

**To:** Downey Magallanes[downey\_magallanes@ios.doi.gov]  
**Cc:** Lacey Smethers[lacey\_smethers@ios.doi.gov]  
**From:** karmen\_young@ios.doi.gov  
**Sent:** 2017-12-19T10:09:51-05:00  
**Importance:** Normal  
**Subject:** Search Request OS-2018-00301  
**Received:** 2017-12-19T10:10:40-05:00  
[18-00301qa.pdf](#)  
[FOIA Control Form \(4.8.16\).pdf](#)

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.**

<b>Please reply/send all items to <a href="mailto:osfoia@ios.doi.gov">osfoia@ios.doi.gov</a> - Except "FOIA/DMU Processing Tool" searches</b> (Please include <a href="mailto:osfoia@ios.doi.gov">osfoia@ios.doi.gov</a> on all communications/discussions regarding this FOIA request.)	
<b>Action Office:</b> Office of the Secretary	<b>Responsible Program Office:</b> SIO
<b>Current Date:</b> 12/19/17	<b>Due Date:</b> 01/03/2018
<b>FOIA Request Control Number:</b> OS 2018 00301	<b>OS FOIA Contact (MIB 7328):</b> Cindy Sweeney
<b>Requester's Name:</b> Benjamin Schreiber	<b>Amount Requester Is Willing To Pay:</b> 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](mailto:os_foia@ios.doi.gov)  
 (202) 513 0765 phone  
 (202) 219 2374 fax

**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"/>
		<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"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
		<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).
- \_\_\_\_\_
- \_\_\_\_\_



OS, OS FOIA <osfoia@ios.doi.gov>

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## FOE FOIA for Magallanes Records and Expenses on Grand Staircase/Escalante National Monument

1 message

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Carolyn Johnson (b) (6)  
To: DOI Secretary office FOIA <OSFOIA@ios.doi.gov>

Fri, Nov 10, 2017 at 4:48 PM

### FOIA Request Form

Fields marked with an asterisk (\*) are required.

*Please note that the complexity of your request will affect the order in which your request is processed. For more information on multitrack processing and how it affects your request, please see section 2.15 of our regulations.*

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#### Your Contact Information:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart B.

This FOIA is filed for Friends of the Earth by:

#### Marcie Kever, Legal Director

Friends of the Earth

David Brower Center,

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Berkeley, CA 94704

510-900-3144 (phone) 510-900-3155 (fax)

**mkeever@foe.org**

and

#### Benjamin Schreiber, Senior Political Strategist

Friends of the Earth

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Washington D.C. 20005

202 783 7400 (phone) 202 783 0444 (fax)

**bschreiber@foe.org**

11/13/2017 DEPARTMENT OF THE INTERIOR Mail FOE FOIA for Magallanes Records and Expenses on Grand Staircase/Escalante National Monument

☐ Home

\* **Business**

Daytime Phone Number \* 202-783-7400

Fax Number 202-783-0444

E mail Address \* (b) (6)

(Providing an email address allows DOI and its bureaus/offices to communicate with you electronically when appropriate. It will also ensure that you receive an email confirmation of our receipt of your request.)

Confirm E mail Address \* (b) (6)

Your Organization **Friends of the Earth**

Are you filing the request on behalf of another party? \*

\* **No**

☐ Yes

If so, who are you filing the request on behalf of?

#### Contact Information Certification

\* I Certify That The Above Statement(S) Concerning Who I Am Filing The Request On Behalf Of Are True And Correct To The Best Of My Knowledge And Belief. If I Want To Receive Greater Access To Records About A Person I Represent, I Will Submit Proof That The Person Consents To The Release Of The Records To Me, As Discussed In 43 C.F.R. § 2.9.

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#### Your Request:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart B.

Bureau/Office \*

Please select which bureau or office you would like to receive your request.

Relevant park, refuge, site or other location: **Office of the Secretary (OS)**

Please describe the information you are seeking so that an employee familiar with the subject area of the request may locate existing record(s) with a reasonable amount of effort. Include descriptive information, time frame to be searched, etc. In order for a record to be considered subject to your FOIA request, it must be in the bureau's or office's possession and control at the time the bureau or office begins its search for responsive records.

Request Description \*

11/13/2017 DEPARTMENT OF THE INTERIOR Mail FOE FOIA for Magallanes Records and Expenses on Grand Staircase/Escalante National Monument

**Friends of the Earth requests that the Department of the Interior produce the following records within 20 business days regarding Grand Staircase/Escalante National Monument for:** All the activities of Ms. Downey Magallanes, Acting Deputy Chief of Staff, Senior Advisor, and Counselor to the Secretary, regarding solely or including this monument. These activities include visits, trips, briefings, discussions, conference calls, and listening sessions not located inside the Department of the Interior headquarters building in Washington D.C.

The records we request would answer the questions of what Ms. Magallanes did, who took part, who paid for what, and the cost of the activity and its components. The records we seek include:

- a. Who took part or attended the activity and their affiliation;
- b. All expense, per diem, and reimbursement records for each activity including any expenses incurred by the Department of the Interior or any agency or office within the Department that covered all or part of the costs attributable to any person who participated or attended the activity and is not employed by the Department. (If, for example, DOI paid for bag lunches for 15 people, and three of those people were not employed by DOI and present on official business, then the records provided should reflect that fact.);
- c. Any expenses for meals, transportation, lodging, materials, use of equipment or services or other costs related to the activity that were covered by any non federal person or entity and the identity of that person or entity;
- d. All materials, supplies, and resources provided by other government agencies or private entities such as horses, livery, helicopters, planes, vehicles, food, security, photography, videography, and telecommunications, and the identity of those agencies, persons or entities; and
- e. All authorizations, approvals, and requests, both approved and rejected, for all materials, supplies, and resources provided by other government agencies or private entities such as horses, livery, helicopters, planes, vehicles, food, security, photography, videography, and telecommunications.

The documents and records we request include any written or typed, recorded, graphic, printed, or audio material of any kind. We are looking for all material including electronic records, audiotapes, videotapes, and photographs, notes, minutes or transcripts, attendance lists, sign up sheets, messages on voice mail, emails, faxes, telephone messages, telephone logs, and letters.

Please search all records regarding agency business and do not exclude searches of files, documents, records, emails or communications in the personal custody of Departmental employees, such as personal email, texts, Instagram, Twitter or other accounts. The courts have found that records of official business conducted using unofficial systems or stored outside of official sites are subject to the Federal Records Act and FOIA. [*See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149 50 (D.C. Cir. 2016)]

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Further, according to National Archives and Records Administration (NARA) Bulletin 2015 02, "Electronic messages created or received in the course of agency business are Federal records." As such, a satisfactory search for responsive records should include a search for records created using any of the following services: instant messaging/chat function of Bison Connect, Google Chat, Skype for Business, IBM Sametime, Novell GroupWise Messenger, Facebook Messaging, iMessage; Short Message Service and Multimedia Messaging Service on devices, such as Blackberry, Windows, Apple or Android devices; Google Voice, Twitter Direct Message, Slack, Snapchat, WhatsApp, Pigeon, Yammer, Jive, or other internal collaboration networks."

Our request covers the period when she first entered the Department in January 2017 to the date the search is conducted.

Requester's Communication Preferences \* **Electronic communication via email**

Please indicate your communication preferences

Document Disclosure Preferences \* **Electronic copies via email**

Please indicate your document disclosure preferences

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**Expedited Processing:**

Note: This section corresponds with 43 C.F.R. § 2.10 and § 2.20.

Friends of the Earth is not requesting expedited processing; we reserve the right to appeal any delay in providing the requested records.

**Fees and Waivers:**

Note: This section corresponds with 43 C.F.R. Part 2, Subpart G.

Please be advised that by making a FOIA request, it shall be considered an agreement by you to pay all fees unless you have been granted a fee waiver or specify your willingness to pay fees up to a particular amount. We will confirm this agreement in our acknowledgement letter.

Please select the appropriate statement \* **I am requesting a waiver or reduction of fees.**

If the bureau processing your request finds that the actual cost will exceed the amount you specified above, the bureau will stop processing the request and consult with you (see 43 C.F.R. 2.49(d)).

To assist in determining my requester category to assess fees, you should know that I am

**Affiliated with an educational or noncommercial scientific institution and this request is made for a scholarly or scientific purpose and not for commercial use.**

If You are Making This Request in Affiliation with a News Media/Educational or Noncommercial Scientific Institution Please List That Affiliation.

Affiliated Organization: **Friends of the Earth**

11/13/2017 DEPARTMENT OF THE INTERIOR Mail FOE FOIA for Magallanes Records and Expenses on Grand Staircase/Escalante National Monument

If you are seeking a fee waiver, it is your responsibility to provide detailed information to support your request by addressing all the criteria outlined in 43 C.F.R. 2.48. If you do not submit sufficient justification, your fee waiver request will be denied (see 43 C.F.R. 2.45).

Check the boxes to the right to confirm that you meet the Department's fee waiver criteria

☒ 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.

☒ Disclosure Of The Information Is Not Primarily In My Commercial Interest.

Please explain why your request for a waiver of fees or a reduction in fees is justified.

**As a non-profit organization, Friends of the Earth** requests a waiver of all fees incurred in providing these records. Disclosure of the requested information “is in the public interest because it is likely to contribute significantly to the public understanding of the activities of the government regarding the management of public lands and is not primarily in the commercial interest of the requester.” 5 U.S.C. 552(a)(4)(A)(iii).

The documents requested “concern the operations or activities of the federal government” because they provide documentation of the high profile, unprecedented and controversial issues Ms. Magallanes is involved in regarding the National Monuments. Top officials of the Department are reviewing the monuments established by previous administrations and have indicated that Grand Staircase/Escalante will be reduced in size or removed from monument status.

The disclosure is “likely to lead to public understanding of those operations or activities” because these materials will directly show the activities of Ms. Magallanes, one of Secretary Zinke’s top advisers, in this highly controversial and well publicized issue.

Friends of the Earth will work to disseminate this information broadly. Friends of the Earth is a non profit organization with a membership and activist list of approximately 1 million people across all 50 states. Friends of the Earth is primarily engaged in information dissemination, public education and advocacy on environmental issues. Friends of the Earth will be taking numerous steps to disseminate the requested information to the public, and has a demonstrated and longstanding capacity to do so. We typically disseminate similar information through direct communication to journalists and other members of the media, through press releases, through newsletters and email alerts to all of our members, through our web site, through public meetings, and through other legislative and executive fora.

“Disclosure is likely to significantly contribute to the understanding of a reasonably broad audience of persons interested in the subject” because the information being requested is new and it has not been publicly reported on. The information being requested will allow the public to understand the role of one of the Secretary’s top advisers and the types of activities that have taken place at the Department of Interior.

“The public’s understanding of the subject in question will be enhanced to a significant extent by the disclosure” because it will provide the public with knowledge of how the Department of Interior is structured, and the types of activities and the costs of such activities that Secretary Zinke’s staff have undertaken regarding this National Monument.

Friends of the Earth has no commercial interest that will be furthered by this request.

If our request for a fee waiver is denied and any expenses associated with this request are in excess of \$25.00, please obtain our approval before any such charges are incurred. Disclosure of the requested information would inform the public of governmental activities affecting their safety, health and environment. Friends of the Earth is a not for profit charitable organization with no commercial interest in the information requested and has relevant expertise in the areas of environment and human health and environmental law.

DOI-2020-05 03085

You will receive an e-mail shortly after this form has been submitted. This e-mail confirms that your request was submitted successfully and that the selected FOIA office can begin review of your request. If you do not receive a confirmation e-mail and would like to confirm your submission, please contact the bureau FOIA office through the information located on our **Contact** page.

Note: Privacy Act requests must be submitted in writing in accordance with instructions in the Privacy Act notice. The Privacy Act Officer may require you to submit a signed and notarized statement indicating that you are the individual to whom the records pertain and that you understand it is a misdemeanor punishable by a fine up to \$5,000 to knowingly and willfully seek or obtain records about another individual under false pretenses.