

Exhibit 1



August 31, 2016

VIA EMAIL

Ms. Clarice Julka
FOIA Officer
U.S. Department of the Interior
MS-7328, MIB
1849 C Street NW
Washington, D.C. 20240
os_foia@ios.doi.gov

Re: Freedom of Information Act Request

Dear Ms. Julka:

I write on behalf of Cause of Action Institute (“CoA Institute”), a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair.¹ In carrying out its mission, CoA Institute uses various investigative and legal tools to educate the public about the importance of government transparency and accountability. To that end, we are examining the Department of the Interior (“DOI”) decision to withdraw the Atlantic Outer Continental Shelf (“OCS”) from the 2017-2022 OCS Oil and Gas Leasing Program (“Program”).

When DOI released its Draft Proposed Program (“DPP”) in January 2015, it included one lease sale in the Atlantic Region.² The inclusion of the Atlantic in the DPP enjoyed broad support. As DOI commented, “the Governors of Virginia, North Carolina, and South Carolina requested that the Mid-Atlantic and South Atlantic Planning Areas be included in the DPP.”³ Members of the congressional delegations from affected East Coast states, including Senator Tim Kaine of Virginia, also supported the inclusion of the Atlantic Planning Areas.⁴

As part of the planning process for the Program, DOI solicited comments from the Department of Defense (“DoD”) regarding potential impacts on military operations. DoD did

¹ See CAUSE OF ACTION INSTITUTE, *About*, www.causeofaction.org/about/.

² BUREAU OF OCEAN ENERGY MANAGEMENT, 2017-2022 OUTER CONTINENTAL SHELF OIL AND GAS LEASING DRAFT PROPOSED PROGRAM 9-8 (2015), available at <http://www.boem.gov/2017-2022-DPP/>.

³ *Id.* at S-9.

⁴ See, e.g., Press Release, Sen. Mark Warner & Sen. Tim Kaine, Statement of U.S. Sen. Warner & Kaine on Interior Department’s Mid-Atlantic Offshore Plan (Jan. 27, 2015), available at <http://www.kaine.senate.gov/press-releases/statement-of-us-sen-warner-and-kaine-on-interior-departments-mid-atlantic-offshore-plan-> (“This is a significant step in a multi-year process that should result in the safe, responsible development of energy resources off the Virginia and mid-Atlantic coasts.”).

Ms. Clarice Julka

August 31, 2016

Page 2

not have prohibitive concerns about the inclusion of the Atlantic Region. In fact, in its October 2015 Mission Compatibility Planning Assessment (“Assessment”), the DoD categorized only 5% of the included Atlantic Planning Areas as “No Oil and Gas Activity.”⁵ According to the DoD, the remaining 95% of the Atlantic Planning Areas could be included subject to certain conditions.⁶

Public comments on the DPP also weighed in favor of including the Atlantic Region. In the Proposed Program, DOI acknowledged that a majority of the more than one million public comments it received were in support of Atlantic area leasing.⁷

Despite this record, on March 15, 2016, DOI announced its decision to withdraw the Atlantic Planning Areas from the Program. Secretary Sally Jewell explained that DOI had “heard from many corners that now is not the time to offer oil and gas leasing off the Atlantic coast. When you factor in conflicts with national defense, economic activities such as fishing and tourism, and opposition from many local communities, it simply doesn’t make sense to move forward with any lease sales in the coming five years.”⁸

The DOI decision came as a surprise to many, including Senator Kaine, a longtime supporter of offshore energy development who had been involved in the issue at both the state and federal levels for years. In a statement released the day the Proposed Program was announced he said:

I am particularly struck by the material objections of the Department of Defense to the incompatibility of drilling with naval operations off Virginia’s coast, cited by the BOEM as one of the three principal reasons for their decision. I have participated in this debate for over a decade as a Governor and member of the Senate Armed Services Committee. The DOD has been relatively quiet during this public debate and has never shared their objections with me before. I look forward to additional discussions with DOD to understand its position.⁹

⁵ DEPARTMENT OF DEFENSE, DOD MISSION COMPATIBILITY PLANNING ASSESSMENT: BOEM 2017-2022 OUTER CONTINENTAL SHELF (OCS) OIL AND GAS LEASING DRAFT PROPOSED PROGRAM 30 (2015), available at <http://www.boem.gov/2017-2022-DoD-OCS-Report/>.

⁶ *Id.*

⁷ BUREAU OF OCEAN ENERGY MANAGEMENT, 2017-2022 OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROPOSED PROGRAM 3-1 (2016), available at <http://www.boem.gov/2017-2022-Proposed-Program-Decision/> (“Of the [approximately 1,083,500] comments received on the DPP, slightly more than half stated support for Atlantic area leasing.”).

⁸ Press Release, Department of the Interior, Interior Department Announces Next Step in Offshore Oil and Gas Leasing Planning Process for 2017-2022 (Mar. 15, 2016), available at <https://www.doi.gov/pressreleases/interior-department-announces-next-step-offshore-oil-and-gas-leasing-planning-process>.

⁹ Press Release, Sen. Tim Kaine, Kaine Statement on Atlantic Oil Drilling Announcement (Mar. 15, 2016), available at <http://www.kaine.senate.gov/press-releases/kaine-statement-on-atlantic-oil-drilling-announcement>.

Ms. Clarice Julka

August 31, 2016

Page 3

However, Senator Kaine, like DOI, would dramatically reverse course on offshore energy development in the Atlantic within months.¹⁰ In August 2016 – less than one month after Hillary Clinton selected him as her vice presidential running mate – Senator Kaine claimed that his newly-discovered opposition to Atlantic offshore development stemmed from DoD objections.¹¹ DOI, meanwhile, has insisted that the withdrawal of the Atlantic Planning Areas was not predominantly attributable to the DoD.¹²

The changing positions of both the Department of the Interior and Senator Kaine raise questions about whether DOI withdrew the Mid- and South Atlantic Planning Areas from the 2017-2022 Program due to political pressure.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), CoA Institute hereby requests access to the following records for the time period of November 1, 2015 to March 15, 2016:¹³

1. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between or among DOI and its bureaus, including but not limited to the Office of the Secretary and the Bureau of Ocean Energy Management;
2. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between DOI, including its bureaus, and any of the following:
 - a. The White House;
 - b. The Department of Defense; and
 - c. Any email address ending in “@kaine.senate.gov.”

¹⁰ See T. Becket Adams, *Kaine Hit for Flipping on Offshore Drilling*, WASHINGTON EXAM'R, Aug. 15, 2016, <http://www.washingtonexaminer.com/kaine-hit-for-flipping-on-offshore-drilling/article/2599411> (“Vice presidential candidate Sen. Tim Kaine, D-Va., is being accused of flip-flopping on offshore drilling after he said this weekend he agrees with Hillary Clinton that it should be banned.”).

¹¹ Rising Response, *Tim Kaine Asked About His Offshore Drilling Flip Flop*, YOUTUBE (Aug. 16, 2016), <https://www.youtube.com/watch?v=swTchJIdCw0>.

¹² See Charlie Passut, *Obama Administration Removes Atlantic from 2017-2022 OCS Lease Plan*, NATURAL GAS INTELLIGENCE DAILY, March 15, 2016, <http://www.naturalgasintel.com/articles/105701-obama-administration-removes-atlantic-from-2017-2022-ocs-lease-plan> (“‘The DOD comments to us, were one among many factors,’ Jewell said. ‘We weren’t just waiting for DOD to weigh in. This has been something that has had multiple public meetings over a prolonged period of time -- over a year -- and an assessment of all of those comments led to this decision.’”).

¹³ For purposes of this request, the term “record” means the entirety of the record any portion of which contains responsive information. See *Am. Immigration Lawyers Ass’n v. Exec. Office for Immigration Review*, No. 15-5201, 2016 WL 4056405, at *7-9 (D.C. Cir. July 29, 2016) (admonishing agency for withholding information as “non-responsive” because “nothing in the statute suggests that the agency may parse a responsive record to redact specific information within it even if none of the statutory exemptions shields that information from disclosure”).

Ms. Clarice Julka

August 31, 2016

Page 4

Request for a Public Interest Fee Waiver

CoA Institute requests a waiver of any and all applicable fees. FOIA and applicable regulations provide that the agency shall furnish requested records without or at reduced 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.”¹⁴

In this case, the requested records unquestionably concern the “operations or activities of the government,” namely the DOI decision to withdraw parts of the Atlantic OCS from the forthcoming 2017-2022 Oil and Gas Leasing Program. DOI has attributed its decision to opposition from the public and the DoD, but there is little evidence in the record that the public and the DoD strongly opposed the inclusion of the Atlantic Planning Areas. In fact, the DOI DPP and Proposed Program and the DoD Assessment seem to suggest the opposite. The requested records would therefore shed light on how DOI decided to withdraw the Atlantic Planning Areas from the Program and would further the public’s interest in better understanding the factors DOI considered. Such details have not been made publicly available.

CoA Institute has both the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Its staff has significant experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public, whether through the Institute’s regularly published online newsletter, memoranda, reports, or press releases.¹⁵ In addition, as CoA Institute is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, it has no commercial interest in making this request.

Request To Be Classified as a Representative of the News Media

For fee status purposes, CoA Institute also qualifies as a “representative of the news media” under FOIA.¹⁶ As the D.C. Circuit recently held, the “representative of the news media” test is properly focused on the requestor, not the specific FOIA request at issue.¹⁷ CoA Institute satisfies this test because it gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience. Although it is not required by the statute, CoA Institute gathers the news it regularly publishes from a variety of sources, including FOIA requests, whistleblowers/insiders, and scholarly works. It does not merely make raw information available to the public, but rather distributes distinct work products, including articles, blog posts, investigative reports,

¹⁴ 5 U.S.C. § 552(a)(4)(A)(iii); 43 C.F.R. § 2.45(a); *see also Cause of Action v. Fed. Trade Comm'n*, 799 F.3d 1108, 1115-19 (D.C. Cir. 2015) (discussing proper application of public-interest fee waiver test).

¹⁵ *See also Cause of Action*, 799 F.3d at 1125-26 (holding that public interest advocacy organizations may partner with others to disseminate their work).

¹⁶ 5 U.S.C. § 552(a)(4)(A)(ii)(II); 43 C.F.R. § 2.70.

¹⁷ *See Cause of Action*, 799 F.3d at 1121.

Ms. Clarice Julka

August 31, 2016

Page 5

newsletters, and congressional testimony and statements for the record.¹⁸ These distinct works are distributed to the public through various media, including the Institute's website, Twitter, and Facebook. CoA Institute also provides news updates to subscribers via e-mail.

The statutory definition of a "representative of the news media" contemplates that organizations such as CoA Institute, which electronically disseminate information and publications via "alternative media[,] shall be considered to be news-media entities."¹⁹ In light of the foregoing, numerous federal agencies—including DOI—have appropriately recognized the Institute's news media status in connection with its FOIA requests.²⁰

Record Preservation Requirement

CoA Institute requests that the disclosure officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this

¹⁸ See, e.g., *Cause of Action Testifies Before Congress on Questionable White House Detail Program* (May 19, 2015), available at <http://coainst.org/2aJ8UAA>; COA INSTITUTE, 2015 GRADING THE GOVERNMENT REPORT CARD (Mar. 16, 2015), available at <http://coainst.org/2as088a>; *Cause of Action Launches Online Resource: ExecutiveBranchEarmarks.com* (Sept. 8, 2014), available at <http://coainst.org/2aJ8sm5>; COA INSTITUTE, GRADING THE GOVERNMENT: HOW THE WHITE HOUSE TARGETS DOCUMENT REQUESTERS (Mar. 18, 2014), available at <http://coainst.org/2aFWxUZ>; COA INSTITUTE, GREENTECH AUTOMOTIVE: A VENTURE CAPITALIZED BY CRONYISM (Sept. 23, 2013), available at <http://coainst.org/2apTwqP>; COA INSTITUTE, POLITICAL PROFITEERING: HOW FOREST CITY ENTERPRISES MAKES PRIVATE PROFITS AT THE EXPENSE OF AMERICAN TAXPAYERS PART I (Aug. 2, 2013), available at <http://coainst.org/2aJh901>.

¹⁹ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

²⁰ See, e.g., FOIA Request 1355038-000, Fed. Bureau of Investigation, Dep't of Justice (Aug. 2, 2016); FOIA Request CFPB-2016-222-F, Consumer Fin. Prot. Bureau (Apr. 20, 2016); FOIA Request CFPB-2016-207-F, Consumer Fin. Prot. Bureau (Apr. 14, 2016); FOIA Request 796939, Dep't of Labor (Mar. 7, 2016); FOIA Request 2015-HQFO-00691, Dep't of Homeland Sec. (Sept. 22, 2015); FOIA Request F-2015-12930, Dept. of State (Sept. 2, 2015); FOIA Request 14-401-F, Dep't of Educ. (Aug. 13, 2015); FOIA Request HQ-2015-01689-F, Dep't of Energy (Aug. 7, 2015); FOIA Request 2015-OSEC-04996-F, Dep't of Agric. (Aug. 6, 2015); FOIA Request OS-2015-00419, Dep't of Interior (Aug. 3, 2015); FOIA Request 780831, Dep't of Labor (Jul 23, 2015); FOIA Request 15-05002, Sec. & Exch. Comm'n (July 23, 2015); FOIA Request 145-FOI-13785, Dep't of Justice (Jun. 16, 2015); FOIA Request 15-00326-F, Dep't of Educ. (Apr. 08, 2015); FOIA Request 2015-26, Fed. Energy Regulatory Comm'n (Feb. 13, 2015); FOIA Request HQ-2015-00248, Dep't of Energy (Nat'l Headquarters) (Dec. 15, 2014); FOIA Request F-2015-106, Fed. Commc'n Comm'n (Dec. 12, 2014); FOIA Request HQ-2015-00245-F, Dep't of Energy (Dec. 4, 2014); FOIA Request F-2014-21360, Dep't of State, (Dec. 3, 2014); FOIA Request LR-2015-0115, Nat'l Labor Relations Bd. (Dec. 1, 2014); FOIA Request 201500009F, Exp.-Imp. Bank (Nov. 21, 2014); FOIA Request 2015-OSEC-00771-F, Dep't of Agric. (OCIO) (Nov. 21, 2014); FOIA Request OS-2015-00068, Dep't of Interior (Office of Sec'y) (Nov. 20, 2014); FOIA Request CFPB-2015-049-F, Consumer Fin. Prot. Bureau (Nov. 19, 2014); FOIA Request GO-14-307, Dep't of Energy (Nat'l Renewable Energy Lab.) (Aug. 28, 2014); FOIA Request HQ-2014-01580-F, Dep't of Energy (Nat'l Headquarters) (Aug. 14, 2014); FOIA Request LR-20140441, Nat'l Labor Relations Bd. (June 4, 2014); FOIA Request 14-01095, Sec. & Exch. Comm'n (May 7, 2014); FOIA Request 2014-4QFO-00236, Dep't of Homeland Sec. (Jan. 8, 2014); FOIA Request DOC-OS-2014-000304, Dep't of Commerce (Dec. 30, 2013); FOIA Request 14F-036, Health Res. & Serv. Admin. (Dec. 6, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); FOIA Request 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

Ms. Clarice Julka

August 31, 2016

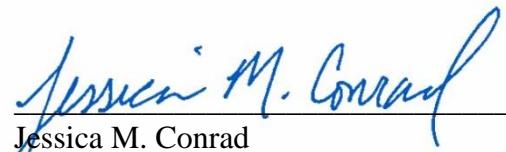
Page 6

request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted. It is unlawful for an agency to destroy or dispose of any record subject to a FOIA request.²¹

Record Production and Contact Information

In an effort to facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, CoA Institute requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact me by telephone at (202) 499-4232 or by e-mail at jessica.conrad@causeofaction.org. Thank you for your attention to this matter.



Jessica M. Conrad
Counsel

²¹ See 43 C.F.R. § 2.68(b) (“Materials that are identified as responsive to a FOIA request will not be disposed of or destroyed while the request or a related appeal or lawsuit is pending. This is true even if they would otherwise be authorized for disposition or destruction under the General Records Schedule 4.2 of NARA or another NARA-approved records schedule, such as DAA-0048-2013-0001.”); 36 C.F.R. § 1230.3(b) (“Unlawful or accidental destruction (also called unauthorized destruction) means . . . disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.”); *Chambers v. Dep’t of the Interior*, 568 F.3d 998, 1004-05 (D.C. Cir. 2009) (“[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under the FOIA or the Privacy Act.”); *Judicial Watch, Inc. v. Dep’t of Commerce*, 34 F. Supp. 2d 28, 41-44 (D.D.C. 1998).

Exhibit 2



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

IN REPLY REFER TO:
7202.4-OS-2016-00435

September 2, 2016

Via email: Jessica.conrad@causeofaction.org

Jessica M. Conrad
Cause of Action Institute
1875 Eye Street, NW
Suite 800
Washington, DC 20006

Dear Ms. Conrad:

On August 31, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

[R]ecords for the time period of November 1, 2015 to March 15, 2016:

1. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between or among DOI and its bureaus, including but not limited to the Office of the Secretary and the Bureau of Ocean Energy Management;
2. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between DOI, including its bureaus, and any of the following:
 - a. The White House;
 - b. The Department of Defense; and
 - c. Any email address ending in “@kaine.senate.gov”.

Your request was received in the Office of the Secretary FOIA office on August 31, 2016, and assigned control number **OS-2016-00435**. 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)

Ms. Jessica Conrad

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 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.

Because of the subject matter of your request, we have contacted the Bureau of Ocean Energy Management to also conduct a search for responsive records. The Office of the Secretary will answer on behalf of the Bureau of Ocean Energy Management and include its records in any future response.

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 October 18, 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.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

Exhibit 3



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2016-00435

September 14, 2016

Via email: Jessica.conrad@causeofaction.org

Jessica M. Conrad
Cause of Action Institute
1875 Eye Street, NW
Suite 800
Washington, DC 20006

Dear Ms. Conrad:

On August 31, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

[R]ecords for the time period of November 1, 2015 to March 15, 2016:

1. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between or among DOI and its bureaus, including but not limited to the Office of the Secretary and the Bureau of Ocean Energy Management;
2. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between DOI, including its bureaus, and any of the following:
 - a. The White House;
 - b. The Department of Defense; and
 - c. Any email address ending in "@kaine.senate.gov".

On September 1, 2016, we acknowledged your request and advised you of your fee status under FOIA. In order to process your request in a timely manner, we would like to discuss narrowing your request. As your request is voluminous, we would like to suggest some or all of the following clarifications:

1. Limit the request to decision documents, e.g., finalized letters, analyses and memorandums signed by BOEM personnel designated above.
2. Define the specific kinds of correspondence in which you are interested.
3. Limit the search to records maintained by certain individuals e.g., Director, Deputy Director, Chief of Staff, Advisor to the Director, and Chief, Office of Strategic Resources.
4. Limit the scope of your request by excluding:
 - a. Emails. (Eliminating the need to search emails can significantly reduce processing costs).
 - b. Correspondence external to BOEM.

Ms. Jessica Conrad

- c. Correspondence containing information covered by the Attorney Client Privilege, and/or Attorney Work Product, and/or the Deliberative Process Privilege.
- d. Correspondence transmitting or discussing news media articles or press releases.
- e. Meeting invitations, meeting acceptances, and correspondence that solely arranges for meetings and/or discusses meeting dates, times, and availability.
- f. Attachments to memorandums, letters and emails.

Please contact us using any of the contact methods listed below as quickly as possible.

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://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 regarding 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, NW, MS-7328 MIB, Washington, D.C. 20240.

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

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

Exhibit 4

From: [Jessica Conrad](#)
To: "os_foia@ios.doi.gov"
Cc: "boemfoia@boem.gov"
Subject: RE: FOIA Request - Clarification Letter
Date: Friday, September 16, 2016 10:55:00 AM

Hi Cindy and Natasha,

Per my conversation with Natasha this morning, CoA Institute has agreed to limit our FOIA request in accordance with clarification #3 in your letter of September 14 (records maintained by certain individuals). We are not narrowing the request further because the requested documents will enable the public to better understand DOI's OCS leasing activities.

Separately, I'm not clear on why DOI is classifying CoA Institute as an other-use requester for this particular request. DOI has previously acknowledged our status as a representative of the news media on multiple occasions, e.g., OS-2015-00419, OS-2015-00068, 2012-00270, and just last month BLM classified us as a representative of the news media (2016-00896). If you can shed any light on this issue, I would greatly appreciate it.

Thanks,

Jessica

From: cynthia_sweeney@ios.doi.gov [mailto:cynthia_sweeney@ios.doi.gov] **On Behalf Of** OS, OS FOIA
Sent: Friday, September 16, 2016 7:37 AM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Cc: os_foia@ios.doi.gov
Subject: Re: FOIA Request - Clarification Letter

Hi Ms. Conrad,

Correct, we are still classifying you as an "other-use" requester. Please let me know if you have any other questions. Thanks!

Thanks,
Cindy

On Thu, Sep 15, 2016 at 10:13 AM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Hi Cindy,

Certainly, I'll reach out to Ms. Alcantara to discuss the clarifications.

Also, I did want to confirm that DOI has classified CoA Institute as an "other-use" requester (per your September 2 letter). That is, DOI has made an adverse determination regarding CoA

Institute's request to be classified as a representative of the news media?

Thank you,

Jessica

From: cynthia_sweeney@ios.doi.gov [mailto:cynthia_sweeney@ios.doi.gov] **On Behalf Of** OS, OS

FOIA

Sent: Thursday, September 15, 2016 9:50 AM

To: Jessica Conrad <jessica.conrad@causeofaction.org>

Subject: Fwd: FOIA Request - Clarification Letter

Hi Ms. Conrad,

Could you please contact Natasha Alcantara (BOEM) to discuss the clarifications?

Her contact information is as follows:

Natasha Alcantara

Freedom of Information Act Officer/Public Liaison

Bureau of Ocean Energy Management

US Department of the Interior

tel: 703-787-1818

Please let me know if you have any additional questions.

Thanks,

Cindy

----- Forwarded message -----

From: Sweeney, Cynthia <cynthia_sweeney@ios.doi.gov>

Date: Thu, Sep 15, 2016 at 8:33 AM

Subject: Fwd: FOIA Request - Clarification Letter

To: OS FOIA OS <os_foia@ios.doi.gov>

----- Forwarded message -----

From: Jessica Conrad <jessica.conrad@causeofaction.org>

Date: Wed, Sep 14, 2016 at 4:17 PM

Subject: RE: FOIA Request - Clarification Letter

To: "cynthia_sweeney@ios.doi.gov" <cynthia_sweeney@ios.doi.gov>

Hi Cindy,

Are you available for a phone call to discuss DOI's clarification letter tomorrow?

Thanks,

Jessica

From: cynthia_sweeney@ios.doi.gov [mailto:cynthia_sweeney@ios.doi.gov] **On Behalf Of** OS, OS FOIA
Sent: Wednesday, September 14, 2016 3:41 PM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Subject: FOIA Request - Clarification Letter

Dear Ms. Conrad,

Please find attached a clarification letter for FOIA request OS-2016-00435.

Thanks,
Cindy

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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

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Cynthia Sweeney (Cindy)
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Cynthia_Sweeney@ios.doi.gov
(202) 513-0765 - FOIA general phone line
(202) 208-3552 - direct line
(202) 219-2374 - fax

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Department of the Interior
Office of the Secretary, FOIA Office
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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

Exhibit 5



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

IN REPLY REFER TO:
7202.4-OS-2016-00435

September 19, 2016

Via email: Jessica.conrad@causeofaction.org

Jessica M. Conrad
Cause of Action Institute
1875 Eye Street, NW
Suite 800
Washington, DC 20006

Dear Ms. Conrad:

On August 31, 2016, you filed a Freedom of Information Act (FOIA) request seeking the following:

[R]ecords for the time period of November 1, 2015 to March 15, 2016:

1. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between or among DOI and its bureaus, including but not limited to the Office of the Secretary and the Bureau of Ocean Energy Management;
2. All communications concerning the Atlantic OCS and the 2017-2022 OCS Oil and Gas Leasing Program between DOI, including its bureaus, and any of the following:
 - a. The White House;
 - b. The Department of Defense; and
 - c. Any email address ending in "@kaine.senate.gov".

On September 14, 2016, we sent you a clarification letter on behalf of BOEM to narrow the subject of your request. On September 16, 2016, we received notification that you spoke to BOEM and agreed to narrow your request to limit the search to records maintained by certain individuals e.g., Director, Deputy Director, Chief of Staff, Advisor to the Director, and Chief, Office of Strategic Resources. You stated that you will not be narrowing the request further.

We also changed your fee category from "other-use" requester to "news-media" requester. 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).

Ms. Jessica M. Conrad

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.

If you have any questions about our processing of this request, you may contact Cindy Sweeney 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 St, NW, MS-7328 MIB, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

Exhibit 6

From: cynthia_sweeney@ios.doi.gov
To: [Jessica Conrad](#)
Cc: [os_foia@ios.doi.gov](#); [Natasha Alcantara](#)
Subject: Re: Status of FOIA Request No. OS-2016-00435
Date: Friday, October 14, 2016 3:50:08 PM

Ms. Conrad,

At the moment, it would be extremely difficult to estimate an accurate date of completion.

Currently, we are still in the process of compiling responsive records. To date, we have identified over 700 responsive records of varying sizes. Based on an initial sampling, we can make a very rough estimate of approximately 50 pages/document (on average, as some files are only a single page, while others are several hundred, leading to a massive margin of error). By that estimate, we are potentially dealing with tens of thousands of pages of records. Additionally, we have been informed that we do not have all records yet.

Furthermore, it is likely that these records will require consultation with outside agencies, which would further impact the production timeline.

Total completion of this request will likely take several months. The anticipated date of any interim or rolling release is heavily subject to the still-to-be-determined volume of records, particularly with regard to records that fall entirely under the purview of the Office of the Secretary.

Please do not hesitate to contact us if you have any questions.

V/r,
Joshua

On Fri, Oct 14, 2016 at 2:46 PM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Hi Cindy and Natasha,

Is there a status update on CoA Institute's 8/31 FOIA request? As noted in the request, we are happy to receive documents on a rolling basis as they become available.

Thanks for your help,

Jessica M. Conrad | Counsel

Cause of Action Institute

1875 Eye Street NW, Suite 800

Washington, D.C. 20006

202.499.2416

Confidentiality

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. It is not intended as legal advice, and may not be relied upon or used as legal advice. Nor does this communication establish an attorney client relationship between us. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

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