

Exhibit 1

to

Friends of the Earth's Complaint for Declaratory and Injunctive Relief

Friends of the Earth's January 11, 2021 Request for Information Pursuant to the
Freedom of Information Act



Matt Arnold <matt@eubankslegal.com>

Fwd: PLEASE RESPOND: FOIA request report on the Federal Oil and Gas Leasing Program

1 message

Friends of the Earth FOIA <foefoia17@gmail.com>
To: matt@eubankslegal.com

Wed, Apr 20, 2022 at 12:07 PM

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

From: **Friends of the Earth FOIA** <foefoia17@gmail.com>
Date: Mon, Feb 7, 2022 at 1:32 PM
Subject: PLEASE RESPOND: FOIA request report on the Federal Oil and Gas Leasing Program
To: <efoia@ceq.eop.gov>

Dear CEQ FOIA Officer,

Please confirm the receipt of this FOIA request at your earliest convenience. The original request was submitted on Jan. 11, 2022.

Sincerely,
Friends of the Earth

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

From: **Friends of the Earth FOIA** <foefoia17@gmail.com>
Date: Thu, Jan 20, 2022 at 10:47 AM
Subject: Re: FOIA request for documents pertaining to the report on the Federal Oil and Gas Leasing Program
To: <efoia@ceq.eop.gov>

Dear CEQ FOIA Officer,

Following up on the FOIA request Friends of the Earth submitted on January 11th, 2022. We would like to confirm you received the below public records request at your earliest convenience.

Sincerely,
Friends of the Earth

On Tue, Jan 11, 2022 at 3:21 PM Friends of the Earth FOIA <foefoia17@gmail.com> wrote:

January 11, 2022

Council on Environmental Quality
Freedom of Information Officer
730 Jackson Place, NW,
Washington, DC 20503

Re: Freedom of Information Act request for documents pertaining to the Interior Department report on the Federal Oil and Gas Leasing Program in response to Executive Order 14008

Dear CEQ FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Friends of the Earth requests records and documents pertaining to the Interior Department report on the Federal Oil and Gas Leasing Program in response to

Executive Order 14008. This request specifically includes communications between the Council of Environmental Quality (CEQ), White House, the Department of the Interior, the Bureau of Land Management, the Bureau of Safety and Environmental Enforcement, and the Bureau of Ocean Energy Management, including the following:

- Any and all documents or reports, or drafts, outlines, or portions of such documents or reports prepared, commented, or edited by the Council of Environmental Quality, Department of the Interior or its subsidiary agencies, the Bureau of Land Management, the Bureau of Safety and Environmental Enforcement, and Bureau of Ocean Energy Management, collectively (“Interior”), between January 28, 2021 and November 25, 2021, in response to Section 208 of Executive Order 14008 of January 27, 2020, entitled “Tackling the Climate Crisis at Home and Abroad,” Fed. Reg. Vol. 86, No. 19.
- Any communications between CEQ and/or the White House and other agencies regarding Section 208 of Executive Order 14008, in response to the Order’s direction that Interior complete “a comprehensive review and reconsideration of the federal oil and gas leasing” program “in consultation with the Secretary of Agriculture, the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the Secretary of Energy.”
- Any and all drafts or prior iterations or sections of the document titled “Report on the Federal Oil and Gas Leasing Program Prepared in Response to Executive Order 14008, Section 208, U.S. Department of the Interior, November 2021,” which was released on November 26, 2021, produced between January 28, 2021 and November 25, 2021.
- Any and all records regarding items 1-3, above, created, produced, or under the control of CEQ, such records to include communications between or among appointed officials, employees, staff members, or consultants of CEQ or other agencies, produced or sent between January 28, 2021 and November 25, 2021.
- Any and all records with trade associations of oil and gas operators/lessees, including but not limited to the American Petroleum Institute, Western Energy Alliance, National Ocean Industries Association, Louisiana Mid-Continent Oil and Gas Association, and Independent Petroleum Association of America.

For this request, the term “records” refers to, but is not limited to, correspondence of any kind, memoranda, letters, notes, schedules, electronic mail, telephone logs, minutes of meetings, peer review comments, work papers, reports, studies, and/or data.

The FOIA provides that if portions of a document are exempt from release, the remainder must nevertheless be segregated and disclosed, so please provide us with all non-exempt portions of any exempt records. 5 U.S.C. § 552(b). Please explain any redactions by reference to specific provisions of the FOIA that allow information to be exempt from disclosure, and specifically explain how the exemption invoked applies to the withheld information. *See* 43 C.F.R. §2.24.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), Friends of the Earth 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).

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 resources and is not primarily in the commercial interest of the requester.” 5 U.S.C. 552(a)(4)(A)(iii). This request is primarily

and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Friends of the Earth does not have a commercial purpose and the release of the information requested is not in Friends of the Earth's financial interest.

The documents requested "concern the operations or activities of the federal government" because they provide important information on the activities and topics of the CEQ's staff regarding the Interior's management of hundreds of millions of acres of public lands and waters and the public resources associated with them. The CEQ's activities are of high public interest to determine the input that was provided on the Interior Department report on the Federal Oil and Gas Leasing Program in response to Executive Order 14008.

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 1.5 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 website, 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 agency's role and the activities of its employees.

"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 CEQ is making policy decisions.

Friends of the Earth has no commercial interest that will be furthered by this request. As such, we have been granted fee waivers by the CEQ for similar requests in the past.

If our request for a fee waiver is denied and any expenses associated with this request are in excess of \$50.00, 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, public lands, human health and environmental law.

Accordingly, Friends of the Earth qualifies for a fee waiver.

Friends of the Earth requests expedited processing of this FOIA request due to our compelling need for the information requested.

A "compelling need" exists where the requester is "primarily engaged in disseminating information" and can demonstrate that "[t]he information is urgently needed ... in order to inform the public concerning actual or alleged Federal Government activity." 43 C.F.R. § 2.20; see also 5 U.S.C. § 552(a)(6)(E)(v).

Friends of the Earth is a non-profit organization 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 have 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 to all of our members, through our websites, through public meetings, and through other legislative and executive fora.

The "[a]ctual or alleged Federal Government activity" to which the requested information pertains is rational and justification for the Federal Oil and Gas Leasing Program report as it impacts climate change, public health, and shared revenues generated from public resources. Friends of the Earth urgently needs this information because the report's directives are in the public's interest and right to know.

Conclusion

If possible, I would prefer to receive this information electronically via e-mail at foefoia17@gmail.com.

If you have questions or need additional information from me, please feel free to call or email.

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 CEQ'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,

Nicole Ghio, Fossil Fuels Program Manager
Friends of the Earth
[2150 Allston Way, Suite 360](#)
[Berkeley, CA 94704](#)
510-900-8061 (phone) 510-900-3155 (fax)
foefoia17@gmail.com