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

July 27, 2017

FOIA REQUEST

Dear Records Request Officer:

Factual Background

The Department of the Interior (“DOI”) is responsible for managing federally-owned lands, including the use of federally-owned lands for energy resource development. DOI’s responsibilities include management of the Arctic National Wildlife Refuge (ANWR) and National Petroleum Reserve – Alaska (NPR-A), two areas of federally-owned land in Alaska with substantial petroleum reserves.

Expanded petroleum drilling in ANWR and NPR-A are key policy priorities for Lisa Murkowski, Alaska’s senior senator.¹

On May 25, 2017, *CNN* reported that expanded use of oil and gas leases to drill for petroleum in ANWR was a priority in President Trump’s proposed budget.² On May 31, 2017, President Trump’s Department of the Interior Secretary, Ryan Zinke (“Zinke”), signed orders that could allow for expanded petroleum drilling in ANWR and NPR-A.³

¹ Jennifer A. Dlouhy and Catherine Trawick, “Opening Arctic for Drilling is Trump Priority, Key Senator Says,” *Bloomberg* (Mar. 10, 2017), *available at* <https://www.bloomberg.com/news/articles/2017-03-10/opening-arctic-for-drilling-is-trump-priority-key-senator-says>.

² Matt Egan, “Trump wants to drill for oil in Alaska’s fragile wildlife refuge,” *CNN MONEY* (May 25, 2017), *available at* <http://money.cnn.com/2017/05/25/investing/alaska-arctic-oil-drilling-trump-anwr/index.html>.

³ Dan Joling, “Interior Secretary Zinke orders petroleum reviews in Alaska,” *FOX BUSINESS* (May 31, 2017), *available at* <http://www.foxbusiness.com/markets/2017/05/31/interior-secretary-zinke-orders-petroleum-reviews-in-alaska.html>.

DOI's responsibilities also include management of the Izembek National Wildlife Refuge ("Izembek"), a wildlife refuge protected by the United States Fish and Wildlife Service, an agency within DOI.

Zinke's predecessor, former Secretary Sally Jewell, rejected prior plans to build a road to reach King Cove because of concerns about damage to Izembek from the construction of such a road. Sen. Murkowski was a critic of Jewell's decision concerning the King Cove road, and continued petitioning Zinke to approve the construction of the road after he was appointed Secretary of DOI. On April 13, 2017, the *Washington Times* reported that DOI was planning to take a "fresh look" at plans to build a road through Izembek to reach the King Cove community.⁴

On July 25, 2017, Sen. Murkowski voted "no" on a motion to proceed to H.R. 1628, the American Health Care Act.⁵ Despite Sen. Murkowski's objection, the motion to proceed was narrowly successful after Vice President Mike Pence voted to break a tie in the Senate. Early the next morning, President Trump attacked Sen. Murkowski on Twitter for voting against the motion, tweeting, "Senator @lisamurkowski of the Great State of Alaska really let the Republicans, and our country, down yesterday. Too bad!"⁶

The Alaska Dispatch News reported on July 26, 2017⁷ of disturbing calls from Secretary Zinke to Senators Murkowski and Sullivan in which Secretary Zinke is reported to have signaled that Senator Murkowski's recent vote against the President on the motion to proceed to debate on a health care bill will have negative consequences for issues important to the state of Alaska. Per the *Alaska Dispatch News*, these efforts and issues include "nominations of Alaskans to Interior posts, an effort to build a road out of King Cove through the Izembek National Wildlife Refuge, and future opportunities to drill in the Arctic National Wildlife Refuge and expand drilling in the National Petroleum Reserve-Alaska, among other regulatory issues that are a priority for Murkowski and Sullivan." As such, there is substantial public interest in understanding the nature of Secretary Zinke and DOI's actions in regards to this matter.

Request

Pursuant to the Freedom of Information Act, I request access to and copies of:

⁴ Ben Wolfgang, "Interior Department will take a new look at Alaska's King Cove road project shelved under Obama," WASHINGTON TIMES (Apr. 13, 2017), available at <http://www.washingtontimes.com/news/2017/apr/13/sally-jewell-revives-alaskas-king-cove-road-projec/>.

⁵ *Murkowski Statement on Motion to Proceed Vote*
<https://www.murkowski.senate.gov/press/release/murkowski-statement-on-motion-to-proceed-vote>.

⁶ <https://twitter.com/realDonaldTrump/status/890168183079960576>

⁷ Erica Martinson, "Trump administration threatens retribution against Alaska over Murkowski health votes," *Alaska Daily News*, 07/26/17.

- All records related to calls between Secretary Zinke and Senators Murkowski and Sullivan between July 24 and July 26, 2017.
- All records related to calls between Secretary Zinke and Senators Collins, Heller, Lee, and McCain since July 1, 2017.
- All correspondence sent or received by any individual listed on Appendix A since and including July 1, 2017, which contains any of the following key words: Collins, Murkowski, Sullivan, Heller, Alaska, Maine, Nevada, healthcare, health care.

Please be advised for the purposes of searching correspondence, the Office of Secretary of Interior has indicated to NARA that its email is “fully retrievable for requests” in its Federal Email Management Report for 2017.

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).⁸

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.”⁹ 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.

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.

⁸ See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

⁹ 5 U.S.C. § 552(a)(4)(A)(iii)

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.

Sincerely,

Chris Saeger
Executive Director
Western Values Project

Secretary Ryan Zinke
Deputy Secretary David Bernhardt
Scott Hommel
Downey Magallanes
Lori Mashburn
Caroline Boulton
Micah Chambers
Doug Domenech
Vincent DeVito
Kathy Benedetto
Katherine MacGregor
Nancy Guiden