



November 20, 2020

Submitted via FOIAonline

William Holzerland
FOIA Officer
Office of the Secretary
U.S. Department of the Interior
MS-7328, MIB
1849 C Street, NW
Washington, DC 20240

Bureau of Land Management
Attn: FOIA Office (WO-640)
1849 C St. N.W.
Washington, DC 20240

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of the Interior (“Interior”) regulations.

Specifically, CREW requests all communications from August 1, 2020, to the date this request is processed relating to the Arctic National Wildlife Refuge (ANWR) or the Coastal Plain Alaska Oil and Gas Lease Sale.

This request seeks any responsive internal communications within the Office of the Secretary or the Bureau of Land Management, and any responsive external communications with the White House, including any individual with an *.eop.gov email address.

Relevant custodians within the Office of the Secretary include: David Bernhardt, U.S. Department of the Interior Secretary; Katharine MacGregor, Deputy Secretary of the U.S. Department of the Interior; Conner Swanson, U.S. Department of the Interior spokesperson; Todd Willens, Chief of Staff; any individual serving as Chief of Staff to Katherine MacGregor.

Relevant custodians within the Bureau of Land Management include: William Perry Pendley, Deputy Director, Policy and Programs; any individual serving as Deputy Director of the Bureau of Land Management; Michael Nedd, Deputy Director, Operations; Wayne Svejnoha,



BLM Alaska Energy and Minerals Branch Chief; Chad B. Padgett, State Director, Alaska; any individual serving as Chief of Staff to William Pendley, Michael Nedd, Wayne Svejnoha, and Chad Padgett.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On November 17, 2020, the Department of Interior published its call for nominations and comments for the Coastal Plain Alaska Oil and Gas Lease Sale.¹ This announcement “allows companies to identify tracts to bid on during an upcoming lease sale on the refuge’s nearly 1.6 million acre coastal plain.”² This announcement follows on the Trump administration’s previous vows to ramp up oil and gas production in the Arctic National Wildlife Refuge in Alaska. According to the Washington Post, “The Bureau of Land Management will hold a 30-day comment period once the call for nominations is published...Once that period closes, the agency

¹ Calls for Nominations and Comments for the Coastal Plain Alaska Oil and Gas Lease Sale. Bureau of Land Management. November 17, 2020. Available at <https://www.federalregister.gov/documents/2020/11/17/2020-25316/call-for-nominations-and-comments-for-the-coastal-plain-alaska-oil-and-gas-lease-sale>.

² Trump officials rush to auction off rights to Arctic National Wildlife Refuge before Biden can block it. Juliet Eilperin. Washington Post. November 16, 2020. Available at <https://www.washingtonpost.com/climate-environment/2020/11/16/arctic-refuge-drilling-trump/>.

could publish a lease sale notice, which must be published 30 days before an auction takes place. Under that timeline, drilling rights could be sold before Jan. 20, Inauguration Day.”³

The decision to rush the process runs counter to typical BLM practices. According to reporting by the New York Times, “Normally the bureau would take time to review the comments and determine which tracts to sell before issuing the final notice of sale, a process that can take several months. In this case, however, the bureau could decide to make the entire coastal plain available and issue the notice immediately.”⁴ Rushing applications through and failing to take proper precautions into consideration may lead to serious and unintended environmental impacts and destabilize the fragile ANWR ecosystem.

Home to more than 270 species and known for its vast wilderness and biodiversity, including migrating caribou and waterfowl, snow geese, polar bears and Arctic foxes, Congress formally authorized drilling in the refuge in 2017. In light of the Trump administration’s decision to allow for drilling at the refuge, earlier this year, several environmental nonprofit organizations joined together and filed a lawsuit to prevent such actions from taking place.⁵ According to the lawsuit, it “calls for the court to block the leasing program because its approval ignored federal law, violating the National Environmental Policy Act, the Endangered Species Act, the National Wildlife Refuge Administration Act, and the Alaska National Interest Lands Conservation Act.”⁶ Scientists have also voiced their concerns about the survival of polar bears, which is already one of the most threatened subpopulations of bears in the world, and who come to land from their natural habitat, sea ice, as the ice melts and retreats northward. Pushing forward ANWR drilling permits does not leave scientists enough time to carefully examine and understand the impact that trucks and other heavy equipment pose to bears and their cubs in winter dens.

The decision to go forward with fast tracking these permits also fails to consider the needs and cultural significance of the land to the Gwich’in, who have repeatedly expressed concerns about the effects on herds of Porcupine caribou, which roam throughout that part of Alaska and neighboring areas in Canada and use the coastal plain for calving.⁷ The Gwich’in also have spiritual ties to the animals and rely on them for food. Such environmentally invasive tactics, like exploratory drilling, road building and other activities, could ultimately have a devastating affect on calving and the survival of the herds.⁸

³ *Id.*

⁴ Trump Administration, in Late Push, Moves to Sell Oil Rights in Arctic Refuge. Henry Fountain. New York Times. November 16, 2020. Available at <https://www.nytimes.com/2020/11/16/climate/trump-oil-drilling-alaska.html> .

⁵ Lawsuit Aims to Block Drilling in Arctic National Wildlife Refuge. EarthJustice. August 24, 2020. Available at <https://earthjustice.org/news/press/2020/lawsuit-aims-to-block-drilling-in-arctic-national-wildlife-refuge>.

⁶ *Id.*

⁷ Trump Administration, in Late Push, Moves to Sell Oil Rights in Arctic Refuge. Henry Fountain. New York Times. November 16, 2020. Available at <https://www.nytimes.com/2020/11/16/climate/trump-oil-drilling-alaska.html>

⁸ *Id.*



The requested records would shed light on these issues concerning the Department of Interior fasttracking these permit requests, which may cause serious environmental degradation and remains of considerable public interest.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact Jenna Grande at jgrande@citizensforethics.org or 202-408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to jgrande@citizensforethics.org. Thank you for your assistance.

Sincerely,

Jenna Grande
Press Secretary