated previously, the Office of the Secretary (OS) will be answering on behalf of the Department of the Interior, within which are the Bureau of Indian Affairs (BIA) and the Bureau of Land Management (BLM). BIA and BLM will conduct searches and forward those materials to OS for eventual release. Therefore, all responses to your request will originate from OS.

OS is currently searching for records in its Office of Deputy Secretary and the Assistant Secretary for Land and Minerals Management. We have reached out to BIA to begin conducting a search. BLM is currently searching its offices in Farmington, New Mexico.

The Department anticipates producing in excess of 7000 pages of responsive materials to your request, which will be located between BIA, BLM, and OS' offices in Farmington, NM; Gallup, NM; and Washington, DC. It is also likely that some of the content in these materials will be subject to Exemption 5, which concerns the deliberative process, and Exemption 6, which concerns personal information.

Because of the anticipated large volume of responsive materials, OS expects to provide documents drawn from the above searches and locations to you on a rolling basis. OS intends to begin this process on December 30, 2016.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

December 7, 2016 Response from San Juan Citizens Alliance concerning Status Update for OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Mon, Dec 12, 2016 at 2:34 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Cc: Travis Stills <stills@frontier.net>

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. Your communication on November 14, 2016, expressed your desire to not limit the parameters of your request. Therefore, we are conducting searches within BIA, BLM and OS offices in Farmington, NM; Gallup, NM; and Washington, DC. We expect that we may have over 7000 pages of responsive records. As stated in the communication sent to you on November 16, 2016, we anticipate providing a final determination to you as well as completing all associated document productions with potentially withheld materials under Exemptions 5 and 6 by March 31, 2017. Finally, as per the communication sent to you on December 1, 2016, we anticipate providing you with your first partial release on December 30, 2016.

Thanks,

Nick

On Wed, Dec 7, 2016 at 12:13 PM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Mr. Nick Banco

U.S. Department of the Interior MS-7328, MIB 1849 C Street NW

Washington, D.C. 20240

Phone: (202) 513-0765

Fax: (202) 219-2374

E-Mail: os_foia@ios.doi.gov

Hello Nick,

Please see the attached December 7, 2016 correspondence concerning your December 1, 2016 email on **FREEDOM OF INFORMATION ACT REQUEST OS-2017-00062**:

Thanks,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

On Dec 1, 2016, at 3:09 PM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

As your Freedom of Information Act (FOIA) request is currently being processed, an update might be useful to brief you on its progress. As I've stated previously, the Office of the Secretary (OS) will be answering on behalf of the Department of the Interior, within which are the Bureau of Indian Affairs (BIA) and the Bureau of Land Management (BLM). BIA and BLM will conduct searches and forward those materials to OS for eventual release. Therefore, all responses to your request will originate from OS.

OS is currently searching for records in its Office of Deputy Secretary and the Assistant Secretary for Land and Minerals Management. We have reached out to BIA to begin conducting a search. BLM is currently searching its offices in Farmington, New Mexico.

The Department anticipates producing in excess of 7000 pages of responsive materials to your request, which will be located between BIA, BLM, and OS' offices in Farmington, NM; Gallup, NM; and Washington, DC. It is also likely that some of the content in these materials will be subject to Exemption 5, which concerns the deliberative process, and Exemption 6, which concerns personal information.

Because of the anticipated large volume of responsive materials, OS expects to provide documents drawn from the above searches and locations to you on a rolling basis. OS intends to begin this process on December 30, 2016.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

Freedom of Information Act Request OS-2017-00062 First Partial Response

OS, OS FOIA <osfoia@ios.doi.gov>

Thu, Jan 5, 2017 at 9:56 AM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Dear Mr. Eisenfeld,

Please find enclosed the first partial response and cover letter for your Freedom of Information Act request numbered OS-2017-00062.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

2 attachments



17-00062af (First Partial).pdf
146K



17-00062ca (First Partial).pdf
14819K



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00062

January 5, 2017

Via email: mike@sanjuancitizens.org

Mike Eisenfeld
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499

Dear Mr. Eisenfeld:

On November 8, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

- 1) All communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices) that concern the Mancos-Gallup RMPA/EIS.
- 2) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, social media posts, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), Bureau of Indian Affairs (including Navajo Area Office), New Mexico State Historic Preservation Office, Navajo Nation Historic Preservation Office, and National Park Service that concern the Mancos-Gallup RMPA/EIS.
- 3) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), and oil and gas companies and New Mexico Oil and Gas Association (NMOGA) that concern the Mancos-Gallup RMPA/EIS.
- 4) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., from DOI to BIA (Sharon Pinto and Harrilene Yazzie), and/or BLM (Washington, Farmington and Santa Fe offices) including BLM/FFO Project Managers (Peggy Deaton and Mark Ames) and Field Managers/District Manager/State Director (including Dave Evans, Gary Torres, Maureen Joe, Victoria Barr, Rick Fields, and Amy Leuders) that concern the Mancos-Gallup RMPA/EIS. Please also include all communications and records of communications, including

Mr. Mike Eisenfeld

letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., between BLM and BIA.

5) Please provide all DOI, BLM, and/or BIA National Historic Preservation Act consultation letters on the Mancos-Gallup RMPA/EIS and all replies to DOI/BLM/BIA consultation letters, including all responses to the expanded scoping announced on October 20, 2016. Consultation letters are normally sent to tribes/pueblos, consulting parties, and other government agencies.

6) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor that concern the Mancos-Gallup RMPA/EIS. Mr. Conner has engaged in responsive communications with BLM, BIA and/or the National Park Service.

7) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor, DOI, BIA, and/or BLM with "External Stakeholders." To aid the search, the October 20, 2018 DOI News Release, "Interior Expanding Scope of Resource Management Planning in New Mexico Area to Include Chaco Canyon" identified "External Stakeholders" to include the National Park Conservation Association; The Wilderness Society; Park Rangers for our Lands, Hispanics Enjoying Camping, Hunting and the Outdoors; Western Values Project; Western Energy Project, and Archeology Southwest.

8) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Environmental Management and Planning Solutions, Inc., who is contracted to maintain records and act on behalf of DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices in preparing the Mancos-Gallup RMPA/EIS.

9) Please provide the contract, employment agreement, billing statements, statement of work, and/or any other agency records that address the contractual agreement between Environmental Management and Planning Solutions, Inc. and DOI, BIA, and/or BLM involving preparation of the Mancos-Gallup RMPA/EIS, including all similar records involving sub-contractors and agents Energy Management and Planning Solutions, Inc. may have engaged to aid preparation of the Mancos-Gallup RMPA/EIS.

On November 9, 2016, we acknowledged your request and advised you of your fee status under the FOIA. On November 14, 2016, your request for a fee waiver was granted. On November 16, 2016, you were informed that the Office of the Secretary will respond on behalf of the Bureau of Indian Affairs, Bureau of Land Management, and itself. We are writing to partially

Mr. Mike Eisenfeld

respond to your request. Please find attached 1 file consisting of 605 pages which are being released in their entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Nicholas Banco by phone at (202) 513-0765, by fax at (202) 219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

Electronic Enclosure



OS, OS FOIA <osfoia@ios.doi.gov>

[EXTERNAL] San Juan Citizens Alliance Request to continue processing FOIA OS-2017-00062

5 messages

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov

Mon, Oct 15, 2018 at 2:02 PM

Dear Ms. Karp

Please see the attached letter concerning San Juan Citizens Alliance request for DOI to continue processing FOIA OS-2017-00062 on the Mancos Shale Resource Management Plan/Environmental Impact Statement.

We would appreciate confirmation of DOI receipt of this letter.

Mike Eisenfeld
Energy and Climate Program Manager
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org



SJCA OS-2017-00062 FOIA October 15 2018.pdf
1351K

OS, OS FOIA <osfoia@ios.doi.gov>
To: Mike Eisenfeld <mike@sanjuancitizens.org>

Mon, Oct 15, 2018 at 3:03 PM

We have received your letter and will continue to process this request.

[Quoted text hidden]

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

Mike Eisenfeld <mike@sanjuancitizens.org>
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Mon, Oct 15, 2018 at 3:10 PM

Thank you

[Quoted text hidden]

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov

Tue, Jun 11, 2019 at 1:42 PM

Ms. Karp
Please update me on current response.

Thank you
Mike Eisenfeld

Sent from my iPhone

[Quoted text hidden]

> <SJCA OS-2017-00062 FOIA October 15 2018.pdf>

OS, OS FOIA <osfoia@ios.doi.gov>
To: Mike Eisenfeld <mike@sanjuancitizens.org>
Cc: OS FOIA OS <os_foia@ios.doi.gov>

Thu, Jun 13, 2019 at 10:09 AM

Dear Mr. Eisenfeld,

This request has been assigned to a new processor and is currently being processed. Once we have finished reviewing and going through our processes then we can get these records to you. While we do not have a time line for this process, please know that we are working to get these records to you as soon as possible.

Thanks,
Cindy Sweeney

[Quoted text hidden]

[Quoted text hidden]



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00062

March 30, 2017

Mike Eisenfeld
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499

Dear Mr. Eisenfeld:

On November 8, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

- 1) All communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices) that concern the Mancos-Gallup RMPA/EIS.
- 2) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, social media posts, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), Bureau of Indian Affairs (including Navajo Area Office), New Mexico State Historic Preservation Office, Navajo Nation Historic Preservation Office, and National Park Service that concern the Mancos-Gallup RMPA/EIS.
- 3) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), and oil and gas companies and New Mexico Oil and Gas Association (NMOGA) that concern the Mancos-Gallup RMPA/EIS.
- 4) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., from DOI to BIA (Sharon Pinto and Harrilene Yazzie), and/or BLM (Washington, Farmington and Santa Fe offices) including BLM/FFO Project Managers (Peggy Deaton and Mark Ames) and Field Managers/District Manager/State Director (including Dave Evans, Gary Torres, Maureen Joe, Victoria Barr, Rick Fields, and Amy Leuders) that concern the Mancos-Gallup RMPA/EIS. Please also include all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., between BLM and BIA.

Mr. Mike Eisenfeld

5) Please provide all DOI, BLM, and/or BIA National Historic Preservation Act consultation letters on the Mancos-Gallup RMPA/EIS and all replies to DOI/BLM/BIA consultation letters, including all responses to the expanded scoping announced on October 20, 2016. Consultation letters are normally sent to tribes/pueblos, consulting parties, and other government agencies.

6) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor that concern the Mancos-Gallup RMPA/EIS. Mr. Connor has engaged in responsive communications with BLM, BIA and/or the National Park Service.

7) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor, DOI, BIA, and/or BLM with "External Stakeholders." To aid the search, the October 20, 2018 DOI News Release, "Interior Expanding Scope of Resource Management Planning in New Mexico Area to Include Chaco Canyon" identified "External Stakeholders" to include the National Park Conservation Association; The Wilderness Society; Park Rangers for our Lands, Hispanics Enjoying Camping, Hunting and the Outdoors; Western Values Project; Western Energy Project, and Archeology Southwest.

8) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Environmental Management and Planning Solutions, Inc., who is contracted to maintain records and act on behalf of DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices in preparing the Mancos-Gallup RMPA/EIS.

9) Please provide the contract, employment agreement, billing statements, statement of work, and/or any other agency records that address the contractual agreement between Environmental Management and Planning Solutions, Inc. and DOI, BIA, and/or BLM involving preparation of the Mancos-Gallup RMPA/EIS, including all similar records involving sub-contractors and agents Energy Management and Planning Solutions, Inc. may have engaged to aid preparation of the Mancos-Gallup RMPA/EIS.

On November 9, 2016, we acknowledged your request and advised you of your fee status under the FOIA. On November 14, 2016, your request for a fee waiver was granted. On November 16, 2016, you were informed that the Office of the Secretary will respond on behalf of the Bureau of Indian Affairs, Bureau of Land Management, and itself. On January 5, 2017, an initial partial response consisting of 605 pages was provided.

Mr. Mike Eisenfeld

We are writing to partially respond to your request. Please find enclosed on CD 1 file consisting of 4625 pages which are being released in their entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Nicholas Banco by phone at (202) 513-0765, by fax at (202) 219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

Status of FOIA Request OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Wed, Apr 5, 2017 at 2:32 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. Last Friday we sent a partial response of 4625 pages to you via physical mail due to its file size.

As for updates concerning the efforts of the individual bureaus, the Office of the Secretary has completed its search and we are currently processing the potentially responsive documents. The Bureaus of Land Management and Indian Affairs are close to completing their searches in offices located in Farmington, NM; Gallup, NM; and Washington, DC. Throughout its search, BLM has provided the Office of the Secretary thousands of pages of responsive documents which are integrated within the release sent last week as well as being included in the next production.

Thanks,

Nick

On Wed, Apr 5, 2017 at 12:17 PM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Mr. Banco:

On December 7, 2016 San Juan Citizens Alliance received an email from you updating communication from November 16, 2016 on FOIA Request OS-2017-00062. The December 7, 2016 email communication stated that, "...we anticipate providing a final determination to you as well as completing all associated document productions with potentially withheld materials under exemptions 5 and 6 by March 31, 2017." San Juan Citizens Alliance has not received this determination/document productions through today (April 5, 2017). Can you provide me an update on the status of FOIA Request OS-2017-00062.

Thank you,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

--
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

October 5, 2017: Status of FOIA Request OS-2017-00062

OS, OS FOIA <osfoia@ios.doi.gov>

Fri, Oct 6, 2017 at 3:37 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. As explained in our communication with you on November 16, 2016, the volume of potentially responsive materials for your request has necessitated its placement in the "Exceptional/Voluminous" processing track. Our office is still processing potentially responsive materials and anticipates releasing in excess of 10,000 more pages in addition to the already released 5,230 pages before fulfilling your request. Because of this high volume of document processing, it is difficult to provide an estimate of when your request will be complete.

Thanks,

Nick

On Thu, Oct 5, 2017 at 11:48 AM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Mr. Banco,

Please provide an written (email is fine) estimate of the date when SJCA will receive a final determination and production of all agency records responsive to the OS-2017-00062 FOIA request. Because this matter has now been referred for litigation, should you wish to discuss this matter further by phone, please let me know and I can send SJCA's attorney contact information.

Thank you,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

Begin forwarded message:

From: Mike Eisenfeld <mike@sanjuancitizens.org>**Subject:** Re: Status of FOIA Request OS-2017-00062**Date:** April 6, 2017 at 12:20:53 PM MDT**To:** "OS, OS FOIA" <osfoia@ios.doi.gov>

Dear Mr. Banco,

Thank you for the update.

Please provide your best estimate on when SJCA will be provided a completed response and release of the remaining records.

Also, to help SJCA consider its options to gain prompt access to the records DOI/BLM is currently withholding, please provide a detailed explanation as to why the March 31, 2017 completion estimate was not met and what additional resources are being assigned to meet the new estimate. Without a detailed explanation, we can only conclude that further delay is part of the DOI/BLM practice and policy of assigning insufficient resources to deny SJCA's FOIA right to promptly access agency records upon written request.

Sincerely,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

On Apr 5, 2017, at 12:32 PM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. Last Friday we sent a partial response of 4625 pages to you via physical mail due to its file size.

As for updates concerning the efforts of the individual bureaus, the Office of the Secretary has completed its search and we are currently processing the potentially responsive documents. The Bureaus of Land Management and Indian Affairs are close to completing their searches in offices located in Farmington, NM; Gallup, NM; and Washington, DC. Throughout its search, BLM has provided the Office of the Secretary thousands of pages of responsive documents which are integrated within the release sent last week as well as being included in the next production.

Thanks,

Nick

On Wed, Apr 5, 2017 at 12:17 PM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Mr. Banco:

On December 7, 2016 San Juan Citizens Alliance received an email from you updating communication from November 16, 2016 on FOIA Request OS-2017-00062. The December 7, 2016 email communication stated that, "...we anticipate providing a final determination to you as well as completing all associated document productions with potentially withheld materials under exemptions 5 and 6 by March 31, 2017." San Juan Citizens Alliance has not received this determination/document productions through today (April 5, 2017). Can you provide me an update on the status of FOIA Request OS-2017-00062.

Thank you,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

--

Department of the Interior

Office of the Secretary, FOIA Office

1849 C Street, NW, MS-7328

Washington, D.C. 20240

os_foia@ios.doi.gov

(202) 513-0765 - phone

10/6/2017

DEPARTMENT OF THE INTERIOR Mail - October 5, 2017: Status of FOIA Request OS-2017-00062

(202) 219-2374 - fax

--
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00062

October 5, 2018

Via Email: mike@sanjuancitizens.org

Mike Eisenfeld
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499

Dear Mr. Eisenfeld:

On November 8, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

- 1) All communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices) that concern the Mancos-Gallup RMPA/EIS.
- 2) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, social media posts, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), Bureau of Indian Affairs (including Navajo Area Office), New Mexico State Historic Preservation Office, Navajo Nation Historic Preservation Office, and National Park Service that concern the Mancos-Gallup RMPA/EIS.
- 3) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), and oil and gas companies and New Mexico Oil and Gas Association (NMOGA) that concern the Mancos-Gallup RMPA/EIS.
- 4) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., from DOI to BIA (Sharon Pinto and Harrilene Yazzie), and/or BLM (Washington, Farmington and Santa Fe offices) including BLM/FFO Project Managers (Peggy

Deaton and Mark Ames) and Field Managers/District Manager/State Director (including Dave Evans, Gary Torres, Maureen Joe, Victoria Barr, Rick Fields, and Amy Leuders) that concern the Mancos-Gallup RMPA/EIS. Please also include all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., between BLM and BIA.

- 5) Please provide all DOI, BLM, and/or BIA National Historic Preservation Act consultation letters on the Mancos-Gallup RMPA/EIS and all replies to DOI/BLM/BIA consultation letters, including all responses to the expanded scoping announced on October 20, 2016. Consultation letters are normally sent to tribes/pueblos, consulting parties, and other government agencies.
- 6) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor that concern the Mancos-Gallup RMPA/EIS. Mr. Conner has engaged in responsive communications with BLM, BIA and/or the National Park Service.
- 7) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor, DOI, BIA, and/or BLM with “External Stakeholders.” To aid the search, the October 20, 2018 DOI News Release, “Interior Expanding Scope of Resource Management Planning in New Mexico Area to Include Chaco Canyon” identified “External Stakeholders” to include the National Park Conservation Association; The Wilderness Society; Park Rangers for our Lands, Hispanics Enjoying Camping, Hunting and the Outdoors; Western Values Project; Western Energy Project, and Archeology Southwest.
- 8) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Environmental Management and Planning Solutions, Inc., who is contracted to maintain records and act on behalf of DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices in preparing the Mancos-Gallup RMPA/EIS.
- 9) Please provide the contract, employment agreement, billing statements, statement of work, and/or any other agency records that address the contractual agreement between Environmental Management and Planning Solutions, Inc. and DOI, BIA, and/or BLM involving preparation of the Mancos-Gallup RMPA/EIS, including all similar records involving sub-contractors and agents Energy Management and Planning Solutions, Inc. may have engaged to aid preparation of the Mancos-Gallup RMPA/EIS.

On November 9, 2016, we acknowledged your request (OS-2017-00062) and advised you of your fee status under the FOIA. On November 14, 2016, your request for a fee waiver was granted. On November 16, 2016, you were informed that the Office of the Secretary will respond on behalf of the Bureau of Indian Affairs, Bureau of Land Management, and itself. On January 5, 2017, an initial partial response consisting of 605 pages was provided. On March 30, 2017, a second partial response consisting of 4,625 pages was provided.

Due to the amount of time that has lapsed between the dates you submitted your request and the present, we are writing today to determine whether there is continued interest in having the Office of the Secretary process your request.

Please inform us whether you would like us to continue processing your request. If we do not receive a response within **30 workdays** from the date of this letter, we will presume that you are no longer interested in pursuing your request and will administratively close it.

If you have any questions regarding this letter or your request, you may contact Emily Karp by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - 30 Day Letter

1 message

OS, OS FOIA <osfoia@ios.doi.gov>

Fri, Oct 5, 2018 at 11:28 AM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Dear Mr. Eisenfeld,

Please find attached the 30 Day Letter for your request # OS-2017-00062.

Sincerely,
Emily Karp

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



17-00062aj - 30 Day Letter.pdf

159K



PO Box 6655
Farmington, NM 87499
505.325.6724
sanjuancitizens.org

November 8, 2016

Ms. Clarice Julka
FOIA Officer
U.S. Department of the Interior MS-7328, MIB 1849 C Street NW
Washington, D.C. 20240
Phone: (202) 513-0765
Fax: (202) 219-2374
E-Mail: os_foia@ios.doi.gov

Ms. Eileen Chavez
State FOIA Coordinator
New Mexico Bureau of Land Management
PO Box 27115
Santa Fe, NM 87502
NM_FOIA@blm.gov
vchavez@blm.gov

Re: FREEDOM OF INFORMATION ACT REQUEST (RESPONSE DEADLINE 20 WORKING DAYS):

Agency Records Regarding Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement (RMPA/EIS)

Dear Ms. Julka and Ms. Chavez:

San Juan Citizens Alliance ("SJCA") hereby submits this Freedom of Information Act ("FOIA") request pursuant to the requirements of 5 U.S.C. §552. Please provide your written confirmation (preferably by e-mail or e-mail attachment) upon the receipt of this request.

This FOIA request is directed to you as the Department of the Interior ("DOI") persons likely to have control or access to the requested documents concerning the Bureau of Land Management ("BLM")/Farmington Field Office ("FFO") Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement ("RMPA/EIS"). This request seeks copies of all responsive agency records in the control or possession of the DOI, including but not limited to, agency records of communications, involving BLM and/or Bureau of Indian Affairs ("BIA") concerning preparation of the Mancos-Gallup RMPA/EIS.

Please note that this request must be read broadly and seeks all records created, obtained, and/or maintained by and/or on behalf of DOI by its bureaus, services, staff, employees, attorneys, agents, contractors, subcontractors, etc. concerning the project. The request seeks all agency records created, obtained, and/or maintained by or on behalf of DOI from project initiation in 2013.

SJCA acknowledges that BLM has partially responded to a FOIA (FOIA NM 2015-023) on the RMPA/EIS, but the response did not identify a lawful cut off date for that search. The present FOIA request does not request production of agency records BLM produced in the response to FOIA NM 2015-023. The present request does request all responsive documents created or obtained from January 1, 2013 until reasonable cut-off dates that use the date the search is actually conducted in each particular location. Also, please note that the DOI announced an expanded scope of the RMPA/EIS on October 21, 2016 (See Federal Register, Volume 81, No. 204), and therefore the FOIA NM 2015-23 search cannot be relied upon for the present request. To help streamline this request and avoid time necessary to compare the present search results with FOIA NM 2015-023 search, it may be more efficient for DOI to provide all responsive agency records from January 1, 2013 forward, regardless of any duplication with FOIA NM 2015-023.

To aid the search for responsive records, SJCA anticipates that agency records responsive to this FOIA request include the following agency records created or obtained by DOI, BLM and/or BIA as lead DOI oversight bureaus for the continued preparation of the Mancos-Gallup RMPA/EIS.

- 1) All communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices) that concern the Mancos-Gallup RMPA/EIS.
- 2) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, social media posts, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), Bureau of Indian Affairs (including Navajo Area Office), New Mexico State Historic Preservation Office, Navajo Nation Historic Preservation Office, and National Park Service that concern the Mancos-Gallup RMPA/EIS.
- 3) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices), and oil and gas companies and New Mexico Oil and Gas Association (NMOGA) that concern the Mancos-Gallup RMPA/EIS.
- 4) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., from DOI to BIA (Sharon Pinto and Harriene Yazzie), and/or BLM (Washington, Farmington and Santa Fe offices) including BLM/FFO Project Managers (Peggy Deaton and Mark Ames) and Field Managers/District Manager/State Director (including Dave Evans, Gary Torres,

Maureen Joe, Victoria Barr, Rick Fields, and Amy Leuders) that concern the Mancos-Gallup RMPA/EIS. Please also include all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., between BLM and BIA.

5) Please provide all DOI, BLM, and/or BIA National Historic Preservation Act consultation letters on the Mancos-Gallup RMPA/EIS and all replies to DOI/BLM/BIA consultation letters, including all responses to the expanded scoping announced on October 20, 2016. Consultation letters are normally sent to tribes/pueblos, consulting parties, and other government agencies.

6) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor that concern the Mancos-Gallup RMPA/EIS. Mr. Connor has engaged in responsive communications with BLM, BIA and/or the National Park Service.

7) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Deputy Secretary of the Interior Michael J. Connor, DOI, BIA, and/or BLM with "External Stakeholders." To aid the search, the October 20, 2018 DOI News Release, "Interior Expanding Scope of Resource Management Planning in New Mexico Area to Include Chaco Canyon" identified "External Stakeholders" to include the National Park Conservation Association; The Wilderness Society; Park Rangers for our Lands, Hispanics Enjoying Camping, Hunting and the Outdoors; Western Values Project; Western Energy Project, and Archeology Southwest.

8) Please provide all communications and records of communications, including letters, attachments, documents, e-mails, text messages, phone messages, minutes of meetings, etc., involving Environmental Management and Planning Solutions, Inc., who is contracted to maintain records and act on behalf of DOI, BIA, and/or BLM (Washington, Farmington and Santa Fe offices in preparing the Mancos-Gallup RMPA/EIS.

9) Please provide the contract, employment agreement, billing statements, statement of work, and/or any other agency records that address the contractual agreement between Environmental Management and Planning Solutions, Inc. and DOI, BIA, and/or BLM involving preparation of the Mancos-Gallup RMPA/EIS, including all similar records involving sub-contractors and agents Energy Management and Planning Solutions, Inc. may have engaged to aid preparation of the Mancos-Gallup RMPA/EIS.

The present request seeks immediate release of records in electronic format. SJCA requests that paper copies be scanned and electronic records be provided on CD-ROM, DVD, flash drive, or other electronic media containing files in native format or printed from native format into searchable pdfs. These protocols are available to and regularly used by DOI and are the accepted formats required by the federal courts' Electronic Filing System. Please provide the electronic records in a format that is most expeditious. Further, and in order to aid in understanding of the materials being requested, please provide any records index or inventory that DOI maintains that involves the materials being provided and/or withheld.

POTENTIALLY EXEMPT MATERIALS

It is highly unlikely that the requested records are exempt from disclosure as the request is for records concerning the Mancos-Gallup RMPA/EIS. However, if you determine that portions of any records covered by this request are exempt from disclosure, please separate the exempt portions from the nonexempt portions and provide copies of the nonexempt portions. For any records that you determine to be exempt from release, please provide us with a specific description of the record or portion of the record along with a particularized description of the legal basis for withholding it. *See Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974).

FOIA Exemptions must be identified, applied narrowly, and justified by the agency in light of the particular Exemption being asserted to withhold a document in full or in part. In most cases, FOIA provides discretion to disclose agency records that may qualify for an Exemption. Disclosure of government activities, not agency secrecy, is the statutory purpose that FOIA serves.

In particular, agencies have the option of either invoking or waiving the deliberative process exemption (Exemption 5) as a basis for withholding certain records. 5 U.S.C. § 552(b)(5). The Supreme Court recently stated:

Exemption 5 protects from disclosure “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. §552(b)(5). To qualify, a document must thus satisfy two conditions: its source must be a Government agency, and it must fall within the ambit of a privilege against discovery under judicial standards that would govern litigation against the agency that holds it.

Department of Interior v. Klamath Water Users Protective Association, 121 S. Ct. 1060, 1065 (2001). The point of Exemption 5 is not to protect Government secrecy pure and simple, and the Exemption’s first condition is no less important than the second; the communication must be “inter-agency or intra-agency.” 5 U.S.C. §552(b)(5).

In order for the privilege to apply, the document must be both “predecisional” and “deliberative.” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, at 150-54 (1975). A “predecisional” document is one “prepared in order to assist the agency decision-maker in arriving at his decision.” Renegotiation Board v. Grumman Aircraft Eng’g Corp., 421 U.S. 168, 184 (1975). A document is “deliberative” if it “exposes the mental processes of decision-makers.” Dudman Communications Corp. v. Department of Air Force, 815 F.2d 1568 (D.C. Cir. 1987).

As a result, “communications containing purely factual material are not typically within the purview of Exemption 5.” Julian v. Department of Justice, 806 F.2d 1411 (9th Cir. 1986), *aff’d*, 486 U.S. 1 (1988).

It is likely that Exemption 5 will apply to few records responsive to this request, if any at all. However, if the agency determines that portions of the requested information qualify for Exemption 5, the agency should attempt to redact any non-factual portions of the information

requested above. In so doing, and to avoid the delay and expense of litigation, please provide a written justification with the determination to support any withholding, including redactions.

Please confirm that review included the necessary steps to ensure that any asserted exemption has not already been waived by previous release to persons not covered by the exemption or other action of the agency. Please note that waiver is not limited to the specific act(s) that waive the privilege. Waiver extends past the specific act(s) to eliminate the ability to claim privileges regarding all records concerning the same subject matter.

In short, releasing the requested information in these agency records is clearly within the public interest and agency records may only be withheld based after application of the specific FOIA Exemption to the specific contents and circumstances of records that may be subject to withholdings. SJCA respectfully submits that any failure to contemporaneously justify the withholding in the administrative process is a failure to exhaust administrative procedures that waives the ability of the government to make *post-hoc* allegations should this FOIA request move into an appeal or litigation.

FEE WAIVER

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), SJCA is requesting a fee waiver for the records requested. SJCA has received a fee waiver from BLM on many public projects impacting public lands.

SJCA is a non-profit organization. SJCA has the experience and expertise to review the requested materials. SJCA uses FOIA to obtain information about federal agencies and makes information concerning energy development projects available to members of the public through electronic and printed publications, public meetings, press releases, phone calls, administrative appeals, and litigation, among other means. SJCA will make the information obtained from this request available to its members and the general public and does not seek this information for commercial use. More information can be found regarding our organization online at <http://www.sanjuancitizens.org>. SJCA has commented on the Mancos-Gallup RMPA/EIS to date and has been diligent in participating in all project scoping opportunities.

The information requested concerns the operation and activities carried out by or on the behalf of DOI, BLM and BIA. FOIA provides that agency records shall be provided without charge “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

This fee waiver provision was adopted to facilitate access to agency records by what the Court described as citizen “watchdog” organizations. *See Better Gov’t Ass’n v. Dep’t of State*, 780 F.2d 86, 88-89 (D.C. Cir.1987). For this reason, Congress intended that the provision be liberally construed in favor of waivers for noncommercial requesters. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987).

Release of the records described in this request will primarily benefit the public and substantially contribute to its understanding of the government’s policies and activities concerning public land in northwestern New Mexico. SJCA makes information concerning Federal agencies available to

its members and members of the public through publications, public meetings, electronic and printed action alerts, press releases, phone calls, administrative appeals, and litigation, among other means. Through public comment, preparation of action alerts, press releases, public meetings, public interest litigation and other means, SJCA will make the information obtained from this request available to its supporters and other groups.

Moreover, given the nature of the records, the requesting group will be reviewing the information requested intensively and extensively, and sharing such records with other citizens, community members, elected officials, and local governments. Release of the records described in this FOIA request will therefore primarily benefit the public and substantially contribute to its understanding of management of public land in northwestern New Mexico.

If, for some reason, you should deny this request for a fee waiver, you should classify the organization as representative of the news media, as that term is used in 5 USC § 552 (a)(4)(A)(ii)(II). SJCA serves as an information clearinghouse for individuals, media outlets, and organizations seeking information on land policies as they impact northwestern New Mexico and the region. Information will be distributed through periodic bulletins, web sites, press events, slide shows and other public events. Therefore, SJCA can be considered representative of the news media. *See, Nat'l Sec. Archives v. US Dep't of Defense*, 880 F2d 1381, 1385 (D.C. Cir. 1989).

I look forward to your timely response as required by FOIA, 5 USC§ 552(a)(6)(A)(i). Please inform me as to DOI's response on this FOIA. If you have any comments or questions regarding this request, please do not hesitate to contact me via phone and/or email.

Respectfully submitted,

s/ Mike Eisenfeld

Mike Eisenfeld
Energy and Climate Program Manager
SJCA
P.O. Box 6655
Farmington, New Mexico
87499-6655
mike@sanjuancitizens.org



OS, OS FOIA <osfoia@ios.doi.gov>

Freedom of Information Act Request, San Juan Citizens Alliance, November 8, 2016: Resource Management Plan Amendment/Environmental Impact Statement, DOI, BLM Farmington

4 messages

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov, NM_FOIA@blm.gov, vchavez@blm.gov

Tue, Nov 8, 2016 at 10:52 AM

Dear Ms. Julka and Ms. Chavez:

San Juan Citizens Alliance hereby submits this Freedom of Information Act request pursuant to the requirements of 5 U.S.C. §552 on the Department of the Interior/Bureau of Land Management/Bureau of Indian Affairs Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement. Please provide your written confirmation (preferably by e-mail or e-mail attachment) upon the receipt of this request.

Thank you,

Mike Eisenfeld
Energy and Climate Program Manager

San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

 **SJCA FOIA Mancos Gallup RMPA EIS November 8, 2016 .pdf**
1399K

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov, NM_FOIA@blm.gov, vchavez@blm.gov

Tue, Nov 8, 2016 at 11:30 AM

Please use this corrected pdf - thank you.

On Nov 8, 2016, at 8:52 AM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Ms. Julka and Ms. Chavez:

San Juan Citizens Alliance hereby submits this Freedom of Information Act request pursuant to the requirements of 5 U.S.C. §552 on the Department of the Interior/Bureau of Land Management/Bureau of Indian Affairs Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement. Please provide your written confirmation (preferably by e-mail or e-mail attachment) upon the receipt of this request.

Thank you,

Mike Eisenfeld
Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

2 attachments



SJCA FOIA Mancos Gallup RMPA EIS November 8, 2016 [1].pdf
1398K



SJCA FOIA Mancos Gallup RMPA EIS November 8, 2016 .pdf
1399K

Chavez, Eileen <echavez@blm.gov>

Tue, Nov 8, 2016 at 12:21 PM

To: Mike Eisenfeld <mike@sanjuancitizens.org>

Cc: OS FOIA OS <os_foia@ios.doi.gov>, NM_FOIA@blm.gov, "Chavez, Valerie A" <vchavez@blm.gov>

There are two attachments. Which is the corrected one?

Eileen Griego Chavez (formerly Vigil)
NM/OK/TX/KS FOIA/Privacy/Records Officer
(505) 954-2129
echavez@blm.gov

On Tue, Nov 8, 2016 at 9:30 AM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:
Please use this corrected pdf - thank you.

[Quoted text hidden]

San Juan Citizens Alliance

PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

Mike Eisenfeld <mike@sanjuancitizens.org>

Tue, Nov 8, 2016 at 12:27 PM

To: "Chavez, Eileen" <echavez@blm.gov>

Cc: OS FOIA OS <os_foia@ios.doi.gov>, NM_FOIA@blm.gov, "Chavez, Valerie A" <vchavez@blm.gov>

The correct attachment is file SJCA FOIA Mancos Gallup RMPA EIS November 8, 2016 [1].pdf.

Thank you.

On Nov 8, 2016, at 10:21 AM, Chavez, Eileen <echavez@blm.gov> wrote:

There are two attachments. Which is the corrected one?

Eileen Griego Chavez (formerly Vigil)
NM/OK/TX/KS FOIA/Privacy/Records Officer

(505) 954-2129
echavez@blm.gov

On Tue, Nov 8, 2016 at 9:30 AM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:
Please use this corrected pdf - thank you.

On Nov 8, 2016, at 8:52 AM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Ms. Julka and Ms. Chavez:

San Juan Citizens Alliance hereby submits this Freedom of Information Act request pursuant to the requirements of 5 U.S.C. §552 on the Department of the Interior/Bureau of Land Management/Bureau of Indian Affairs Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement. Please provide your written confirmation (preferably by e-mail or e-mail attachment) upon the receipt of this request.

Thank you,

Mike Eisenfeld
Energy and Climate Program Manager

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SJCA FOIA Mancos Gallup RMPA EIS November 8, 2016 [1].pdf
1398K



OS, OS FOIA <osfoia@ios.doi.gov>

Correspondence 10-14-2016 Re: Freedom of Information Act Request OS-2017-00062

1 message

Mike Eisenfeld <mike@sanjuancitizens.org>
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Mon, Nov 14, 2016 at 6:08 PM

Mr. Nick Banco

U.S. Department of the Interior MS-7328, MIB 1849 C Street NW

Washington, D.C. 20240

Phone: (202) 513-0765

Fax: (202) 219-2374

E-Mail: os_foia@ios.doi.gov

Hello Nick,

Please see the attached correspondence concerning your email earlier today (November 14, 2016) on **FREEDOM OF INFORMATION ACT REQUEST OS-2017-00062**:

Thanks,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.orgOn Nov 14, 2016, at 9:41 AM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

As per our conversation this morning, you were informed that your request for a fee waiver in connection with OS-2017-00062 has been granted. You have also amended your request to search only for those responsive records held by the Office of the Secretary or by the Bureau of Land Management.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240

11/15/2016

DEPARTMENT OF THE INTERIOR Mail - Correspondence 10-14-2016 Re: Freedom of Information Act Request OS-2017-00062

os_foia@ios.doi.gov

(202) 513-0765 - phone

(202) 219-2374 - fax



10-14-2016 SJCA Correspondence OS-2017-00062 .pdf

1361K



PO Box 6655
Farmington, NM 87499
505.325.6724
sanjuancitizens.org

November 14, 2016

Mr. Nick Banco
U.S. Department of the Interior MS-7328, MIB 1849 C Street NW
Washington, D.C. 20240
Phone: (202) 513-0765
Fax: (202) 219-2374
E-Mail: os_foia@ios.doi.gov

**Re: CORRESPONDENCE CONCERNING FREEDOM OF INFORMATION ACT
REQUEST OS-2017-00062:**

**Agency Records Regarding Mancos-Gallup Resource Management Plan
Amendment/Environmental Impact Statement (RMPA/EIS) - FOIA submitted on
November 8, 2016**

Dear Mr. Banco:

Thanks for your email on November 14, 2016 and your phone calls on November 10 and 14, 2016 concerning the Freedom of Information Act Request filed by San Juan Citizens Alliance on November 8, 2016.

Thank you for the call to confirm that SJCA qualified for a fee waiver. We appreciate your November 14, 2016 email confirmation that "your request for a fee waiver in connection with OS-2017-00062 has been granted."

I appreciate your confirmation that SJCA "also amended your request" as we discussed in our conversation to address your concerns about including the Bureau of Indian Affairs (BIA) in the OS-2017-000062 FOIA Request. You made the point that you were prepared to fulfill the FOIA request for responsive records of the Department of the Interior (DOI) generally and the Bureau of Land Management (BLM) in particular. You also asked that I amend the request to consider the BIA distinct in order to expedite the response. I agreed to your request to amend the request to exclude the BIA from the scope of the OS-2017-000062 FOIA Request. Please let me know the tracking number that DOI assigns to the BIA-specific FOIA Request.

Due to the shorthand used in your email, I want to clarify that OS-2017-000062 FOIA Request is only amended to segregate the BIA response, and that we continue to rely on the FOIA request as written to describe the scope of the request. We look forward to a search and response that includes all other DOI components and contractors identified in our FOIA request. Similarly, we want to make sure that the persons carrying out the searches do not inadvertently amend OS-2017-000062 to exclude agency “records held by” agency contractors. For example, we expect a search for all responsive agency records, including those held by contractors such as Environmental Management and Planning Solutions, Inc. Just to reiterate, please ensure that the agency personnel work from the language of the written request itself, as amended by the segregation of the BIA, and not the shorthand reference in the email to “those responsive records held by the Office of the Secretary or by the Bureau of Land Management.”

We appreciate the confirmation that the fee request has been granted, and your commitment to a timely response to OS-2017-000062 FOIA Request response as filed on November 8, 2016, as amended by the single exclusion of BIA.

Thank you for the opportunity to clarify.

Respectfully submitted,

s/ Mike Eisenfeld

Mike Eisenfeld
New Mexico Energy Coordinator
SJCA
P.O. Box 6655
Farmington, New Mexico
87499-6655
mike@sanjuancitizens.org



PO Box 6655
Farmington, NM 87499
505.325.6724
sanjuancitizens.org

December 7, 2016

Mr. Nick Banko
U.S. Department of the Interior MS-7328, MIB 1849 C Street NW
Washington, D.C. 20240
Phone: (202) 513-0765
Fax: (202) 219-2374
E-Mail: os_foia@ios.doi.gov

**Re: CORRESPONDENCE CONCERNING FREEDOM OF INFORMATION ACT
REQUEST OS-2017-00062:**

**Agency Records Regarding Mancos-Gallup Resource Management Plan
Amendment/Environmental Impact Statement (RMPA/EIS) - FOIA submitted on
November 8, 2016**

Dear Mr. Banco:

Thank you for the email update you provided on December 1, 2016 concerning San Juan Citizens Alliance's Freedom of Information Act Request OS-2017-00062.

I need to make one point of clarification due to previous problems with agencies unreasonably limiting the scope of the search. The problem often arises due to arbitrary, capricious, and narrow readings based on subsequent correspondence and conversation. To avoid that problem going forward, and as stated previously, this FOIA request is to be read broadly and the search carried out based on knowledge the agency may gain during the search. In particular, our correspondence has not narrowed the scope of Department of the Interior bureaus, services, contractors, etc. that must be searched for responsive records.

Last, please provide the estimated date that you intend to provide a determination and the date you estimate the agency will complete the process of providing SJCA with responsive documents.

Confirmation of the scope of the search and the estimated completion date will help us decide whether or not this FOIA request should be addressed through litigation. We look forward to your written response.

Respectfully submitted,

s/ Mike Eisenfeld

Mike Eisenfeld
New Mexico Energy Coordinator
SJCA
P.O. Box 6655
Farmington, New Mexico
87499-6655
mike@sanjuancitizens.org

cc: Travis Stills, Energy & Conservation Law



OS, OS FOIA <osfoia@ios.doi.gov>

December 7, 2016 Response from San Juan Citizens Alliance concerning Status Update for OS-2017-00062

Mike Eisenfeld <mike@sanjuancitizens.org>

Wed, Dec 7, 2016 at 12:13 PM

To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Cc: Travis Stills <stills@frontier.net>

Mr. Nick Banco

U.S. Department of the Interior MS-7328, MIB 1849 C Street NW

Washington, D.C. 20240

Phone: (202) 513-0765

Fax: (202) 219-2374

E-Mail: os_foia@ios.doi.gov

Hello Nick,

Please see the attached December 7, 2016 correspondence concerning your December 1, 2016 email on **FREEDOM OF INFORMATION ACT REQUEST OS-2017-00062**:

Thanks,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

On Dec 1, 2016, at 3:09 PM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

As your Freedom of Information Act (FOIA) request is currently being processed, an update might be useful to brief you on its progress. As I've stated previously, the Office of the Secretary (OS) will be answering on behalf of the Department of the Interior, within which are the Bureau of Indian Affairs (BIA) and the Bureau of Land Management (BLM). BIA and BLM will conduct searches and forward those materials to OS for eventual release. Therefore, all responses to your request will originate from OS.

OS is currently searching for records in its Office of Deputy Secretary and the Assistant Secretary for Land and Minerals Management. We have reached out to BIA to begin conducting a search. BLM is currently searching its offices in Farmington, New Mexico.

The Department anticipates producing in excess of 7000 pages of responsive materials to your request, which will be located between BIA, BLM, and OS' offices in Farmington, NM; Gallup, NM; and Washington, DC. It is also likely that some of the content in these materials will be subject to Exemption 5, which concerns the deliberative process, and Exemption 6, which concerns personal information.

Because of the anticipated large volume of responsive materials, OS expects to provide documents drawn from the above searches and locations to you on a rolling basis. OS intends to begin this process on December 30, 2016.

Thanks,

Nick

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



12-7 -2017 SJCA FOIA Mancos Gallup RMPA EIS OS-2017-00062 .pdf
1359K



OS, OS FOIA <osfoia@ios.doi.gov>

Status of FOIA Request OS-2017-00062

Mike Eisenfeld <mike@sanjuancitizens.org>

Wed, Apr 5, 2017 at 12:17 PM

To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Dear Mr. Banco:

On December 7, 2016 San Juan Citizens Alliance received an email from you updating communication from November 16, 2016 on FOIA Request OS-2017-00062. The December 7, 2016 email communication stated that, "...we anticipate providing a final determination to you as well as completing all associated document productions with potentially withheld materials under exemptions 5 and 6 by March 31, 2017." San Juan Citizens Alliance has not received this determination/document productions through today (April 5, 2017). Can you provide me an update on the status of FOIA Request OS-2017-00062.

Thank you,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org



OS, OS FOIA <osfoia@ios.doi.gov>

Status of FOIA Request OS-2017-00062

Mike Eisenfeld <mike@sanjuancitizens.org>
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Thu, Apr 6, 2017 at 2:20 PM

Dear Mr. Banco,

Thank you for the update.

Please provide your best estimate on when SJCA will be provided a completed response and release of the remaining records.

Also, to help SJCA consider its options to gain prompt access to the records DOI/BLM is currently withholding, please provide a detailed explanation as to why the March 31, 2017 completion estimate was not met and what additional resources are being assigned to meet the new estimate. Without a detailed explanation, we can only conclude that further delay is part of the DOI/BLM practice and policy of assigning insufficient resources to deny SJCA's FOIA right to promptly access agency records upon written request.

Sincerely,

Mike Eisenfeld
Energy and Climate Program Manager
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

On Apr 5, 2017, at 12:32 PM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Dear Mr. Eisenfeld,

Thank you for your continued interest in your Freedom of Information Act request. Last Friday we sent a partial response of 4625 pages to you via physical mail due to its file size.

As for updates concerning the efforts of the individual bureaus, the Office of the Secretary has completed its search and we are currently processing the potentially responsive documents. The Bureaus of Land Management and Indian Affairs are close to completing their searches in offices located in Farmington, NM; Gallup, NM; and Washington, DC. Throughout its search, BLM has provided the Office of the Secretary thousands of pages of responsive documents which are integrated within the release sent last week as well as being included in the next production.

Thanks,

Nick

On Wed, Apr 5, 2017 at 12:17 PM, Mike Eisenfeld <mike@sanjuancitizens.org> wrote:

Dear Mr. Banco:

On December 7, 2016 San Juan Citizens Alliance received an email from you updating communication from November 16, 2016 on FOIA Request OS-2017-00062. The December 7, 2016 email communication stated that, "...we anticipate providing a final determination to you as well as completing all associated document productions with potentially withheld materials under exemptions 5 and 6 by March 31, 2017." San Juan Citizens Alliance has not received this determination/document productions through today (April 5, 2017). Can you provide me an update on the status of FOIA Request OS-2017-00062.

Thank you,

Mike Eisenfeld

Energy and Climate Program Manager

San Juan Citizens Alliance

PO Box 6655

Farmington, NM 87499

office: 505.325.6724

mobile: 505.360.8994

sanjuancitizens.org

--

Department of the Interior

Office of the Secretary, FOIA Office

1849 C Street, NW, MS-7328

Washington, D.C. 20240

os_foia@ios.doi.gov

(202) 513-0765 - phone

(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

[EXTERNAL] San Juan Citizens Alliance Request to continue processing FOIA OS-2017-00062

1 message

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov

Mon, Oct 15, 2018 at 2:02 PM

Dear Ms. Karp

Please see the attached letter concerning San Juan Citizens Alliance request for DOI to continue processing FOIA OS-2017-00062 on the Mancos Shale Resource Management Plan/Environmental Impact Statement.

We would appreciate confirmation of DOI receipt of this letter.

Mike Eisenfeld
Energy and Climate Program Manager
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org

**SJCA OS-2017-00062 FOIA October 15 2018.pdf**
1351K



OS, OS FOIA <osfoia@ios.doi.gov>

[EXTERNAL] San Juan Citizens Alliance Request to continue processing FOIA OS-2017-00062

4 messages

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov

Mon, Oct 15, 2018 at 2:02 PM

Dear Ms. Karp

Please see the attached letter concerning San Juan Citizens Alliance request for DOI to continue processing FOIA OS-2017-00062 on the Mancos Shale Resource Management Plan/Environmental Impact Statement.

We would appreciate confirmation of DOI receipt of this letter.

Mike Eisenfeld
Energy and Climate Program Manager
San Juan Citizens Alliance
PO Box 6655
Farmington, NM 87499
office: 505.325.6724
mobile: 505.360.8994
sanjuancitizens.org



SJCA OS-2017-00062 FOIA October 15 2018.pdf
1351K

OS, OS FOIA <osfoia@ios.doi.gov>
To: Mike Eisenfeld <mike@sanjuancitizens.org>

Mon, Oct 15, 2018 at 3:03 PM

We have received your letter and will continue to process this request.

[Quoted text hidden]

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Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

Mike Eisenfeld <mike@sanjuancitizens.org>
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Mon, Oct 15, 2018 at 3:10 PM

Thank you

[Quoted text hidden]

Mike Eisenfeld <mike@sanjuancitizens.org>
To: os_foia@ios.doi.gov

Tue, Jun 11, 2019 at 1:42 PM

Ms. Karp
Please update me on current response.

Thank you
Mike Eisenfeld

Sent from my iPhone

[Quoted text hidden]

> <SJCA OS-2017-00062 FOIA October 15 2018.pdf>



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request Re WFLC1 message

E Nowicki (b) (6)

.com>

Fri, Dec 9, 2016 at 11:16 AM

To: james_douglas@ios.doi.gov

Cc: clarice_julka@ios.doi.gov, os_foia@ios.doi.gov

Dear James "Jim" Douglas:

Please accept this e-mail as my request pursuant to FOIA regarding the WFLC. I asked you for an updated list of the names of folks on the WFLC, and you refused, so this FOIA is how we will proceed.

Specifically, pursuant to FOIA, please provide to me all e-mails you sent and received:

- * to members of the WFLC

- * regarding the WFLC

between January 1, 2016, and the date you provide your responsive documents for this FOIA request. Please be sure to include all attachments.

This request is in the public interest, it is not for any untoward purpose, and I will pay all fees up to \$2 associated with such. For purposes of this FOIA request, please treat me as an "other" FOIA requester. Only Jim Douglas should search for records responsive to this FOIA request, and he should spend no more than two hours searching. Please provide the results of (e.g. response to) this FOIA request to me via e-mail at (b) (6) .com. If you need it, my snail mail address is Elizabeth Nowicki, 148 Lake Avenue, Delanson, NY, 12053, and my phone number is 518-864-5094. Again, however, I would like the response to this FOIA request provided to me electronically via e-mail to (b) (6) com.

Thank you.

Respectfully,

Elizabeth Nowicki



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00111
7202.4-OS-2017-00128
7202.4-OS-2017-00133

January 3, 2017

Via email: (b) (6) [com](#)

Elizabeth Nowicki
148 Lake Avenue
Delanson, NY 12053

Dear Ms. Nowicki:

From December 2, 2016 through December 9, 2016, you filed three Freedom of Information Act (FOIA) requests seeking the following:

First request: (December 2, 2016 – FOIA No. OS-2017-00111)

All emails sent to or received by Harry Humbert by James "Jim" Douglas from September 15, 2016 through the date you provide your response to this FOIA request.

Second request: (December 6, 2016 – FOIA No. OS-2017-00128)

[A]ll e-mails and text messages that you (James "Jim" Douglas) sent or received on December 2, 2016, December 3, 2016, December 4, 2016, and December 5, 2016.

Third request: (December 9, 2016 – FOIA No. OS-2017-00133)

[A]ll e-mails [James "Jim" Douglas] sent and received:

- to members of the WFLC
- regarding the WFLC

[B]etween January 1, 2016, and the date you provide your responsive documents for this FOIA request--includ[ing] all attachments.

Your requests were received by the Office of the Secretary on December 2, 2016, December 7, 2016, and December 9, 2016, respectively. They were assigned control numbers **OS-2017-00111, OS-2017-00128, and OS-2017-00133**. Please cite these numbers in any future correspondence or communications with the Office of the Secretary regarding your request.

We have classified your requests as "other-use requests." As an "other-use requester" you are entitled to up to 2 hours of search time and 100 pages of photocopies before being charged for the processing of FOIA requests. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00, because the cost of collection would be greater than the fee collected. (See 43 C.F.R. §2.39, 2.49(a)(1)).

You can expect to hear from us promptly regarding the outcome of these searches.

You have agreed to pay up to \$8.00 for the processing of OS-2017-00111, \$8.00 for OS-2017-00128, and \$2.00 for OS-2017-00133. If we find that this will not cover the cost of processing your requests, we will let you know before we incur additional charges. You can then either agree to pay the additional amount needed or narrow the scope of your requests.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under [43 C.F.R. § 2.19](#). We therefore expect that we will dispatch a determination to you by December 8, 2016. For the same reason, we are placing your request under the “Complex” processing track. See [43 C.F.R. § 2.15](#).

In the interim, if you have any questions regarding the status of your requests, or any of the issues discussed in this letter, you may contact Clarice Julka by phone at (202) 513-0765, by fax at (202) 219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Ryan McQuighan
Office of the Secretary
Acting-FOIA Officer

OS FOIA Control Number 17-00133 **Date Acknowledged:** 1/3/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____

Date returned: ____/____/____

DATE	COMMENTS
1/3/17	JPW - Request acknowledged in conjunction with 17-00111 and 17-00128
1/30/17	CDS - Justin came over and asked if I had been doing follow ups for this one. I told him that if I don't have the folders then I don't know that it needs to be followed up on. I let him know that I did not have this folder. He asked if I could please send out the search request to James Douglas.
1/30/17	CDS - I received an undeliverable email message. I asked Justin if he would be able to call and see if James is still here.
1/30/17	CDS - Justin said that he spoke to Steve Hargrave and Jim Douglas has retired but that we could send the request to him.
1/30/17	CDS - sent search request to Steve Hargrave.
1/31/17	CDS - Steve sent emails to Tim Lynn and Maureen Woods asking who is the new Jim Douglas.
1/31/17	CDS - Maureen sent email to Bryan Rice and Kristin Merony that she has received 2 requests that belong to OWF so she is forwarding to them. She said that this is the first one and that she'd send the second one shortly.
2/8/17	Isf - sent a quick follow up/inquiry to steve

DATE	COMMENTS
3/1/17	CDS - sent email to Steve asking if he could confirm that due to political appointee that he is no longer here so that we can send over for eERDMS search
3/9/17	CDS - sent follow up to Steve asking if he could confirm that no one has access to Jim Douglas' records.
3/9/17	CDS - received confirmation from Steve that they no longer have access to Jim Douglas' emails.
3/9/17	CDS - sent the confirmation from 17-00128 (from Bryan) to Clarice to send to Cindy C for approval.
3/14/17	CDS - sent follow up to Clarice to make sure that she received the email or if she's heard anything from Cindy about that approval.
3/28/17	CDS - sent email to Clarice for 128 and 133 to get approval from Cindy C.
3/28/17	CDS - spoke to Clarice and she said that B shouldn't apply as this deals with legacy emails. She said that she thought that he meant to select option A.
3/28/17	CDS - sent Bryan Rice an email that I think that he meant option A would apply to this request.
3/28/17	CDS - Bryan responded and stated that he does not have access to Jim's records and that no one else in his office doesn't either.
3/28/17	CDS - responded to Bryan that we have to have confirmation that A is the option that he needs to choose before eERDMS search can be performed.
6/19/17	CDS - sent email to Harry Humbert asking for confirmation for eERDMS search.
6/20/17	CDS - received confirmation from Harry Humbert that eERDMS search is needed.
6/21/17	JPW - Sent ERDMS request to Scotti

DATE	COMMENTS
1/3/17	JPW - Request acknowledged in conjunction with 17-00111 and 17-00128
1/30/17	CDS - Justin came over and asked if I had been doing follow ups for this one. I told him that if I don't have the folders then I don't know that it needs to be followed up on. I let him know that I did not have this folder. He asked if I could please send out the search request to James Douglas.
1/30/17	CDS - I received an undeliverable email message. I asked Justin if he would be able to call and see if James is still here.
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1/30/17	CDS - sent search request to Steve Hargrave.
1/31/17	CDS - Steve sent emails to Tim Lynn and Maureen Woods asking who is the new Jim Douglas.
1/31/17	CDS - Maureen sent email to Bryan Rice and Kristin Merony that she has received 2 requests that belong to OWF so she is forwarding to them. She said that this is the first one and that she'd send the second one shortly.
2/8/17	Isf - sent a quick follow up/inquiry to steve
3/28/17	CDS - Bryan responded and stated that he does not have access to Jim's records and that no one else in his office doesn't either.
3/28/17	CDS - responded to Bryan that we have to have confirmation that A is the option that he needs to choose before eERDMS search can be performed.
6/19/17	CDS - sent email to Harry Humbert asking for confirmation for eERDMS search.
6/20/17	CDS - received confirmation from Harry Humbert that eERDMS search is needed.
6/21/17	JPW - Sent ERDMS request to Scotti

DATE	COMMENTS
3/1/17	CDS - sent email to Steve asking if he could confirm that due to political appointee that he is no longer here so that we can send over for eERDMS search
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3/9/17	CDS - received confirmation from Steve that they no longer have access to Jim Douglas' emails.
3/9/17	CDS - sent the confirmation from 17-00128 (from Bryan) to Clarice to send to Cindy C for approval.
3/14/17	CDS - sent follow up to Clarice to make sure that she received the email or if she's heard anything from Cindy about that approval.
3/28/17	CDS - sent email to Clarice for 128 and 133 to get approval from Cindy C.
3/28/17	CDS - spoke to Clarice and she said that B shouldn't apply as this deals with legacy emails. She said that she thought that he meant to select option A.
3/28/17	CDS - sent Bryan Rice an email that I think that he meant option A would apply to this request.

OS FOIA Control Number 17-00145 **Date Acknowledged:** 12/16/16

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____

Date returned: ____/____/____

DATE	COMMENTS
12/16/16	CDS - created record.
12/19/16	K.Young - Ack Ltr ready to be signed.
12/20/16	K.Young - Ack Ltr signed. Emailed to Requester. Updated correspondence log. Forw'd to Nick b/c transition related.
6/5/17	CDS - sent search request to Amy Holley, Olivia Ferriter and Mary Pletcher - Per Rob
6/28/17	Isf - KM sent a follow up on the 6/22
5/24/18	Isf - sent continuing interest letter
approx. 8/7/18	CDS - Around beginning of Aug, Rob dropped off a list to Leah giving her names as to whom to send add'l searches to. She then passed it along to me to send out for searches and for me to add those that need be onto the eERDMS search list.
8/23/18	CDS - sent search request to Elena Gonzalez (for herself); Marigrace Caminiti (for Dan Jorjani); Pam Royal, Tracie Lassiter, Cara MacDonald (for Casey Hammond), and Rich Meyers (for Scott Cameron records). Added the following to eERDMS list: Amy Holley, Kathy Benedetto, and Virginia Johnson.

DATE	COMMENTS
8/23/18	CDS - I had to resend the search request though as the info that Rob had given me had the wrong # on it so I asked everyone to disregard and then resent the correct search request.
8/23/18	CDS - Also due to the confusion in #'s, I did not include Shandria Dixon (for Doug Domenech's) on the search so I went back and sent the request to her as well.
8/23/18	CDS - received email response from Elena that she is not involved with this and asked that we send to Ed Keable and Olivia Ferriter.
8/23/18	CDS - forwarded search request to Ed Keable and Olivia Ferriter as Elena suggested. I spoke to Leah and she said that we should go ahead and send over to Ed as well just in his capacity of being part of the transition team.
4/24/19	Isf - working
8/7/19	Isf - sent this out for consult to OMB on 5/22, still waiting. last follow up was 7/30/19, they said it would be a while still
11/15/19	Isf - sent yet another follow up to OMB
12/13/19	Isf - sent another follow up



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202 4-OS-2017-00145

December 20, 2016

Via email: ctraywick@bloomberg.net

Catherine Traywick
Reporter
Bloomberg News, Inc.
1101 New York Ave., NW
Washington, DC 20005

Dear Ms. Traywick:

On December 16, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ny and all communications (emails, letters, PowerPoint presentations, etc.) transmitted between DOI staff and the Trump transition and landing teams from Sept. 16, 2016, to Dec. 16, 2016 ("the Records").

This request includes all materials generated by DOI as well as all materials generated by the transition and/or landing team and sent to DOI.

This request is ongoing, seeking copies of (or access to) all Records as they are filed with the Department of the Interior.

Your request was received in the Office of the Secretary FOIA office on December 16, 2016, and assigned control number **OS-2017-00145**. Please cite this number in any future communications with our office regarding your request.

We have classified your request as a "media use request." As a "media use requester" you will not be charged for our search or review costs and are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

You have asked for a waiver of all FOIA processing fees. Please be advised that we are in the process of determining whether or not your entitlements are sufficient to enable us to process your request, or if we will need to issue a formal determination on your request for a fee waiver.

We are granting your request for expedited processing.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under 43 C.F.R. § 2.19. For the same reason, we are placing your request under the "Complex" processing track. See 43 C.F.R. § 2.15.

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328 MIB, Washington, D.C. 20240.

You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Ryan McQuighan
Office of the Secretary
Acting FOIA Officer



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00145

May 24, 2018

Via email: ctraywick@bloomberg.net

Catherine Traywick
Bloomberg News, Inc.
1101 New York Ave., NW
Washington, DC 20005

Dear Ms. Traywick:

On December 16, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ny and all communications (emails, letters PowerPoint presentations, etc.) transmitted between DOI staff and the Trump transition and landing teams from Sept. 16, 2016, to Dec. 16, 2016 (“the Records”).

This request includes all materials generated by DOI as well as all materials generated by the transition and/or landing team and sent to DOI.

Your request was received in the Office of the Secretary FOIA office on December 16, 2016, and assigned control number **OS-2017-00145**. Please cite this number in any future communications with our office regarding your request.

Due to the amount of time that has lapsed between the dates you submitted your request and the present, we are writing today to determine whether there is continued interest in having the Office of the Secretary process your request.

Please inform us whether you would like us to continue processing your request. If we do not receive a response within **30 workdays** from the date of this letter, we will presume that you are no longer interested in pursuing your request and will administratively close it.

If you have any questions regarding this letter or your request, you may contact Leah Fairman by phone at 202-513-0765, by fax at

Ms. Catherine Traywick

202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA from: Catherine Traywick

FOIA Request Form <FOIAForm@opengov.ibmcloud.com>

Fri, Dec 16, 2016 at 2:12 PM

Reply-To: FOIAForm@opengov.ibmcloud.com

To: os_foia@ios.doi.gov

Submitted on Friday, December 16, 2016 - 2:12pm

Submitted by anonymous user: [10.156.8.158]

Submitted values are:

Your Name: Catherine Traywick

Street Address: 1101 New York Ave. NW

City: Washington

State or Country: DC

Zip or Postal Code:

Address Type: Business

Daytime Phone Number: 2028072021

Fax Number:

E-mail Address: ctraywick@bloomberg.netConfirm E-mail Address : ctraywick@bloomberg.net

Your Organization: Bloomberg News

Are you filing the request on behalf of another party? No

If so, who are you filing the request on behalf of?

Contact Information Certification: I certify that the above statement(s) concerning who I am filing the request on behalf of are true and correct to the best of my knowledge and belief. If I want to receive greater access to records about a person I represent, I will submit proof that the person consents to the release of the records to me, as discussed in 43 C.F.R. § 2.9.

Bureau/Office: Office of the Secretary (OS)

Relevant park, refuge, site or other location:

Request Description:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I request access to and copies of any and all communications (emails, letters, PowerPoint presentations, etc.) transmitted between DOI staff and the Trump transition and landing teams from Sept. 16, 2016, to Dec. 16, 2016 ("the Records"). This request includes all materials generated by DOI as well as all materials generated by the transition and/or landing team and sent to DOI. This request is ongoing, seeking copies of (or access to) all Records as they are filed with the Department of the Interior. I am further requesting that the Records be provided to me on computer files or, if not maintained on computer files, in the same format as they are currently maintained at the Department of the Interior.

I am a reporter for Bloomberg News, an accredited and recognized news-gathering organization. I request the Records to inform the public about matters of public concern. As a representative of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages. Please waive all applicable fees. In the event a fee waiver is not granted, I agree to pay reasonable fees for the Records, including actual costs up to \$250. If you estimate that actual costs will exceed this amount, please contact me so that I may make the appropriate arrangements for payment.

I request that these materials be subject to expedited processing on an ongoing basis: Bloomberg News is engaged in the dissemination of information to the public and the subject matter related to this request – communications between DOI and representatives/staff of the incoming administration, both of which have made minimal information about the transition available to the public – is a matter of great public interest, debate, and urgency. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

FOIA requires that your agency respond to my request for expedited treatment within 10 business days. In the event your agency denies my request for expedited treatment, whether through your agency's affirmative denial of the request for expedited treatment or through your agency's failure to respond to the request for expedited treatment, then FOIA requires that your agency nonetheless respond to the underlying request for information within 20 business days of receipt of this letter. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records.

Please contact me if I may assist in your office's response to this request. As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail, if you have questions regarding this request.

Desired Format of Disclosure: Electronic format via email

Select the applicable reason why you are requesting expedited processing: There is an urgency to inform the public concerning actual or alleged Federal government activity and the request is made by a person primarily engaged in disseminating information.

Justification for Expedited Processing: I request that these materials be subject to expedited processing on an ongoing basis: Bloomberg News is engaged in the dissemination of information to the public and the subject matter related to this request – communications between DOI and representatives/staff of the incoming administration, both of which have made minimal information about the transition available to the public – is a matter of great public interest, debate, and urgency. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

Expedited Processing Certification: I certify that the above statement(s) concerning expedited processing are true and correct to the best of my knowledge and belief.

Please select the appropriate statement: I am requesting a waiver or reduction of fees.

I agree to pay fees up to this particular amount:

250

To assist in determining my requester category to assess fees, you should know that I am: a representative of the news media and this request is made as part of a news gathering effort and not for commercial use

Affiliated Organization: Bloomberg News

Check the boxes to the right to confirm that you meet the Department's fee waiver criteria:

- Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government.
- Disclosure of the information is not primarily in my commercial interest.

Please explain why your request for a waiver of fees or a reduction in fees is justified.: I am a reporter for Bloomberg News, an accredited and recognized news-gathering organization. I request the Records to inform the public about matters of public concern. As a representative of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages. Please waive all applicable fees. In the event a fee waiver is not granted, I agree to pay reasonable fees for the Records, including actual costs up to \$250. If you estimate that actual costs will exceed this amount, please contact me so that I may make the appropriate arrangements for payment.

The results of this submission may be viewed at:

<https://www.doi.gov/node/11498/submission/128130>



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-000206

January 24, 2017

Via email: csaeger@westernvaluesproject.org

Chris Saeger
Western Values Project
704C East 13th Street, Suite 568
Whitefish, MT 59937

Dear Chris Saeger:

On January 19, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

[C]opies of any information used or compiled to inform the development of the following national monument proclamation issued by President Obama pursuant to the Antiquities Act, since January 1, 2014

[S]cientific studies, scientific data, agency studies, agency management plans, maps, photos, references, testimony, public comments, Congressional input, legal analysis, or other such information used to develop this monument designation (Northeast Canyons and Seamounts marine National Monument (Atlantic Oceans)) since January 1, 2014.

Your request was received in the Office of the Secretary FOIA office on January 23, 2017, and assigned control number **OS-2017-00206**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

We have classified your request as a “media use request.” As a “media use requester” you will not be charged for our search or review costs and are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

You can expect to hear from us promptly regarding the outcome of this search.

Chris Saeger

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under [43 C.F.R. § 2.19](#). For the same reason, we are placing your request under the “Complex” processing track. See [43 C.F.R. § 2.15](#).

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at (202) 513-0765, by fax at (202) 219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

US Department of the Interior
FAX: (202) 219-2374

January 19, 2017

FOIA REQUEST

Pursuant to the Freedom of Information Act, I request access to and copies of any information used or compiled to inform the development of the following national monument proclamation issued by President Obama pursuant to the Antiquities Act, since January 1, 2014.

Northeast Canyons and Seamounts Marine National Monument (Atlantic Ocean)

This should include, but is not limited to scientific studies, scientific data, agency studies, agency management plans, maps, photos, references, testimony, public comments, Congressional input, legal analysis, or other such information used to develop this monument designation since January 1, 2014.

If there are costs associated with this request, please let me know and I can submit payment promptly.

If possible, I would prefer to receive this information electronically via e-mail at csaeger@westernvaluesproject.org.

If records must be sent by mail, please send to:

Western Values Project
ATTN: Chris Saeger
704C East 13th Street, Suite 568
Whitefish, MT 59937

If you have questions or need additional information from me, please feel free to call me at 406-438-1918.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,
Chris Saeger

OS FOIA Control Number 17-00206 **Date Acknowledged:** 1/24/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____ _____

Date returned: ____/____/____ _____

DATE	COMMENTS
1/23/17	K.Young - completed initial setup and process. Per Clarice - Hold until feedback on who to send search request to in consideration of the transition and to just prepare Ack Ltr.
1/24/17	K.Young - Ack Ltr /s/'d. Emailed to Requester. Still pending receipt of records.
9/19/17	CDS - called requester (per Clarice) to see if they're still interested in these records as there have been more recent developments. I left him a VM. Waiting to hear back.

OS FOIA Control Number 17-00209 **Date Acknowledged:** 1/24/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____ _____

Date returned: ____/____/____ _____

DATE	COMMENTS
1/23/17	K.Young - completed initial setup and process. Per Clarice - Hold until feedback on who to send search request to in consideration of the transition and to just prepare Ack Ltr.
1/24/17	K.Young - Ack Ltr /s/'d. Emailed to Requester. Pending who to send email search request to on the new Administration.
1/27/17	K.Young - discussed request w/Nick and recommended item#2 could be eRDMS request; of course others related to the Antiquities Act/national monuments would be under Nick's purview. Hold for further discussion on Monday.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-000209

January 24, 2017

Via email: csaeger@westernvaluesproject.org

Chris Saeger
Western Values Project
704C East 13th Street, Suite 568
Whitefish, MT 59937

Dear Chris Saeger:

On January 19, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

[C]opies of the following information:

1. All calendars, including all meetings and attendees, for all DOI employees involved or referenced in any discussions related to any national monument selection or designation.
2. The daily schedules and call logs for Secretary Jewell, Tommy Beaudreau, Nikkie Buffa, and Neil Kornze from April 21, 2013 to present.
3. All communications between any DOI employee and White House staff, including but not limited to Senior Advisor Brian Deese, between January 2015 and present.
4. All documents and communications referring or related to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from April 21, 2013 to present.
5. All documents and communications related to the reduction in size, limitation or repeal of a national monument from January 20, 2008 to present.

Your request was received in the Office of the Secretary FOIA office on January 23, 2017, and assigned control number **OS-2017-00209**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

Chris Saeger

We have classified your request as a “media use request.” As a “media use requester” you will not be charged for our search or review costs and are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

You can expect to hear from us promptly regarding the outcome of this search.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under [43 C.F.R. § 2.19](#). For the same reason, we are placing your request under the “Complex” processing track. See [43 C.F.R. § 2.15](#).

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at (202) 513-0765, by fax at (202) 219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

Submitted via Webform

<https://www.doi.gov/foia/foia-request-form>

January 19, 2017

FOIA REQUEST

Dear Records Request Officer:

Pursuant to the Freedom of Information Act, I request access to and copies of the following information:

1. All calendars, including all meetings and attendees, for all DOI employees involved or referenced in any discussions related to any national monument selection or designation.
2. The daily schedules and call logs for Secretary Jewell, Tommy Beaudreau, Nikki Buffa and Neil Kornze from April 21, 2013 to present.
3. All communications between any DOI employee and White House staff, including but not limited to Senior Advisor Brian Deese, between January 2015 and present.
4. All documents and communications referring or related to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from April 21, 2013 to present.
5. All documents and communications related to the reduction in size, limitation or repeal of a national monument from January 20, 2008 to present.

If there are costs associated with this request, please let me know and I can submit payment promptly.

If possible, I would prefer to receive this information electronically via e-mail at csaeger@westernvaluesproject.org.

If records must be sent by mail, please send to:

Western Values Project
ATTN: Chris Saeger
704C East 13th Street, Suite 568
Whitefish, MT 59937

If you have questions or need additional information from me, please feel free to call me at 406-438-1918.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,
Chris Saeger

OS FOIA Control Number OS-2017-00229 **Date Acknowledged:** 1/27/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____ _____

Date returned: ____/____/____ _____

DATE	COMMENTS
1/26/17	CDS - Nick came over and let me know that he printed off a copy and took it to Rob.
1/27/17	K.Young - Per Ryan, draft Ack/Final Ltr w/URL Link to Julie's memo. Link will be posted on agency's website. Do not sent ltr out - hold until further instruction.
1/27/17	K.Young - Per Ryan, proceed with Ack/Final Ltr. Just discussed w/Clarice.
1/27/17	NB- Clarice said search should be conducted. Checked with Rob earlier in the day and he said search should be directed at him, Julie, and Mark. Drafted ack.
2/9/17	CDS - received records from D'Arcee Neal
2/9/17	CDS - received records from Lisa Cannuscio
2/9/17	CDS - received records from Shane Wolfe
2/9/17	CDS - received records from Jamie Burley

DATE	COMMENTS
2/9/17	CDS - received records from Steve Lowery
2/21/17	CDS - received records from Mark Lawyer
2/21/17	CDS - received records from Kerry Rodgers
2/21/17	CDS - received records from Megan Apgar
3/22/17	CDS - received records from Julie Lillie
6/19/17	CDS - Karmen sent email to Rob that she checked the folder and didn't see that we've received records from him. She asked if he'd have any. She asked that he let us know.
8/22/17	CDS - received email from Jamie asking about the request # for this request since she is working to gather records. Sent control # to Jamie.
8/24/17	CDS - received response from Jamie that she saw my leave notice and knew I would return email upon return
11/6/17	CDS - received email from Cathy Willis - SOL asking about status since these are being appealed. I let her know that it appears that we're still waiting on records for this request.
5/22/18	JAH - emailed requester to determine if they are still interested in the records.
5/22/18	JAH - Requester responded that he is still interested in obtaining the records.
4/24/19	Isf - w/ laura
5/3/19	Isf - sent to SOL for Laura



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00229

January 27, 2017

Via email: jnichols@wildearthguardians.org

Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
2590 Walnut St.
Denver, CO 80205

Dear Mr. Nichols:

On January 26, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

Any and all records concerning or relating in any way to the January 20, 2017, memorandum from Julie Lillie, Director, Office of the Executive Secretariat and Regulatory Affairs to Chiefs of Staff, Bureaus and Offices in the Interior Department regarding "Federal Register Documents and Correspondence Clearance Procedures." This memo, which we refer to as the "January 20, 2017 Correspondence Memo," is attached to this request as Exhibit 1.

Your request was received in the Office of the Secretary FOIA office on January 26, 2017, and assigned control number **OS-2017-00229**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#)

You can expect to hear from us promptly regarding the outcome of this search.

Mr. Jeremy Nichols

You have asked for a waiver of all FOIA processing fees. Please be advised that we are in the process of determining whether or not your entitlements are sufficient to enable us to process your request, or if we will need to issue a formal determination on your request for a fee waiver.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under 43 C.F.R. §2.19. For the same reason, we are placing your request under the "Complex" processing track. *See* 43 C.F.R. §2.15.

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at (202) 513-0765, by fax at (202) 219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - Clarification

1 message

OS, OS FOIA <osfoia@ios.doi.gov>

Mon, Feb 13, 2017 at 4:02 PM

To: Jeremy Nichols <jnichols@wildearthguardians.org>

Dear Mr, Nichols,

I'm trying to reach you regarding your FOIA request (OS-2017-00229). I'd like to ask a quick question to clarify part of it in order for us to process it appropriately.

If you could please give me a call at 202-213-0765 at your earliest convenience I would appreciate it.

V/r,
Leah

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - Clarification

1 message

OS, OS FOIA <osfoia@ios.doi.gov>

Thu, Mar 2, 2017 at 11:56 AM

To: Jeremy Nichols <jnichols@wildearthguardians.org>

Dear Mr. Nichols,

This email is to confirm that per our phone conversation on March 2, 2017, you agree that:

1) As your request pertains to records going through the Office of the Secretary for review per the memo referenced in your request, you are only looking for documents/records that were newly triggered for review by said memo.

If this is correct, please email me back to confirm. Thank you again for taking the time to speak with me.

V/r,
Leah

--

Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax



January 26, 2017

BY ELECTRONIC MAIL

Clarice Julka
FOIA Officer
U.S. Department of the Interior
Office of the Secretary
MS-7328, MIB
1849 C St., NW
Washington, D.C. 20240
osfoia@ios.doi.gov

Re: Freedom of Information Act Request and Request for Fee Waiver

Dear Ms. Julka:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Interior Department FOIA regulations promulgated at 43 C.F.R. § 2, WildEarth Guardians hereby requests the following records from the U.S. Department of the Interior's Office of the Secretary:

1. Any and all records concerning or relating in any way to the January 20, 2017 memorandum from Julie Lillie, Director, Office of the Executive Secretariat and Regulatory Affairs to Chiefs of Staff, Bureaus and Offices in the Interior Department regarding "Federal Register Documents and Correspondence Clearance Procedures." This memo, which we refer to as the "January 20, 2017 Correspondence Memo," is attached to this request as Exhibit 1.

For purposes of this request, records include, but are not limited to, electronic mail messages, faxes, draft documents, photos and/or videos, recorded voicemails, handwritten notes, meeting or phone conversation notes, reports, and other forms of correspondence.

We request only those records created, modified, or acquired on or after January 20, 2017. We also do not request any records that are already publicly available online on the Interior Department's website.

Request for Fee Waiver

WildEarth Guardians requests that you waive all fees in connection with this matter. A fee waiver is justified as WildEarth Guardians meets the two-pronged test under FOIA for a fee waiver, 5 U.S.C. § 552(a)(4)(A)(iii), and under Interior Department regulations at 43 C.F.R. § 2.45.

I. Disclosure of this information is in the public interest because it will significantly contribute to public understanding of the operations or activities of government.

In considering whether WildEarth Guardians meets this fee waiver criteria, it is imperative that the Office of the Secretary remember that FOIA, in general, carries a presumption of disclosure and that the fee waiver amendments of 1986 were designed specifically to allow non-profit, public interest groups such as WildEarth Guardians access to government documents without the payment of fees. As stated by one Senator, “[A]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information . . .” 132 Cong. Rec. S. 14298 (statement of Sen. Leahy). In interpreting this amendment, the 9th Circuit has stated that:

“The amended statute ‘is to be liberally construed in favor of waivers for noncommercial requesters.’ (citing Sen. Leahy). The amendment’s main purpose was ‘to remove the roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under the FOIA.’ “ (citing Sen. Leahy).

McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987).

Thus, both Congress and the courts are clear in their interpretation that the main legislative purpose of the amendments is to facilitate access to agency records by watchdog organizations, such as environmental groups, which use FOIA to monitor and challenge government activities. As the D.C. Circuit Court of Appeals has stated:

“This waiver provision was added to FOIA ‘in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests,’ in clear reference to requests from journalists, scholars, and, most importantly for our purposes, nonprofit public interest groups.”

Better Gov’t Ass’n v. Department of State, 780 F.2d 86, 93-94 (D.C. Cir. 1986), quoting *Ettlinger v. FBI*, 596 F. Supp. 867, 876 (D. Mass. 1984).

A. The subject of the request concerns “the operations and activities of the government.”

As this is a request for documents from an executive branch agency, the Department of the Interior, it is clear that this request concerns the operations and activities of government. The information is directly related to the Office of the Executive Secretariat and Regulatory Affairs’ actions as they relate to the January 20, 2017 memorandum regarding “Federal Register Documents and Correspondence Clearance Procedures.”

B. The disclosure is “likely to contribute” to a public understanding of government operations or activities (the informative value of the information to be disclosed and ability to disseminate).

The information requested will help provide crucial insight into the rationale behind the issuance of the January 20, 2017 Correspondence Memo. The information will shed light on the deliberations and discussions behind the issuance of the memo and provide clarifying information regarding its intent, intended effect, and responses.

WildEarth Guardians has specifically and consistently demonstrated its ability to disseminate information relative to policies and management practices, and has specifically demonstrated this ability in relation to Department of the Interior actions. We accomplish this information dissemination through printed media (both paid media and earned media), our email list, list-serves to which we post, printed publications we write and distribute via mail and the internet, articles and essays for other public interest organizations, and public meetings held or sponsored by us, other nonprofit public interest entities, or federal agencies. The Interior Department and its agencies have consistently granted fee waivers for Guardians, acknowledging our ability to effectively disseminate information received under FOIA.

Other Interior Department agencies including the U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, and U.S. Bureau of Reclamation consistently grant our requests for fee waivers. Other federal agencies, including the U.S. Environmental Protection Agency, U.S. Department of Agriculture, and U.S. Forest Service also consistently grant our requests for fee waivers.

WildEarth Guardians is a non-profit organization that informs, educates, and empowers the public regarding environmental issues, policies, and laws. Our organization has been involved in Interior Department operations for many years. We actively engage on issues related to threatened and endangered species management by the Fish and Wildlife Service, National Parks and Monuments management by the National Park Service, Bureau of Land Management activities, Bureau of Reclamation management of water in the western United States, regulation of coal mining by the Office of Surface Mining Reclamation and Enforcement, and management and/or regulation of other resources by other agencies under the Interior Department.

Our organization plays an active role in informing the American public about the Interior Department's actions and activities. To this end, WildEarth Guardians qualifies as a representative of the news media pursuant to 43 C.F.R. § 2.70. We have regularly provided information to the public related to the Interior Department's management of public resources, including wildlife, minerals, and lands, and are regularly interviewed and quoted by the news media with regards to Interior Department management decisions. For example, WildEarth Guardians was recently contacted and interviewed regarding the Interior Department's recent approval of a coal mine expansion in northwestern Colorado, <http://www.gjsentinel.com/news/articles/colowyo-mine-gets-goahead-for-expansion>. With the requested information, we intend to continue to inform, educate, and empower the public regarding this particular issue and to gather information of interest to the public, use our skills to turn the raw material into distinct work, and distribute that work to an audience.

We have consistently displayed our ability to disseminate information granted to us through FOIA fee waivers. Recent newspaper articles have featured WildEarth Guardians and

the information it has gathered under FOIA, particularly in relation to issues related to federal agency actions.

In granting a fee waiver to WildEarth Guardians, it is important to recognize that (1) our requested information will contribute significantly to the public understanding of the operations or activities of the government, (2) our requested information will enhance the public's understanding to a greater degree than currently exists, (3) WildEarth Guardians possesses the expertise to explain the requested information to the public, (4) WildEarth Guardians possesses the ability to disseminate the requested information to the general public, (5) and that the news media recognizes that WildEarth Guardians is an established expert in the field of Interior Department actions and activities.

WildEarth Guardians staff and contractors responsible for interpreting, compiling and presenting this information to the public in an understandable manner possess the requisite experience, intelligence and expertise to carry out this task. WildEarth Guardians has consistently proven its ability to gather and disseminate information obtained from the Interior Department and other agencies.

C. The disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

Public oversight and enhanced understanding of the Interior Department's January 20, 2017 Correspondence Memo is necessary to ensure that the Interior Department is managing American lands, minerals, wildlife, and other resources consistent with federal law and the public interest.

WildEarth Guardians' track record of active participation in oversight of issues related to Interior Department management actions and activities and our contribution to the public's understanding of these issues compared to the level of public understanding prior to disclosure are well established.

In determining whether the disclosure of requested information will contribute significantly to public understanding, a guiding test is:

"whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject."

Carney v U.S. Dept. of Justice, 19 F.3d 807 (2nd Cir. 1994) (emphasis added).

The information requested in this FOIA request will be used to contribute to one or more of the following: petitions, local and national newsletters, public presentations, e-mail and postal mail publications, and local and national news stories contributed to or written by WildEarth Guardians and its members. The most likely sources of dissemination will be through the print and online media, although it may also be disseminated through other public advocacy channels and associated media work and mailed publications.

WildEarth Guardians will also disseminate the requested information via a publicly accessible “repository” website where Guardians’ Climate and Energy Program posts FOIA requests and responses from federal agencies. This website can be accessed here, <https://climatewest.org/wildearth-guardians-climate-and-energy-program-foia-repository/>.

1. The use of these records will add new and different information to the public understanding.

The information requested has not yet been fully analyzed, summarized, and disseminated by any member of the public, thus its use will add new and different information to public understanding.

2. Whether all or a portion of the broadscale records will be used to enlighten the public.

We do not consider this request to be broadscale, but a specific and focused request for records related to the January 20, 2017 Correspondence Memo. All the documents will be used, because all are necessary for gaining a true understanding of the issues. The specific records will shed more complete light on the January 20, 2017 Correspondence Memo and foster more comprehensive public understanding of the Interior Department’s actions and activities.

3. Whether any of the records consist of generic information that lacks substantial informative value.

It is our belief that there is no ‘generic’ information on this topic, due to the public’s limited perception of this subject.

4. Whether any of the requested information has already been publicly available either in a duplicative or a substantially identical form, or is readily available from another source.

To the best of our knowledge, very few to none of the documents requested in this FOIA have been released to the public. As we indicated earlier in this request, we do not request any responsive documents that are currently available online. If portions of the requested information have been released to the public and are readily available from another source, we request the Secretary’s Office please inform us of this situation.

II. Obtaining the information is of no commercial interest.

Access to government documents, disclosure forms, and similar materials through FOIA requests is essential to WildEarth Guardians’ role of educating the general public. WildEarth Guardians, a non-profit organization, has no commercial interest and will realize no commercial benefit from the release of the requested information.

Should you decide not to waive fees, we request that you contact us prior to incurring any costs in excess of \$25. Please feel free to request additional information concerning our fee waiver request if you believe it is needed to make a final decision.

If you elect to withhold any documents responsive to this request under Exemption 5 of FOIA, please explain:

1) Why is each document predecisional?

- a. To what decision are each of the documents leading?
- b. Has this decision been finalized?

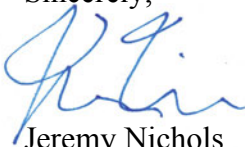
2) Why is each document deliberative?

- a. To what extent does each make a recommendation on a legal or policy matter?

3) What policy recommendation qualifies this document for exemption?

We look forward to your reply within twenty working days as required by FOIA, 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions, concerns, or would like to discuss this FOIA request in more detail, please contact me at the information below. Thank you.

Sincerely,



Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
2590 Walnut St.
Denver, CO 80205
(303) 437-7663
jnichols@wildearthguardians.org

Exhibit 1



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 20 2017

Memorandum

To: Chiefs of Staff, Bureaus and Offices

From: Julie Lillie, Director, Office of Executive Secretariat and Regulatory Affairs *Julie Lillie*

Subject: Federal Register Documents and Correspondence Clearance Procedures

As we begin a new administration, it is important that the incoming policy team has an opportunity to review documents. Effective immediately, and in addition to your internal clearance processes, **all** Federal Register documents, including all notices, and **all** correspondence to or from the Secretary must be forwarded to the Office of the Executive Secretariat and Regulatory Affairs (OES) for review 5 days prior to any deadline for Departmental clearance, regardless of signature level. For Federal Register notices this includes, but is not limited to:

- any proposed or final regulation or policy action,
- notices of all meetings, including tribal consultation meetings,
- all notices related to NEPA documents
- information collection notices,
- FWS notices of low effect applications for permits,
- BLM notices of plat surveys, and
- BOEM quarterly notices of environmental documents prepared for the Gulf of Mexico Outer Continental Shelf.

In addition to the above, **all** incoming congressional and gubernatorial correspondence as well as correspondence from Indian or Alaska tribal leaders and leaders from national level environment/recreational and industry organizations must be forwarded to OES prior to responding, regardless of addressee or signature level. No correspondence should be cleared to go to Congress or to any Governor until it has been reviewed by the Acting Chief of Staff and/or Senior White House Advisor. The OES will be responsible for tasking these letters for response.

The incoming leadership team will decide whether to continue or modify these instructions.

cc: Correspondence Contacts Bureaus and Offices
Regulatory Contacts Bureaus and Offices

OS FOIA Control Number OS-2017-00239 **Date Acknowledged:** 2/24/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____ _____

Date returned: ____/____/____ _____

DATE	COMMENTS
1/31/17	CDS - sent search request to Rob. He is disbursing to OES staff.
2/3/17	CDS - received records from D'Arcee Neal.
2/3/17	CDS - received records from Lisa Cannuscio.
2/3/17	CDS - received add'l records from Lisa (3 add'l emails).
2/6/17	CDS - received records from Megan Apgar.
2/7/17	CDS - received records from Margaret Tribsch.
2/8/17	CDS - received records from Shane West.
2/8/17	CDS - received add'l records from D'Arcee.

DATE	COMMENTS
2/9/17	CDS - received records from Steve Lowery.
2/9/17	CDS - I have had a few conversations with Megan about whether or not the list that she provided us if she needs to go in and pull all of the attachments. She and I were on the same page about her interpretation of the subject but Mark was a little more broad and wants to talk to Clarice so that he can make sure that we're all on the same page. I asked for Clarice to call Mark as she's teleworking and she said that she would.
2/9/17	Isf - spoke to requester and he clarified that he is only looking for records that 'now' go through OES for review because of the memo. records that went through as a matter of routine prior to the memo, are not included in the request
2/13/17	Isf - got written confirmation from requester of the narrowing of the scope of the request
3/10/17	Isf - spoke to cindy C and julie will have records to us next week. we are to ignore any records from her that we've received previously
3/14/17	Isf - received docs from Julie
5/22/18	JAH - emailed requester to determine if they are still interested in the records.
5/22/18	JAH - Requester responded that he is still interested in obtaining the records.
4/24/19	Isf - w/ laura
5/22/19	Isf - to SOL for laura



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00239

February 24, 2017

Via email: (b) (6) [.com](#)

Joseph Trevithick
(b) (6)

Dear Mr. Trevithick:

On January 31, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

[C]opies of any incoming correspondence OES reviewed, or communications regarding that tasking related to that correspondence, since Jan. 20, 2017.

Your request was received in the Office of the Secretary FOIA office on January 31, 2017, and assigned control number **OS-2017-00239**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an “other-use” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#)

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under 43 C.F.R. § 2.19. For the same reason, we are placing your request under the “Complex” processing track. See 43 C.F.R. § 2.15.

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328 MIB, Washington, D.C. 20240.

You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA from: Joseph Trevithick

1 message

U.S. Department of the Interior <webmaster@ios.doi.gov>

Tue, Jan 31, 2017 at 12:51 PM

Reply-To: FOIAForm@opengov.ibmcloud.com

To: os_foia@ios.doi.gov

Submitted on Tuesday, January 31, 2017 - 12:51pm

Submitted by anonymous user: [10.156.8.158]

Submitted values are:

Your Name: Joseph Trevithick

Street Address: (b) (6)

City: (b) (6)

State or Country: (b) (6)

Zip or Postal Code: (b) (6)

Address Type: Home

Daytime Phone Number: (b) (6)

Fax Number:

E-mail Address: (b) (6) .com

Confirm E-mail Address : (b) (6) .com

Your Organization:

Are you filing the request on behalf of another party? No

If so, who are you filing the request on behalf of?

Contact Information Certification:

Bureau/Office: Office of the Secretary (OS)

Relevant park, refuge, site or other location:

Request Description:

I am looking to obtain a copy of any materials the Department of the Interior's Office of the Executive Secretariat and Regulatory Affairs (OES) has reviewed for clearance or release purposes since Jan. 20, 2017.

On that date, Julie Lillie, Director, OES, issued a memorandum to all bureau and office chiefs of staff stating: "Effective immediately, and in addition to your internal clearance processes, all Federal Register documents, including all notices, and all correspondence to or from the Secretary must be forwarded to the Office of the Executive Secretariat and Regulatory Affairs (OES) for review 5 days prior to any deadline for Departmental clearance, regardless of signature level."

I am also looking to obtain copies of any incoming correspondence OES reviewed, or communications regarding that tasking related to that correspondence, since Jan. 20, 2017.

Lillie's memo also stated: In addition to the above, all incoming congressional and gubernatorial correspondence as well as correspondence from Indian or Alaska tribal leaders and leaders from national level environment/recreational and industry organizations must be forwarded to DES prior to responding, regardless of addressee or signature level. No correspondence should be cleared to go to Congress or to any Governor until it has been reviewed by the Acting Chief of Staff and/or Senior White House Advisor. The DES will be responsible for tasking these letters for response."

I can provide a copy of this memo if necessary.

Thanks, Joseph Trevithick

Desired Format of Disclosure: Electronic format via email

Select the applicable reason why you are requesting expedited processing:

Justification for Expedited Processing:

Expedited Processing Certification:

Please select the appropriate statement: I agree to pay fees up to a particular amount (see my response below).

I agree to pay fees up to this particular amount: \$25

To assist in determining my requester category to assess fees, you should know that I am: a representative of the news media and this request is made as part of a news gathering effort and not for commercial use

Affiliated Organization: My name is Joseph Trevithick and I am a freelance journalist and researcher working for multiple outlets, with a proven track record of publishing (for example: <https://warisboring.com/the-pentagon-doesn-t-know-how-many-civilians-it-has-killed-in-iraq-and-syria-535f6f3032ce#.d66r5d55t>) or supporting publication (see: <https://medium.com/defiant/wondering-what-u-s-spy-agencies-think-of-donald-trump-105cfb8bbf7d#.t2dtnixy3>). This request is in pursuit of legitimate news gathering for records that are clearly in the public interest. Since Pres. Donald Trump's inauguration on Jan. 20, 2017, the the ability of government agencies to provide information and accurate statements to the press and the public at large, as well as communicate with other government offices, has been a major media topic across the country. Thanks, Joseph Trevithick

Check the boxes to the right to confirm that you meet the Department's fee waiver criteria:

Please explain why your request for a waiver of fees or a reduction in fees is justified.:

The results of this submission may be viewed at:

<https://www.doi.gov/node/11498/submission/139464>

OS FOIA Control Number 17-00280 **Date Acknowledged:** 2/17/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____ _____

Date returned: ____/____/____ _____

DATE	COMMENTS
2/10/17	NB- Case received.
2/17/17	NB- CDS acknowledged request.
2/22/17	NB- Received requester email acknowledging acknowledgment.
3/6/17	NB- Received status update request from requester.
3/7/17	NB- Sent status update to requester.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00280

February 17, 2017

Via email: tim.donaghy@greenpeace.org

Tim Donaghy
Greenpeace
1661 Mission St.
San Francisco, CA 94103

Dear Mr. Donaghy:

On February 10, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ll communications between the Trump administration's Department of the Interior "beachhead team" and any U.S. Department of the Interior (DOI) staff containing the phrases "climate change", "leasing", "moratorium", "Arctic", "methane", or "scientific integrity." This request includes but is not limited to paper or electronic copies of written or oral communications, such as emails, letters, meeting notes, text messages, instant messages, messaging programs, phone records, and telephone transcripts. An adequate search for responsive records will include but not be limited to any communications to or from Kathy Benedetto, Mary Bomar, Karen BuddFalen, Scott Cameron, Doug Domenech, Daniel Jorjani, Ned Mamula, Thomas Pyle, or Ryan Zinke.

Your request was received in the Office of the Secretary FOIA office on February 13, 2017, and assigned control number **OS-2017-00280**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#)

You can expect to hear from us promptly regarding the outcome of this search.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under [43 C.F.R. § 2.19](#).

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328 MIB, Washington, D.C. 20240.

You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00280

May 24, 2018

Via email: tim.donaghy@greenpeace.org

Tim Donaghy
Greenpeace
1661 Mission St
San Francisco, CA 94103

Dear Mr. Donaghy:

On February 10, 2017 you filed a Freedom of Information Act (FOIA) request seeking the following:

[A]ll communications between the Trump administration's Department of the Interior "beachhead team" and any U.S. Department of the Interior (DOI) staff containing the phrases "climate change", "leasing", "moratorium", "Arctic", "methane", or "scientific integrity." This request includes but is not limited to paper or electronic copies of written or oral communications, such as emails, letters, meeting notes, text messages, instant messages, messaging programs, phone records, and telephone transcripts. An adequate search for responsive records will include but not be limited to any communications to or from Kathy Benedetto, Mary Bomar, Karen BuddFalen, Scott Cameron, Doug Domenech, Daniel Jorjani, Ned Mamula, Thomas Pyle, or Ryan Zinke

Your request was received in the Office of the Secretary FOIA office on February 13, 2017, and assigned control number **OS-2017-00280**. Please cite this number in any future communications with our office regarding your request.

Due to the amount of time that has lapsed between the dates you submitted your request and the present, we are writing today to determine whether there is continued interest in having the Office of the Secretary process your request.

Please inform us whether you would like us to continue processing your request. If we do not receive a response within **30 workdays** from the date of this letter, we will presume that you are no longer interested in pursuing your request and will administratively close it.

Mr. Tim Donaghy

If you have any questions regarding this letter or your request, you may contact Leah Fairman by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA from: Tim Donaghy

1 message

U.S. Department of the Interior <webmaster@ios.doi.gov>

Fri, Feb 10, 2017 at 5:49 PM

Reply-To: FOIAForm@opengov.ibmcloud.com

To: os_foia@ios.doi.gov

Submitted on Friday, February 10, 2017 - 5:49pm

Submitted by anonymous user: [10.156.8.158]

Submitted values are:

Your Name: Tim Donaghy

Street Address: 1661 Mission St.

City: San Francisco

State or Country: CA

Zip or Postal Code: 94103

Address Type: Business

Daytime Phone Number: 510-325-9186

Fax Number:

E-mail Address: tim.donaghy@greenpeace.orgConfirm E-mail Address : tim.donaghy@greenpeace.org

Your Organization: Greenpeace

Are you filing the request on behalf of another party? No

If so, who are you filing the request on behalf of?

Contact Information Certification:

Bureau/Office: Office of the Secretary (OS)

Relevant park, refuge, site or other location:

Request Description:

I request all communications between the Trump administration's Department of the Interior "beachhead team" and any U.S. Department of the Interior (DOI) staff containing the phrases "climate change", "leasing", "moratorium", "Arctic", "methane", or "scientific integrity." This request includes but is not limited to paper or electronic copies of written or oral communications, such as emails, letters, meeting notes, text messages, instant messages, messaging programs, phone records, and telephone transcripts. An adequate search for responsive records will include but not be limited to any communications to or from Kathy Benedetto, Mary Bomar, Karen Budd-Falen, Scott Cameron, Doug Domenech, Daniel Jorjani, Ned Mamula, Thomas Pyle, or Ryan Zinke.

Please search for responsive documents from November 9, 2016 until the date in which this request is assigned and processed. This request is ongoing and I am seeking responsive documents as they are created or filed with DOI. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. In the interest of expediency, I request that the records be provided to me on a rolling basis with an estimate of when a complete response can be expected. If you have any questions regarding this request or if I may assist in your office's prompt response to this request, please don't hesitate to contact me at tim.donaghy@greenpeace.org.

Desired Format of Disclosure: Electronic format via email

Select the applicable reason why you are requesting expedited processing:

Justification for Expedited Processing:

Expedited Processing Certification:

Please select the appropriate statement: I am requesting a waiver or reduction of fees.

I agree to pay fees up to this particular amount:

To assist in determining my requester category to assess fees, you should know that I am: a representative of the news media and this request is made as part of a news gathering effort and not for commercial use

Affiliated Organization: Greenpeace seeks the above listed records for noncommercial use as a representative of the news media. Greenpeace qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it "gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience."

Check the boxes to the right to confirm that you meet the Department's fee waiver criteria:

- Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government.
- Disclosure of the information is not primarily in my commercial interest.

Please explain why your request for a waiver of fees or a reduction in fees is justified.:

1. Greenpeace is seeking information about DOI's operations, activities and policies during the transition from the Obama to the Trump administration.
2. Disclosure of this information is highly likely to contribute to broad public understanding of DOI operations or activities. The information requested is not already in the public domain, but does concern topics of broad public interest.
3. For 40 years, concerned citizens have trusted this expertise and relied on Greenpeace to serve as a government watchdog, exposing activities that may be harmful or beneficial to the environment. Our website provides an extensive archive of publications from the past 40 years that expose a large range of government activities that impact the environment. Per our tradition, Greenpeace would compile the information provided through this FOIA request into a distinct, original work that includes our perspective on how the disclosed activities may impact the environment.
4. As stated above, the requested information is not available in the public domain. Fulfillment of this request would shed light on the DOI's actions and efforts so far.
5. Greenpeace is a non-profit public interest organization that seeks solutions to environmental dilemmas and promotes open, informed debate about society's environmental choices. We do not intend to make a profit from the information provided through this FOIA request.
6. Greenpeace has no commercial interest in this material.

The results of this submission may be viewed at:

<https://www.doi.gov/node/11498/submission/139839>

OS FOIA Control Number OS-2017-00308 **Date Acknowledged:** 3/3/17

SEARCH TIME: Clerical (below gs7) _____

Prof (gs8-12) _____

Manag (gs13+) _____

REVIEW TIME: Clerical _____

Prof. _____

Manag. _____

GENERAL LAW: Date sent: ____/____/____

Date returned: ____/____/____

DATE	COMMENTS
3/3/17	JPW - Search request sent to Barbara Pitkin and Cynthia Perera; acknowledged
3/3/17	CDS - received an email from Barbara asking if we can schedule a time for us to meet about this request next week.
3/6/17	CDS - I let her know that I'm not sure if she is meaning that she wants us to meet with everyone else or if you wanted to keep us in the loop. I let her know that we're willing to help clarify or help you if you have any questions.
3/6/17	CDS - Barbara responded back that herself and Karen Senhadji want to discuss this request with us.
3/6/17	CDS - I let Barbara know that I'm available anytime and that they can give us a call anytime.
3/9/17	CDS - spoke with Barbara and Karen via phone call. They needed some clarification as to what the "all communications between DO /ITAP and people in the State Dept". I let them know that I take it to mean that they are asking for the communications between DO /ITAP and the following State Department employees for the paragraph mentioned above (details regarding all conventions, meetings, training workshops, seminars, etc.). I told them that I can call the requester for clarification just to make sure. They also asked what to do about Outlook emails since we've changed platforms and asked what to do about former employees.
3/9/17	CDS - Barbara responded that she will need an eERDMS search to be done for Levi White (former employee who will have majority of the records).
3/9/17	CDS - I sent email to Barbara and Karen that I spoke to the requester and clarified that he was asking for the communications between DO /ITAP and the following State Department employees for the paragraph mentioned above (details regarding all conventions, meetings, training workshops, seminars, etc.). Also explained to him that we changed email platforms back around 2012ish and asked if we could just search through Bison Connect for records rather than going back to get the old Outlook emails. He said that was ok since it would expedite the process. I also told Barbara that I shared the instructions for DMU processing tool.

DATE	COMMENTS
3/9/17	CDS - email to Barbara with paragraph for Cindy that no one else has records from former employee Levi White. Waiting on her confirmation from her and then we can send to Cindy for approval.
3/13/17	CDS - received phone call from Barbara as she didn't like the wording of the paragraph as the records to her knowledge was properly preserved. She said that the employee did follow all proper closeout procedures. She said that she doesn't have access to his saved emails.
3/14/17	CDS - I sent an email to Barbara asking for Levi's email address. She responded with the info.
3/14/17	CDS - did the audit request form and sent an email to Clarice to send to Cindy C for approval.
3/14/17	CDS - Clarice responded that she needs the paragraph about political employees to be confirmed. I let her know that he was a former employee and that to my knowledge he wasn't a political. Then I explained the conversation that Barbara didn't like the wording of that paragraph but that she doesn't have access. Clarice said that she would try to send to Cindy and see what happens.
3/22/17	kyoung - downloaded responsive docs from Colleen Castle and Christina Kisha.
3/24/17	NB- Downloaded responsive docs and control form from Pitkin
3/27/17	CDS - received records from Olivia Sierra. Sent an email to Barbara, Cynthia and Olivia to make sure that I now have all of the records for their office.
3/27/17	CDS - received email confirmation from Barbara Pitkin that their office has completed their search. Looks like we only need an eERDMS search now for Levi White's records I believe.
3/28/17	CDS - received email from Barbara Pitkin about Christina Kish missing emails. So I guess that we'll need to do an eERDMS search now for her docs as well as Levi's.
3/31/17	CDS - received email from Barbara Pitkin for what is needed for the eERDMS search. She said that option A would be the best option for Levi's records and since Christina Kish is still employed she told her that she should probably reach out to IT for their assistance to get those missing emails and such.
3/31/17	CDS - sent audit request for eERDMS search to Clarice to send to Cindy for approval
3/31/17	CDS - Clarice tried to send to Cindy and she said that unfortunately she said Barbara can't just agreed to option a, she has to actually say the words or conduct a reasonable search themselves.

DATE	COMMENTS
3/31/17	CDS - sent an email to Barbara to apologize but I was just told by Cindy Cafaro that OCIO's office can't do a search until you affirmatively state that the reason for a an ERDMS search is that there is no other way to get the records in question because the employee's records were not properly filed and preserved upon their departure. I'm so sorry but there's nothing that I can do. Clarice reviewed and tweaked this email and we sent to Barbara.
3/31/17	CDS - received response from Barbara stating with affirmation that she doesn't have records and an eERDMS search is needed
3/31/17	CDS - sent Barbara's email to Clarice for her to send to Cindy for approval.
3/31/17	CDS - received approval from Cindy C.
3/31/17	CDS - sent to Scotti for eERDMS search.
4/6/17	CDS - received response from eERDMS search. Since I was about to leave, Leah said that she would download. Leah downloaded the files
4/7/17	CDS - received an email from requester asking about status of request.
4/10/17	CDS - Leah let me know that the docs would need to be extracted out but I wasn't able to see all of the docs so Leah was able to pull these out and it should be ready to be processed now.
4/10/17	CDS - sent email to Barbara Pitkin for remainder of Christina Kish's responsive emails.
4/18/17	CDS - received email from Barbara Pitkin letting me know that they are still waiting on IT to restore missing emails.
8/16/17	REM - email to Natasha
8/25/17	REM - Internal discussion with Natasha (BOEM). She asked about the type of records we are seeing, how we can coordinate together. Suggested that we're really seeing a lot of coordinating about minor details internally and with State. Also see some reports to state. She asked about timelines. I told her we're working on them, but not sure if it would be soon or not. We have Caitlin working on it, but not sure her workload. Expect we can finish before end of year. Natasha said that she's probably in a position to coordinate internally with BSEE and USGS. I told her that if we can get a list together, we'll pull them aside so we do not do the same. She said she reached out to her contact at BOEM that was the international coordinator and they discussed with the State contacts. State contacts did not want any information released. We suspect that we will just refer to state at some level.
9/1/17	REM - discussed with requester, asked him about what his interests are. He's more interested in meetings and reports. Definitely wants to know what the state department was doing, but I explained that we'd probably have to consult and it will take a long time. Also gave us an updated email address, jesse@climateinvestigations.org. Told him that we could have a better answer in about 3 weeks, but we would likely still have to coordinate on some of these emails internally.

DATE	COMMENTS
10/18/17	CAS - sent out non-state records to DOI Bureaus for consultation
10/18/17	CAS - BOR consult, authorized release of documents
10/23/17	CAS - FWS consult, authorized release of documents
10/23/17	CAS - BLM consult, authorized release of documents
10/24/17	CAS - BSEE consult, authorized release of documents
1/17/18	REM - discussed status with requester, told him we might have some stuff for a partial. Checked in with Justin since he's working on this foia. Also, have contact info for state if we do referral to them.
1/19/18	JPW - Sent email to Barbara Pitkin seeking the search label for five employees. See Ryan for details.
1/23/17	JPW - Received search label from all four individuals; erDMS search for the remainder
1/26/18	kly - rcv'd out of office msg from Barbara Pitkin and Christina Kish
2/2/18	JPW - Sent the names on 5 accounts for authorization for take out. Reached out to Natasha Alcantara for the other 2 accounts.
8/7/18	Isf - have all records in Axcelerate, exceptional track request, working on it as time allows



OS, OS FOIA <osfoia@ios.doi.gov>

(no subject)

FOIA, BOEM <boemfoia@boem.gov>
To: "OS, OS FOIA" <osfoia@ios.doi.gov>

Tue, Oct 31, 2017 at 10:50 AM

Dear Caitlin,

I reviewed the file titled "BOEM Equity for Review" and have no objection to release of BOEM's email equities contained on pages 1, 2, and 8 (please note the email on page 8 may extend onto the next page and we have not reviewed that portion).

We defer to OS and the State Department as EGCI is State's program, and these files contain State Department equities where coordination is made from State, through OS to BOEM.

Thank you for providing us with an opportunity to review.

V/r,

Natasha

Department of the Interior
Bureau of Ocean Energy Management
Mail Stop: VAM-BOEM DIR
45600 Woodland Road
Sterling, VA 20166

FOIA Request Mailbox: boemfoia@boem.gov
FOIA Requester Service Center: (703) 787-1818
FOIA Public Liaison: (703) 787-1818

On Wed, Oct 18, 2017 at 3:02 PM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

[Quoted text hidden]



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-00308

March 3, 2017

Via email: jesse.coleman@greenpeace.org

Jesse Coleman
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Dear Mr. Coleman:

On March 3, 2017, you filed a Freedom of Information Act (FOIA) request a copy of each of the following documents, or access to them for inspection or duplication, which are in the possession of or generated by the International Technical Assistance Program (DOI/ITAP) office within the Department of the Interior.

Details (objectives, agenda, participants, sponsors) of all conventions, meetings, training workshops, seminars, presentations, site visits, and assessments created for the State Department's Bureau of Energy Resources Energy Governance and Capacity Initiative (EGCI) program.

All bilateral agreements relating to EGCI.

All communications between DOI/ITAP and the following State Department employees:

- Paul Hueper
- Mike Sullivan
- Joe Figueiredo
- Robert Byla
- Brian Mattys
- Sheila Moynihan
- Luvean Myers
- Joe Wang
- Grant Price
- Sean Ruthe
- Marti Flacks

We request that you search the above records for the time period of January 2010 to the current date.

Mr. Jesse Coleman

Your request was received in the Office of the Secretary FOIA office on March 3, 2017, and assigned control number **OS-2017-00308**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

We have classified your request as a “media use request.” As a “media use requester” you will not be charged for our search or review costs and are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

You have asked for a waiver of all FOIA processing fees. Please be advised that we are in the process of determining whether or not your entitlements are sufficient to enable us to process your request, or if we will need to issue a formal determination on your request for a fee waiver.

You have asked for copies of agency records. According to our regulations, you may choose the format of disclosure for such records. Unless you specify otherwise, the Office of the Secretary will provide copies of responsive records on a CD-ROM disk as scanned PDF images when the responsive records exceed 50 pages.

Because we will need to consult with one or more bureaus of the Department in order to properly process your request, the Office of the Secretary FOIA office is taking a 10-workday extension under 43 C.F.R. § 2.19. For the same reason, we are placing your request under the “Complex” processing track. See 43 C.F.R. § 2.15.

In the interim, if you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA Request - Acknowledgement Letter

OS, OS FOIA <osfoia@ios.doi.gov>

Wed, Aug 16, 2017 at 2:32 PM

To: Jesse Coleman <jesse.coleman@greenpeace.org>

Mr. Coleman,

We are writing with respect to the processing track for your FOIA request (OS-17-00308). After compiling the records, we are placing your requests in our exceptional/voluminous track, which will likely require at least 60 workdays to process. If you would like to discuss narrowing your requests in order to place them into different tracks, please feel free to contact us at the below numbers.

Thanks,

Ryan

[Quoted text hidden]



702 H Street, NW, Suite 300, Washington, DC 20001
Tel: 202-462-1177 • Fax: 202-462-4507

Clarice Julka, FOIA Officer
MS-7328, MIB
1849 C Street, NW
Washington, DC 20240

Dear Record Request Officer,

In accordance with the Freedom of Information Act (FOIA), 5 USC Sec. 552, Greenpeace requests a copy of each of the following documents, or access to them for inspection or duplication, which are in the possession of or generated by the International Technical Assistance Program (DOI/ITAP) office within the Department of the Interior.

Details (objectives, agenda, participants, sponsors) of all conventions, meetings, training workshops, seminars, presentations, site visits, and assessments created for the State Department's Bureau of Energy Resources Energy Governance and Capacity Initiative (EGCI) program.

All bilateral agreements relating to EGCI

All communications between DOI/ITAP and the following State Department employees:

- Paul Hueper
- Mike Sullivan
- Joe Figueiredo
- Robert Byla
- Brian Mattys
- Sheila Moynihan
- Luvean Myers
- Joe Wang
- Grant Price
- Sean Ruthe
- Marti Flacks

We request that you search the above records for the time period of January 2010 to the current date.

FEE CATEGORY

Greenpeace seeks the above listed records for noncommercial use as a representative of the news media. Greenpeace qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it "gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience."

Specifically, Greenpeace is seeking this FOIA request because the information in it is of interest to a large portion of the public, including the many concerned citizens that regularly acquire information through our extensive range of publications. These publications include websites, blogs, newsletters, reports, press statements, social media networks such as Facebook, Twitter, and Flickr, videos, presentations and demonstrations at various venues. In addition, Greenpeace reaches out to many traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

Greenpeace plans to compile the information from this request into a distinct, original work that will be released to the public through the publications listed above.

FEE WAIVER

Greenpeace seeks a waiver of fees accompanying fulfillment and processing of this FOIA request.

In the paragraphs below, Greenpeace addresses the 6 factors that are used to determine whether the fee waiver requirements are met.

- 1) Greenpeace is requesting documents specifically concerning ENR's EGCI program. Greenpeace is not seeking the documents in order to obtain intrinsic information regarding oil, emissions or other business operations that happens to be in the possession of the State Department. Instead, Greenpeace is solely seeking information on the EGCI program.
- 2) Greenpeace has not found any publicly available information that describes the participants, personnel, and actions of the EGCI. We believe this information is not currently available in the public domain.
- 3) Greenpeace employs an array of analysts, researchers and environmental specialists that have expertise in environmental activities and policies and their potential impacts on people and ecosystems. For nearly 40 years, concerned citizens have trusted this expertise and relied on Greenpeace to serve as a government watchdog, exposing activities that may be harmful to the environment, as well as activities that are beneficial.

Our website provides an extensive archive of publications from the past 40 years, including blogs, newsletters, reports, press statements, articles, Facebook, Twitter and Flickr feeds, videos and other presentations that expose a large range of government activities that impact the environment, including U.S. government and international governments.

Per our tradition, Greenpeace would compile the information provided through this FOIA request into a distinct, original work that includes our perspective on how the disclosed activities may result in environmental impacts. We would disseminate this work to the public through the range of media listed in the previous paragraph. We would also reach out to many traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

In addition, Greenpeace also hosts a FOIA website that archives over 4,000 scanned documents that were obtained through other FOIA requests. Greenpeace regularly references documents on this site and also frequently refers news reporters, researchers and writers to this site. The address is <http://research.greenpeaceusa.org> and documents from this FOIA request will be uploaded to this site.

Finally, in addition to Greenpeace's U.S. activities, 40 international Greenpeace offices around the world are interested in obtaining and publicizing information on U.S. government activities regarding energy development. Greenpeace will publicize information from this FOIA request through our global network of Greenpeace offices, publications and traditional media contacts.

- 4) As noted in #2, there is currently no publicly available information on the personnel, actions, and participants in the EGCI. Likewise, Greenpeace believes the public is uncertain and increasingly concerned about the scope of government interactions with oil, coal and other industry representatives in general. Fulfillment of this request would shed light on these interactions and answer questions about how the fossil fuel industry or other companies may or may not contribute to U.S. activities regarding energy development.
- 5) Greenpeace is a non-profit public interest organization that seeks solutions to environmental dilemmas and promotes open, informed debate about society's environmental choices. Greenpeace's primary activities are bearing witness to environmental destruction, using direct confrontations to raise the level and quality of public debate, and exposing threats to the environment and finding solutions. Greenpeace maintains complete financial independence from political and commercial interests. We do not intend to make a profit from the information provided through this FOIA request.
- 6) Greenpeace has no commercial interest in this material and does not intend to disclose the information to data brokers or others who compile and market government information for economic return. Whereas our work generates income from concerned individual donors, this income serves to perpetuate our activities and not to provide a profit to individuals associated with Greenpeace. With such limited or non-existent commercial interest, it is clear that the public interest in disclosure is far greater in magnitude than Greenpeace's commercial interest.

In as much as Greenpeace is making this request in the course of carrying out its public education and nonprofit activities, we request that charge for duplicating be waived.

If you deny all or any part of this request, please cite each specific exemption that you believe justifies your withholding of information. Please be sure to notify me of appeal procedures available under the law in the event of any denial.

Please contact me with any questions regarding this request at jesse.coleman@greenpeace.org.

Thank you,



Jesse Coleman
Researcher