

To: Smethers, Lacey[lacey_smethers@ios.doi.gov]
From: Davis, Justin
Sent: 2017-12-11T14:35:40-05:00
Importance: Normal
Subject: Fwd: Search Request OS-2018-00130
Received: 2017-12-11T14:35:48-05:00
[18-00130qa.pdf](#)
[FOIA Control Form \(4.8.16\).pdf](#)

Hi Lacey,
 Here's a request that I haven't had a chance to run a search for. If you have any questions please feel free to let me know.

Thanks,

Justin

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

From: OS, OS FOIA <osfoia@ios.doi.gov>
Date: Wed, Nov 29, 2017 at 10:22 AM
Subject: Search Request OS-2018-00130
To: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>, Justin Davis
 <justin_davis@ios.doi.gov>

OS FOIA has received a Freedom of Information Act request for which we believe your Office may have responsive materials. Please use the below chart, attached copy of the FOIA request, and attached FOIA Control Form to inform us of your search efforts.

- **If available, please provide responsive documents to OS FOIA electronically (CD, FOIA DMU Processing Application, email, or thumb drive). Please note that Bison Connect can pull emails electronically with the DMU Processing App's and OS staff can assist with this tool. Please contact OS FOIA if electronic documents are not available.**
- **Please track the time required to search for these documents on the attached control form.**
- **If you have any questions regarding the specific guidance on copying, reviewing, and submitting documents to the OS FOIA office, please call 202-513-0765.**

Please reply/send all items to osfoia@ios.doi.gov - Except "FOIA/DMU Processing Tool" searches (Please include osfoia@ios.doi.gov on all communications/discussions regarding this FOIA request.)	
Action Office: Office of the Secretary	Responsible Program Office: SIO
Current Date: 11/29/2017	Due Date: 12/13/17
FOIA Request Control Number: OS-2018-00130	OS FOIA Contact (MIB 7328): Cindy Sweeney

Requester's Name: Chris Saeger	Amount Requester Is Willing To Pay: Requested Fee Waiver
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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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Justin Davis
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704C East 13th Street, Suite 568
Whitefish, MT 59937
406-438-1918

FOIA Officer
Office of the Secretary
U.S. Department of the Interior
E-Mail: osfoia@ios.doi.gov

October 16, 2017

FOIA REQUEST

Dear Records Request Officer:

Pursuant to the Freedom of Information Act, I request access to and copies of all correspondence involving Downey Magallanes between, and including, August 1, 2017 and September 30, 2017 which includes any of the following keywords:

- Monument
- Monuments
- Review
- "Bears Ears"
- "BENM"
- "Grand Staircase"
- "GSENM"
- "Cascade-Siskiyou"
- "Gold Butte"

Additionally, I request copies of any digital correspondence during this time period that was sent by, sent to, or carbon copied ("CC") Ms. Magallanes and involved any of the following individuals:

- Ryan Zinke
- David Bernhardt
- James Cason
- Katharine MacGregor

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), Western Values Project 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 will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).¹

Western Values Project requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.”² The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

On April 26, 2017, the President of the United States signed the Presidential Executive Order on the Review of Designations Under the Antiquities Act, which initiated a “review” of national monuments. As part of the review, the U.S. Department of the Interior has received over 160,000 public comments, demonstrating the substantial public interest in the results and nature of the review.³ This request seeks to reveal documents concerning executive authority and decision-making as it pertains to national monument designations and will be used to inform the public on this critical topic.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project’s financial interest. Western Values Project’s mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

Request for Expedited Processing

The April 26, 2017 Presidential Executive Order on the Review of Designations Under the Antiquities Act requires the Secretary of the Interior to provide a final report to the President of the United States within 120 days, which is to include “recommendations for

¹ See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

² 5 U.S.C. § 552(a)(4)(A)(iii)

³ Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment, <https://www.regulations.gov/document?D=DOI-2017-0002-0001>, accessed 06/14/17

such Presidential actions, legislative proposals, or other actions consistent with law.”⁴ As part of this process, the Secretary of the Interior held a listening tour in the state of Utah⁵, opened a public comment period⁶, and visited a national monument in Maine⁷, all in an effort to ostensibly receive public input regarding national monument policy and implementation.

Furthermore, President Trump has said the American people “will never be ignored again”⁸ and in July sent out a “Listening to America” survey⁹ to solicit the opinions of the American people. As the Secretary’s recommendations have now been given to the President, there is an urgency to inform the public of the resources and decisions made by a key player in the monument review so that the public may inform President Trump and their legislative representatives on this matter and make their voice heard in advance of any decisions, which could be issued imminently.

Western Values Project certifies these facts are true and correct and requests expedited processing for this request.

Conclusion

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

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. If any documents are withheld based on the Agency’s interpretation of any exemption, we request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity as to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

⁴ Presidential Executive Order on the Review of Designations Under the Antiquities Act, 04/26/17

⁵ Press Release, “Secretary Zinke, Utah Officials Launch Listening Tour of Utah Monuments,” 05/05/17.

⁶ Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment, <https://www.regulations.gov/document?D=DOI-2017-0002-0001>, accessed 06/14/17

⁷ Press Release, “Secretary Zinke to Visit New England,” 06/08/17

⁸ President Donald Trump, “The Inaugural Address,” 01/20/17

⁹ Jarvis DeBerry, “‘Real’ American that I am, I took Donald Trump’s ‘Listening to America’ survey: Opinion,” *The Times-Picayune*, 07/27/17

Sincerely,

Chris Saeger
Executive Director
Western Values Project

FOIA CONTROL FORM FOR REQUEST OS-20 -
(PLEASE COMPLETE CERTIFICATION SECTION BELOW)

Instructions to Responsible Program Office. To meet the statutory twenty (20) workday response requirement, your search for responsive documents should be completed and dated no later than the "Document Search Due Date" shown in the attached email.

Please note that if you do not provide OS FOIA with the information requested on this form at this time, and an appeal challenging the sufficiency of the search is filed, you may then be required to reconstruct or duplicate your entire search efforts.

The attached request has been referred to your office to conduct a search for responsive records. Please return this certification and any responsive records.

TOTAL SEARCH TIME EXPENDED

Please indicate time to within ¼ hour

Clerical Search Time (GS-7 And Below) _____
Professional Search Time (GS-8 Through GS-12) _____
Managerial Search Time (GS-13 And Above) _____
Any Other Costs (Identify) _____

CERTIFICATION

I CERTIFY BY SIGNATURE BELOW THAT AN ADEQUATE AND THOROUGH SEARCH HAS BEEN CONDUCTED FOR RECORDS/INFORMATION RESPONSIVE TO THIS REQUEST AND ALL RESPONSIVE MATERIAL HAS BEEN BROUGHT TO THE ATTENTION OF OS FOIA.

SIGNATURE (DATE)

PRINTED NAME AND TITLE

SEARCHER Name	OFFICE LOCATION What Office	MANUAL <input type="checkbox"/> if done	ELECTRONIC <input type="checkbox"/> if done	TERMS USED	DOCS FOUND <input type="checkbox"/> if found
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

RECOMMENDATIONS:

- ☐ Requested information not under _____ jurisdiction; refer/reassign to: _____.
- ☐ Responsive documents exist and retrieval will exceed agreed upon fees.
- ☐ Documents should be released in their entirety.
- ☐ Documents should be reviewed for possible redaction/withholding (explain if necessary).
- _____
- _____