

CREW | citizens for responsibility and ethics in washington

May 23, 2017

BY ELECTRONIC MAIL: os_foia@ios.doi.gov

Clarice Julka
Office of the Secretary
U.S. Department of the Interior
MS-7328, MIB
1849 C Street, N.W.
Washington, D.C. 20240

Re: Freedom of Information Act Request

Dear Ms. Julka:

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 (“DOI”) regulations.

Specifically, CREW requests:

- (1) Copies of Secretary Ryan Zinke’s address at the American Petroleum Institute’s board of directors meeting at the Trump International Hotel – Washington, D.C. on March 23, 2017;
- (2) Copies of any documents received by Secretary Zinke and/or his staff during the March 23, 2017 meeting at the Trump International Hotel – Washington, D.C.;
- (3) Copies of any documents describing the attendees at the March 23, 2017 meeting at the Trump International Hotel – Washington, D.C., the agenda of the meeting, and/or any planned follow up actions by DOI; and
- (4) Copies of any records documenting payments made by DOI to the Trump International Hotel – Washington, D.C., in relation to the March 23, 2017 meeting.

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, as well as emails to which the subjects of this request were cc’ed or bcc’ed.

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 DOI 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).

Secretary Zinke's personal schedules for March and April 2017, which were released under the Freedom of Information Act, "detail a slew of meetings with oil and gas producers as well as officials representing gun owners, marine industries, automobile dealers and builders," according to the *Washington Post*.¹ The secretary's March schedule included an item on March 23, 2017, titled "Address API Board of Directors Meeting," held at the Trump International Hotel in Washington, D.C.² API appears to stand for the American Petroleum Institute, which describes itself as "the only national trade association that represents all aspects of America's oil and natural gas industry."³

Unlike some other entries on Secretary Zinke's calendar, the entry for the March 23 meeting with API's board of directors does not include a list of individual attendees. The requested records would shed light on who Secretary Zinke met with during the meeting and what he discussed with the attendees. The records would also increase public knowledge about how DOI communicates with industry stakeholders in private about public policy. On the day of the meeting, DOI informed a federal court that it would be repealing an Obama-era rule regarding how federal royalties for fossil fuels are calculated.⁴ The next day, API issued a press

¹ Juliet Eilperin, [Interior Secretary's Personal Schedule Shows Industry Chiefs have Frequent Access](https://www.washingtonpost.com/news/energy-environment/wp/2017/05/19/personal-schedule-shows-industry-ceos-frequent-access-to-interior-secretary/?utm_term=.68e4a2afb883), *Washington Post*, May 19, 2017, available at https://www.washingtonpost.com/news/energy-environment/wp/2017/05/19/personal-schedule-shows-industry-ceos-frequent-access-to-interior-secretary/?utm_term=.68e4a2afb883.

² See <https://www.doi.gov/sites/doi.gov/files/uploads/17-00427ca.pdf>.

³ See <http://www.api.org/about>.

⁴ Alan Kovski, [Interior to Kill Rule on Value of Federal Oil, Gas, Coal](https://www.bna.com/interior-kill-rule-n57982085863/), *Bloomberg BNA*, March 28, 2017, available at <https://www.bna.com/interior-kill-rule-n57982085863/>.

release praising the decision.⁵ The requested records could inform the public how DOI communicated with API about the policy change.

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, and through www.scribd.com. 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 all documents it receives under the FOIA at www.scribd.com, and those documents have 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 me at (202) 408-5565 or aweismann@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

⁵ Press Release, American Petroleum Institute, API Welcomes Repeal of Uncertain, Harmful ONRR Valuation Rule, March 24, 2017, available at <http://www.api.org/news-policy-and-issues/news/2017/03/24/api-welcomes-repeal-of-uncertain-onrr-va>.

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Where possible, please produce records in electronic format. Please send the requested records to me either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne L. Weismann', with a long horizontal flourish extending to the right.

Anne L. Weismann
Chief FOIA Counsel