Exhibit 1
August 10, 2016

VIA E-MAIL

Mr. Ryan Witt
FOIA Officer
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW, Rm 2134LM
Washington, DC 20240
BLM_WO_FOIA@blm.gov

Re: Freedom of Information Act Request

Dear Mr. Witt:

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.

One of CoA Institute’s guiding principles is that Americans should have the right to know how the government spends their money. To that end, CoA Institute is interested in records related to the Bureau of Land Management’s (“BLM”) acquisition of land. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), CoA Institute hereby requests access to the following records from the time period of January 1, 2009 to the present:\(^2\)

1. All contracts or agreements for the acquisition of land by the BLM;

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\(^1\) See CAUSE OF ACTION INSTITUTE, About, www.causeofaction.org/about/.

\(^2\) For purposes of this request, the term “present” should be construed as the date on which the agency begins its search for responsive records. See Pub. Citizen v. Dep’t of State, 276 F.3d 634 (D.C. Cir. 2002). 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”).
2. All appraisals of land acquired by the BLM, including appraisals conducted by the Office of Valuation Services or by a third-party appraiser;

3. All letters of intent to purchase land, memoranda of understanding, or other agreements between the BLM and any prospective seller; and

4. All communications sent within, to, or from the BLM concerning the BLM’s acquisition of land in Arizona, Nevada, or New Mexico.

**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.”

In this case, the requested records would shed light on the “operations or activities of the government,” namely, the Bureau of Land Management’s expenditure of funds to acquire additional public lands. The BLM acquires land from time to time, often in order to conserve tracts of land or to offer the public access to recreational or historical spaces. The ownership and acquisition of these properties are often of interest to the public. Moreover, disclosure would “contribute significantly” to public understanding of how, when, and from whom the BLM acquires land because the details of these transactions are not publicly available. Though general information about some purchases is announced publicly, access to the requested information would provide a much more thorough understanding of the BLM’s acquisition activities.

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. CoA Institute’s staff has a wealth of 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 CoA Institute’s regularly published online newsletter.

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memoranda, reports, or press releases.\(^5\) 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.\(^6\) As the D.C. Circuit has held, the “representative of the news media” test is properly focused on the requestor, not the specific FOIA request at issue.\(^7\) 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. CoA Institute does not merely make raw information available to the public, but rather distributes distinct work products, including articles, blog posts, investigative reports, newsletters, and Congressional testimony and statements for the record.\(^8\) These distinct works are distributed to the public through various media, including CoA 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” unequivocally contemplates that organizations such as CoA Institute, which electronically disseminate information and publications via “alternative media[,] shall be considered to be news-media entities.”\(^9\) In light of the foregoing, numerous federal agencies – including the Department of the Interior – have appropriately recognized CoA Institute’s news media status in connection with its FOIA requests.\(^10\)

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\(^5\) 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).


\(^7\) See Cause of Action, 799 F.3d at 1121.


\(^9\) See, e.g., 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,
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 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.\(^{11}\)

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.

Sincerely,

Jessica M. Conrad
Counsel

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\(^{11}\) 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
Ms. Conrad,

Our FOIA office received your FOIA request, dated August 10, 2016, and assigned it control number 2016-00896. Please cite this number in any future communications with our office regarding your request.

In your request you asked for the following:

"Records from the time period of January 1, 2009 to the present:

1. All contracts or agreements for the acquisition of land by the BLM;
2. All appraisals of land acquired by the BLM, including appraisals conducted by the Office of Valuation Services or by a third-party appraiser;
3. All letters of intent to purchase land, memoranda of understanding, or other agreements between the BLM and any prospective seller; and
4. All communications sent within, to, or from the BLM concerning the BLM’s acquisition of land in Arizona, Nevada, or New Mexico."

We have classified you as a representative of the news media. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 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. § 2.49(a)(1). We do not anticipate any charges for the cost of processing this request; therefore will not be making a determination on your fee waiver request.

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that can be processed in one to five workdays. The Normal track is for requests that can be processed in six to twenty workdays. The Complex track is for requests that can be processed in twenty-one to sixty workdays. The Exceptional/Voluminous track is for requests requiring more than sixty workdays for processing. The Expedited track is for requests that have been granted expedited processing. Within each track, requests are usually processed on a first-in, first-out basis.

This request falls into the Exceptional/Voluminous track.

If you have any questions, please contact us at BLM_WO_FOIA@blm.gov or 202-912-7650.

Thank you,
Keiosha Alexander

Washington Office FOIA Coordinators
Bureau of Land Management
On Wed, Aug 10, 2016 at 10:51 AM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Dear Mr. Witt:

Please see the attached Freedom of Information Act request from Cause of Action Institute. If you have any questions about the request, please do not hesitate to contact me.

Thank you,

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.
Exhibit 3
Thank you, Wendy.

Ms. Conrad,

Thank you for speaking with me this morning. Per our conversation, the search for all four items will be limited to the states of Arizona, Nevada and New Mexico.

Sincerely, Wendy Schumacher

Washington Office FOIA Coordinators
Bureau of Land Management
Phone: 202-912-7650
Fax: 202-245-0027
BLM_WO_FOIA@blm.gov
Exhibit 4
Good to know – thanks, Keiosha!

Also, when I spoke with Ben last month, he mentioned you had already run a report from the lands database that gave some big-picture numbers (i.e., about 30 acquisitions, 19 purchases in AZ, 3 donations, etc.). Is that report something you could provide in the interim so we can get a sense of the records being collected?

Many thanks,

Jessica

From: kaalexander@blm.gov [mailto:kaalexander@blm.gov] On Behalf Of FOIA, BLM_WO
Sent: Tuesday, October 04, 2016 1:14 PM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Subject: Re: Status of FOIA Request No. 2016-00896

Good afternoon Jessica,

We are still in the records collection phase for this request. I have been notified that some records should start trickling in soon. Whenever I do start receiving records, I'll definitely notify you and we can begin the rolling release process that we spoke about. Thank you so much for your patience.

Have a great rest of the day!
Keiosha Alexander

Washington Office FOIA Coordinators
Bureau of Land Management
Phone: 202-912-7650
Fax: 202-245-0027
BLM_WO_FOIA@blm.gov

On Mon, Oct 3, 2016 at 2:15 PM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:
Hello,

I am contacting you concerning FOIA Request No. 2016-00896, submitted on August 10, 2016. Is there an update on the status of this request that you can provide? As discussed previously, we are happy to receive documents on a rolling basis if some records are available sooner than others.

Thank you for your assistance,

Jessica M. Conrad | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
202.499.2416

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Exhibit 5
Good Morning Jessica,

Please find the first interim response letter as well as responsive records to FOIA Request 2016-00896. I will be in contact with you as I receive records to keep these interim releases rolling.

Thank you,
Keiosha

Washington Office FOIA Coordinators
Bureau of Land Management
Phone: 202-912-7650
Fax: 202-245-0027
BLM_WO_FOIA@blm.gov
Exhibit 6
Good Morning Jessica,

Let me reach out to the program offices and gather information and I'll get back to you on an estimate. It may take a couple of days for everyone to respond, but when they do, I'll let you know.

Thank you,
Keiosha

Hi Keiosha,

Thanks again for the previous interim response. Do you have an estimate for when additional records will be available?

Thank you,

Jessica M. Conrad | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
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From: kaalexander@blm.gov [mailto:kaalexander@blm.gov] On Behalf Of FOIA, BLM_WO
Sent: Friday, October 07, 2016 1:39 PM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Subject: Re: Interim Response #1

Thank you. You too!!

Washington Office FOIA Coordinators
Bureau of Land Management
On Fri, Oct 7, 2016 at 1:20 PM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Thanks very much, Keiosha. Have a great weekend!

Jessica

From: kaalexander@blm.gov [mailto:kaalexander@blm.gov] On Behalf Of FOIA, BLM_WO
Sent: Friday, October 07, 2016 11:37 AM
To: Jessica Conrad <jessica.conrad@causeofaction.org>; Cynthia Moses-Nedd <cnedd@blm.gov>
Subject: Interim Response #1

Good Morning Jessica,

Please find the first interim response letter as well as responsive records to FOIA Request 2016-00896. I will be in contact with you as I receive records to keep these interim releases rolling.

Thank you,

Keiosha
Washington Office FOIA Coordinators

Bureau of Land Management

Phone: 202-912-7650

Fax: 202-245-0027

BLM_WO_FOIA@blm.gov
Exhibit 7
Hi Jessica,

The documents are definitely starting to trickle in. I’ve a batch of records from one of the program offices. I will review these documents, get them processed, and get them cleared. This should take about 3-4 weeks. If something comes up and this timeline gets delayed, I’ll definitely let you know.

Thank you,
Keiosha

On Mon, Nov 7, 2016 at 11:08 AM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Hi Keiosha,

Any update from the program offices? As a reminder, we’re happy to accept documents as they become available. I imagine some records – such as signed contracts – are easier to pull than others.

Thanks for your help,

Jessica
Good Morning Jessica,

Let me reach out to the program offices and gather information and I'll get back to you on an estimate. It may take a couple of days for everyone to respond, but when they do, I'll let you know.

Thank you,

Keiosha

Washington Office FOIA Coordinators
Bureau of Land Management
Phone: 202-912-7650
Fax: 202-245-0027
BLM_WO_FOIA@blm.gov

On Tue, Nov 1, 2016 at 2:25 PM, Jessica Conrad <jessica.conrad@causeofaction.org> wrote:

Hi Keiosha,
Thanks again for the previous interim response. Do you have an estimate for when additional records will be available?

Thank you,

Jessica M. Conrad | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
202.499.2416

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From: kaalexander@blm.gov [mailto:kaalexander@blm.gov] On Behalf Of FOIA, BLM_WO
Sent: Friday, October 07, 2016 1:39 PM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Subject: Re: Interim Response #1

Thank you. You too!!
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Thanks very much, Keiosha. Have a great weekend!

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Subject: Interim Response #1

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Thank you,

Keiosha

Washington Office FOIA Coordinators
Bureau of Land Management

Phone: 202-912-7650
Fax: 202-245-0027

BLM_WO_FOIA@blm.gov
Exhibit 8
Hi Keiosha,

Just wanted to check in after the holiday and see how the response is coming along for FOIA Request 2016-00896. If you have an estimated production date that would be helpful.

Thanks and Happy New Year,

Jessica M. Conrad | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
202.499.2416

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Hi Keiosha,

Any update from the program offices? As a reminder, we’re happy to accept documents as they become available. I imagine some records – such as signed contracts – are easier to pull than others.

Thanks for your help,

Jessica

From: kaalexander@blm.gov [mailto:kaalexander@blm.gov] On Behalf Of FOIA, BLM_WO
Sent: Wednesday, November 02, 2016 8:49 AM
To: Jessica Conrad <jessica.conrad@causeofaction.org>
Subject: Re: Interim Response #1

Good Morning Jessica,

Let me reach out to the program offices and gather information and I'll get back to you on an estimate. It may take a couple of days for everyone to respond, but when they do, I'll let you know.

Thank you,
Keiosha
Hi Keiosha,

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Thank you,

Jessica M. Conrad | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
202.499.2416

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To: Jessica Conrad <jessica.conrad@causeofaction.org>; Cynthia Moses-Nedd <cnedd@blm.gov>
Subject: Interim Response #1

Good Morning Jessica,

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Thank you,
Keiosha
Exhibit 9
Track Your FOIA Request

Please enter your FOIA Request Number to check its status. When doing so, please note that this tool is case-sensitive. Enter letters in your FOIA Request Number in upper case and include dashes in their proper locations.

If you need help using this tool, the Department’s FOIA Contacts/Liaisons can assist you.

This tracking tool refreshes daily.

<table>
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<th>FOIA Number</th>
<th>Request Date</th>
<th>Receipt Date</th>
<th>Due Date for Determination</th>
<th>Estimated Processing Completion Date</th>
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<td>08/10/2016</td>
<td>08/10/2016</td>
<td>09/07/2016</td>
<td>After 11/03/2016</td>
<td>Exceptional/Voluminous</td>
<td>Open</td>
<td>News Media</td>
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New Search