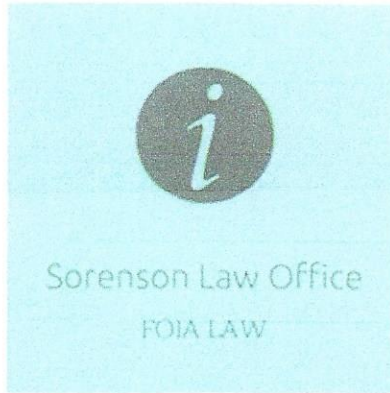


Exhibit 1



August 12, 2021

Ms. Tiffany Wilhelm
FOIA/PA Coordinator
Bureau of Land Management
Nevada State Office
1340 Financial Blvd. Reno, NV 89502
Phone: 775-861-6552

RE: Freedom of Information Act Request sent via United States Postal Service certified mail return receipt requested

Dear BLM Nevada FOIA officer,

I. Request

American Wild Horse Campaign (hereafter AWHC or we) requests the following records pursuant to the Freedom of Information Act (FOIA) for all grazing allotments on Bureau of Land Management (BLM) administered lands within the boundaries of the State of Nevada:

All records that are collateral assignments or lienholder agreements that are currently in force and effect for grazing permits for all grazing allotments. This includes but is not limited to any notice of lienholder interest, promissory notes or all other records that refer to the use of a federal grazing permit as a lien or collateral security for a loan.

We request all letters and emails, including attachments, from financial or lending institutions to the BLM Nevada State office including all district offices and all field offices within Nevada discuss or describe livestock grazing on public lands within Nevada.

All reports on grazing on livestock grazing on public lands within the BLM in the State of Nevada.

All letters and attachments from the BLM Nevada State office including all district offices and field offices to financial and lending institutions which discuss or describe management of livestock grazing on public lands in Nevada.

All emails, including attachments, from the Nevada State office, including the State office, district offices and field offices to financial online institutions to discuss or describe management of livestock grazing on public lands in Nevada.

All summaries or summary reports of grazing statistics within the State of Nevada on public land.

All summaries of litigation pending against the BLM concerning livestock grazing on BM administered lands in Nevada.

All correspondence between any BLM official in the State of Nevada with any congressional office concerning BLM grazing on public lands within the State of Nevada.

All records referencing the BLM Handbook H-4010-1: Range Management Records. This regulation requires two types of files that are to be used by the BLM. We request all records required to be kept pursuant to this provision of the BLM Handbook.

All records where a decision, by the BLM in Nevada, affects a lien holder of record, as that term is used in 43 C.F.R. §4160.1, “[p] roposed decisions shall be served on any affected . . . lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements.”

All communications between financial institutions and the BLM.

All communications reported on Form 4130-1a.

All letters to and from United States Representatives mentioning the term “wild horses”

All letters to and from United States Senators mentioning the term “wild horses”

II. Time Frame for Records Sought by this Request

The timeframe for Records Site by this freedom of information act request is from January 1, 2019 through December 31, 2020.

III. Background on the records Sought in this request

The Bureau of land management administers substantial acreage of public lands throughout the United States. Among the duties of the BLM is in issuing permits authorizing livestock grazing on certain public lands. In these permits the BLM sets the number of cattle, sheep and horses that can graze on specific areas. Permittees often use the BLM grazing permits as collateral, along with the value of the base property they own, when seeking to obtain loans from various financial institutions.

The greater the number of cattle, horses and sheep allowed to graze on these lands, the more valuable that the grazing permit is. This also means that the greater value of the collateral pledged to the lending institutions. Permit holders obtain loans secured by federal grazing permits and execute agreements with the lending institutions. These are often called lienholder agreements or collateral assignments. Forms for this purpose are often used.

These agreements contain various agreement information, including the name of the permit holder, the location of the relevant grazing allotment and the name of the lending institution. The documentation also includes the amount of the loan, the date of the loan, payoff dates and amounts and any additional pledge collateral. Typically, lending institutions voluntarily submit these lienholder agreements to the BLM which maintains the records on file. The BLM maintains a case record for each of its permittees and licensees. The BLM may maintain a database to assist in notifying lien holders of record when the agency received an application to transfer a grazing permit from one base property to another because the lender must consent to the transfer. It is also the BLM's practice to notify the lenders when the agency takes steps that might affect the utility or value of a grazing permit.

Many BLM grazing permittees are companies, corporations, partnerships, individuals, or organizations.

The BLM is organized within the State of Nevada as a state office, district offices and field offices. This request seeks records from all three levels.

IV. How Responsive Record Should be Provided

AWHC requests copies of the responsive records for this FOIA request be provided in a digital format, either via email or stored on a CD or other electronics storage device. Title 5 United

States Code section 552(b)(3). Providing records in an electronic form will save agency staff processing time, as well as reduce the cost of making paper copies of all responsive records.

IV. Background on AWHC's request for a public interest fee waiver

AWHC is a tax exempt 501(c)(3) nonprofit organization that informs and educates the public regarding wild horse and burro issues, BLM is responsible to follow the laws and policies related to the welfare of wild horses and burros. AWHC's intent and plan is to disseminate the information from the requested records to the public on their website at <https://americanwildhorsecampaign.org/>) on its social media, in articles in interviews with media and in public speeches. AWHC has both a demonstrated ability and intent to disseminate the requested information broadly.

AWHC's goal is to protect America's wild horses and burros on public lands and in government holding facilities.

AWHC informs and educates the public on matters concerning the operations and management of the BLM's wild horse and burro program for a WHC shares the information gathered garnered from FOIA request with the public to educate the public and policymakers about specific details of the BLM's operations activities that would not otherwise be available to the public.

AWHC's members have given public comments at the BLM's National Wild Horse and Burro Advisory Board meetings and other meetings. AWHC members have submitted public comments on BLM environmental assessments, environmental impact statements and other BLM plans.

AWHC is frequently interviewed by major media and it plans to continue to be interviewed and speak publicly. AWHC shares information from responses from your documents with the public and with the media, to make sure there is accuracy in accountability regarding the activities of the BLM and the management of the BLM's Wild Horse and Burro program.

The board of directors of the AWHC includes:

Eleanor Phipps Price (president) -- She is owner of a Sonoma County winery and a 2000 acre Northern California wild horse sanctuary with more than 200 rescued mustangs and burros. She has business management experience in an extensive knowledge of the issues and challenges of wild horse advocacy and management.

Stephanie Zillow (treasurer) -- She is a certified public accountant and business manager located in Southern California. She has over 30 years experience in accounting in a variety of fields including entertainment, law and logistics.

Suzanne Roy (secretary) -- She has over 25 years of political public affairs and animal welfare advocacy. She's worked as a press secretary for local and national political campaigns, as a public affairs specialist for a Fortune 500 company, and as director of communications and programs for two nonprofit animal welfare organizations. From 2008 to 2014 she served as a member of the Orange County North Carolina animal services advisory board. She is currently a board member for the California based Gray Whale Coalition and advisor to Montgomery Creek Ranch, a private wild horse sanctuary in Northern California.

William M. Hague (board member) -- He is the regional managing partner of the San Francisco office of Wilson Elsner and is a litigation attorney with national trial counsel, mediation and litigation management experience. For more than 25 years he taught and lectured at Harvard University School of Law and Stanford University School of Law on trial advocacy, evidence civil litigation, and in mediation for the California State Bar continuing education program. He has also lectured at the University of San Francisco School of Law and he has also taught alternative dispute resolution and mediation for the U.S. Department of Justice in the federal practice program for the federal court in Northern California.

Dustin Brown (board member) -- He is a Bay Area based financial advisor who specializes in ESG investing, with RBC wealth management. Dustin is a passion advocate for mustangs and owns a mustang that was born in the Devil's Garden Wild Horse territory in Northern California.

Alicia Goetz (board member) -- She is a former high-tech CFO and founder of the Freedom Reigns Equine Sanctuary, a 3800 acre refuge in California for wild and domestic horses, most rescued from slaughter.

AWHC has both a demonstrated ability and the intent and plan to synthesize and disseminate the requested records broadly.

The subject of this request concerns the operations and activities of the government.

The subject matter of AWHC's FOIA request concerns the operations and activities of the government because livestock grazing is a major program of the BLM. Nevada is one of the largest public lands states in the Nation.

The BLM manages a substantial number of grazing allotments. This management affects the numbers of privately owned livestock allowed to graze on each allotment on public lands. The

BLM's activities include responsibility for maintaining any lienholder records submitted to the BLM by third parties that document the use of public land grazing permits as collateral for private loans made to ranchers. The BLM regulations require the BLM to notify lien holders of record whenever the agency receives an application to transfer a grazing permit from one base property to another and whenever the agency takes action that might affect the permittees' permits value. For example, if the agency reduces the number of livestock allowed to graze, that decision would likely reduce the value of the grazing permit.

In engaging in these activities the BLM involves itself in the practice of facilitating use of lienholder agreements.

The BLM, by use of lienholder agreements and thereby assisting financial institutions to collateralized the privilege of livestock grazing on public lands, is ensuring that those same financial institutions will use their substantial resources to exert significant pressure on the agency and on Congress to maintain maximum levels of livestock grazing on public lands, despite possible detrimental effects to the public lands or the other land management concerns or values that may be present. The AWHC is concerned that the lienholder policy promotes further commercialization of public lands.

Loans prevent the numbers of privately owned livestock that graze on public lands from being reduced during times of drought, allowing grazing that harms western streams, and allowing grazing that is harmful to some threatened or endangered species.

The BLM's management decisions include the allocation of forage, and availability of water, on public lands for privately owned livestock and for America's wild horses and burros.

Collateral assignments or lienholders concern government operations by showing the extent to which the loans to permittees influence the management of the grazing program.

One such example of this influence was a lawsuit filed by the State Bank of Southern Utah challenging proposed reductions in livestock grazing on Federal lands. The bank stated that reductions in permitted grazing will jeopardize the value of the grazing permit, and that these "reductions in value will jeopardize the collateral for the loans. Thus, [we] will stand at risk for significant losses on these ranching loans."

The records and information that AWHC seeks is publicly significant in that it will shed light on the financial and geographical scope of the collateralization of public lands as well as the identity of those financial institutions who have adopted a policy, which the BLM facilitates, of using public lands grazing privileges as collateral for private loans.

The practical result of BLM's activities is that public funds and resources are used to facilitate the practice of accommodating financial institutions. These financial institutions make private loans using the privilege to graze on public land as collateral. Not only does the public pay for the BLM to maintain such records but the United States spends public funds notifying lenders whenever any action might be taken which might affect the value of a BLM grazing permit.

The records that AWHC seeks concerns the BLM's operations and activities in accommodating the use of grazing permits as private collateral.

AWHC plans to compile information in a way that pertains to and sheds light on the BLM's management decisions in allocating forage used for livestock and for wild horses.

Since livestock grazing on public lands are overseen by the BLM, these operations are identifiable as operations and activities of the government.

Disclosure is likely to contribute to an understanding of government operations or activities.

Requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public and policymakers.

For the financial significance of the collateralization of grazing permits, the New Mexico-based nonprofit organization, Forest Guardians, prepared a report on this topic. "Mortgaging our natural heritage, and analysis of the use of Bureau of Land Management grazing permits as collateral for private loans" was published in 2006.

Using BLM own records recovered under the FOIA at that time, there were more than \$1.1 billion in liens on BLM grazing permits and leases in the 11 western states. It was noted that "since the finance industry loaned out millions of dollars on grazing permits, they use their considerable clout in Washington DC to oppose any public land grazing reforms that may threaten their investment."

The requested records in this matter will allow AWHC to convey more detailed information to the public and policymakers about the Department of the Interior's Bureau of Land Management activities in the management of public land uses, and livestock raising which may conflict with wild horse management on public lands.

When the requested information is made available, AWHC will analyze and present it to its online activists, to the general public, to Congress and to the media in a manner that will

meaningfully enhance the public's understanding of livestock raising -- information not currently available to the public.

AWHC will likely continue to use the detailed information in the letters and emails, and some information is not easily accessible to the American public and policymakers regarding grazing on BLM administered public lands, which are being used as collateral for loans.

The requested records, when released, are likely to contribute to an understanding by the public and by policymakers of BLM operations and activities.

Disclosure will contribute to public understanding of a reasonably broad audience of persons interested in the subject.

AWHC is a well-known major wild horse and burro advocacy organization in the United States. AWHC has a social media presence over 700,000 strong and has grown in recent years.

AWHC serves the majority of Americans who value wild horses as national treasures and want to see them preserved and protected as mandated by the unanimously passed Wild Free - Roaming Wild Horse and Burro Act of 1971.

Through AWHC's synthesis and dissemination, disclosure of the information contained in and gleaned from the requested records will contribute to a greater understanding of the balance management of public lands and livestock grazing to a reasonably broad audience of persons who are interested in wild horse and public lands.

This information will be of interest to our members, the members of other organizations in the American public. There have been many news articles about special interest groups influencing government agency action regarding public lands.

Many Americans are also interested in, and there has been media coverage of, issues regarding the commercialization and privatization of public lands.

AWHC will review the information in the records and plans to inform the public and policymakers about the extent of the program and influence the lending interest and influence the lending industry has on the BLM land management policies on wild horses. The requested records are likely to increase the public's understanding by revealing the monetary scope of the collateralization, identify specific financial and institutions involved in associating the collateralized grazing permits with particular land areas in Nevada.

Any public knowledge that BLM allows the use of grazing permits as collateral is not the same as knowing the dollar amounts attached to a particular area of public land, such as BLM land administered in the State of Nevada. The identities of the financial institutions holding the collateral is a vital concern to AWHC. AWHC plans to make the information widely and easily available in a way that vastly increases the number of people aware of the collateralization program itself and the BLM's facilitation of the program. Release of records will therefore increase the public's understanding and policymakers' understanding of the operations or activities of the BLM.

Disclosure of the information contained in these records is not only likely to contribute but is certain to contribute to the public's understanding of the BLM in the form of interactivity concerning livestock grazing, particularly on areas where wild horses roam on public lands in Nevada.

The public is always well served when it knows how the government conducts its activities so there can be no dispute the disclosure of the requested records will educate the public and policymakers about a specific aspect of the BLM activities in the management of livestock raising in Nevada.

Thus, disclosure "will contribute to public understanding" of a reasonably - broad audience of persons interested in the subject.

Disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

AWHC is not requesting records just because of the records' informational value. AWHC believes that the large financial stake that lending institutions have in the value of grazing permits allows them to exert substantial economic and political pressure on the BLM, encouraging the BLM to maintain high levels of grazing.

The influence private groups may have over the BLM's policy is not likely to be out in the open. The requested records provide important information related to the BLM's facilitation of the collateralization of grazing permits that may show how, if at all, the BLM's land management policy is influenced by particular special interest groups.

It would be difficult for the public to currently have an ability to evaluate the requested records, which concern livestock raising on public lands in Nevada, since the lienholder agreements are not routinely available to the public in a library, reading room, through the Internet, on a website or as part of the administrative record for a particular issue.

While the requested records may be available in a piecemeal and hard to access form, AWHC plans to broadly disseminate compiled information. This type of accessibility is different from and greater than the existing availability of the information.

The request, when fulfilled, will likely provide new information that is not readily available to the public.

BLM uses public funds to facilitate the collateralization of grazing permits on public land. This is certainly important to the public's understanding of the BLM. It also adds to the understanding of how the BLM makes its policy decisions, including the influence of any outside groups on this process. All of this is important to the public's understanding and policymakers' understanding of the BLM.

The records sought by AWHC involve the particular names of the lenders and the total dollar amount of loan secured by grazing permits.

The records sought will inform the public and policymakers of the extent of the BLM's policy facilitation of the collateralization of grazing permits. The impact results in BLM's administrative policies and regulations. Additionally, by identifying particular lenders and revealing the monitoring geographical scope of the collateralization program throughout the BLM lands administered in the State of Nevada, the records will elucidate the decision making process of the BLM related to its land management policy.

Disclosure of the requested records will significantly enhance the public's understanding of specific aspects of the management of livestock raising by the BLM.

Requested records will increase the public's understanding and policymakers' understanding as compared to the level of public understanding that existed prior to the disclosure. Public understanding will be significantly increased as a result of disclosure because the requested records will help reveal specific details about the operations, activities and management actions of the BLM.

AWHC's track record of active participation in oversight of BLM governmental activities and decision-making and its consistent contribution to the public's understanding to those activities as compared to the level of public understanding prior to disclosure or will establish it. AWHC intends to use the records requested here similarly.

AWHC intends and plans to use all of their media outlets to share the information obtained as a result of this request with the public. The question information also be sure with news outlets, who are also just as likely to disseminate this information to their audiences. In determining

whether disclosure of the requested information will contribute significantly to public understanding, the guiding test is will the requester disseminate the information to a reasonably - broad audience of persons interested in the subject.

The requested records are also starting to shed light on the BLM's management activities in compliance with federal laws. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Public oversight and enhanced understanding of the BLM's policies is absolutely necessary.

AWHC meets this factor as well.

VI. Waiver of duplication and search fees

AWHC seeks a waiver of all duplication and search fees. AWHC is a nonprofit organization and is dedicated to the cause of protecting and advocating on behalf of America's wild horses and burros. AWHC also contributes substantially to the public information about wild horses and burros. AWHC has a strong interest in, and ability to, get the results of this request out to the public, to the media and to Congress. AWHC hereby requests a public interest waiver for this FOIA request. The disclosure of the records requested here will contribute significantly to the understanding of government operations and activities in particular. The records sought by this FOIA request will help to detail the current situation of livestock grazing on BLM administered public lands in the State of Nevada. This will allow both the public and lawmakers to effectively oversee the policies involving the protection of America's wild horses and burros.

In the event that the agency denies either of these requests, a WHC is prepared to pay for search and duplication fees, up to a maximum of \$50, unless specified unless specifically authorized in writing at a higher financial level.

AWHC has previously been provided records for other FOIA requests, with waivers for duplication and search fees.

As previously noted, AWHC is prepared to pay up to \$50 in the event that costs are Requested, and the waiver is denied and the government has abided by all time deadlines imposed on the government under the FOIA. In *Bensman v National Park Service*, 806 F.Supp.2d 31, 38 (DCD 2011) the DC District Court scrutinized the 2007 Amendments to FOIA. The Court said, "An additional effect of the 2007 Amendments was to impose consequences on agencies that do not act in good faith or otherwise fail to comply with FOIA's requirements. See S.Rep. No. 110-59. To underscore Congress's belief in the importance of the statutory time limit, the 2007 Amendments declare that "[a]n agency shall not assess search fees ... if the agency fails to comply with any time limit" of FOIA. § 552(a)(4)(A)(viii) (emphasis added)."

If the government has complied with all requirements and the cost of searching for the requested records exceeds \$50, Requester is prepared to pay, after agreeing in writing, additional costs.

VII. Policy and Legal Direction for Open Government

Disclosure of the above referenced agency records are also sought in order to promote government transparency, and to reflect the Administration's policy to support our nation's fundamental commitment to open government. As the Supreme Court has observed, "virtually every document generated by an agency is available in one form or another, unless it falls within one of the Act's nine exemptions." *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 136 (1975). FOIA was designed to "pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny," see, e.g., *Dept. of the Air Force v. Rose*, 425 U.S. 352, 361 (1976), and in order "to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); see also *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *United States Dept. of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989).

The above described agency records are subject to disclosure under FOIA, and are not otherwise exempt from disclosure pursuant to FOIA's nine statutory exemptions. See 5 U.S.C. § 552(b)(1) - (9). To the extent that a determination is made by your FOIA office staff that any limited portions of the records listed above will be withheld from disclosure for this request, FOIA expressly requires all agencies to disclose "[a]ny reasonably segregable portion of a record . . . after deletion of the portions of the record which are exempt." 5 U.S.C. § 552(b). See, e.g., *Oglesby v. U.S. Dept. of Army*, 79 F.3d 1172, 1178 (D.C. Cir. 1996); see also *Abdelfattah v. U.S. Dept. Of Homeland Security*, 488 F.3d 178, 186-187 (3rd Cir). The 2007 Openness Promotes Effectiveness in our National Government Act amendments to FOIA (the "OPEN Government Act") requires identification of the amount of any material withheld, the location of any withholdings, a direct reference to the specific statutory exemption supporting each withholdings asserted, and if technically possible, also require that this information shall "be indicated at the place in the record where such deletion is made." See 5 U.S.C. § 552(b). Therefore, I would appreciate your assistance in expressly identifying any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA request.

Please inform my office in writing if there are any "unusual circumstances" that will cause delay in responding to this FOIA request, or providing the records which are requested, and in addition, please provide an estimated completion date (ECD) on this request.

VIII. Contact

Please direct all correspondence regarding this request to C. Peter Sorenson, Sorenson Law Office, PO Box 10836, Eugene, OR 97440 or petesorenson@gmail.com.

Please mail responsive records to

Brieanah Schwartz
7137 Wilson Rd.
Marshall VA 20115

and

C. Peter Sorenson
Sorenson Law Office
PO Box 10836
Eugene, OR 97440

Ms. Schwartz is the government relations and policy counsel for the AWHC.

Please provide a tracking number so that I may inquire on the status of this request.

I demand an estimated completion date for this request.

If you have any questions regarding this request or clarifications or help locating records, or if I can be of any assistance, please feel free to contact me via email at petesorenson@gmail.com.

Thank you in advance for your assistance.

Best regards,



C. Peter Sorenson
Sorenson Law Office
PO Box 10836
Eugene, OR 97440

cc: Suzanne Roy, Executive Director, AWHC

cc: Brieanah Schwartz, Esq., government relations and policy counsel, AWHC