

Exhibit 26

July 2, 2022

Attn: FOIA/Privacy Act Appeals Office
Department of the Interior
Office of the Solicitor
1849 C. Street N.W., MS-6556 MIB
Washington, D.C. 20240

Telephone: (202) 208-5339
Fax: (202) 208-6677
email: FOIA.Appeals@sol.doi.gov

via USPS certified mail

RE: FREEDOM OF INFORMATION ACT APPEAL for DOI-BLM-2022-001514

Dear Department of the Interior FOIA/Privacy Act Appeals Officer:

I am writing to hereby appeal the April 26, 2022, FOIA decision for DOI-BLM-2022-001514, as set forth in the attached decision by Nathan E. Wallace, Deputy State Director, Division of Support Service, BLM Wyoming State Office, in responding to a FOIA request filed by American Wild Horse Campaign on January 10, 2022.

A copy of the final decision letter is included in the attached Administrative Record.

American Wild Horse Campaign is a 501(c)(3) charitable organization that is registered with the U.S. Internal Revenue Service.

American Wild Horse Campaign (AWHC) is formally appealing the Bureau of Land Management's final decision for two reasons:

- 1) AWHC believes the BLM failed to do conduct an adequate search to locate all responsive records.
- 2) AWHC believes records have been improperly withheld or redacted.

American Wild Horse Campaign's FOIA request dated January 10, 2022, was:

American Wild Horse Campaign (AWHC) requests the following records, pursuant to the Freedom of Information Act (FOIA):

- 1) All records that discuss or describe **Rock Springs Grazing Association (RSGA)**, or the grazing authorizations that the BLM has issued to the RSGA, that are to be maintained in any **Grazing Case Files, Sections 1 - 6**, as set forth in BLM Handbook H-4010-1: Rangeland Management Records.

- 2) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations permit/leases - decisions, allotment maps, allotment description, rangeline agreements, Allotment Management Plan (AMP)
- 3) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - billings, applications, grazing bills, crossing permits
- 4) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - transfers, supplemental information, deed, lien holder or mortgage information
- 5) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - unauthorized use, unauthorized use actions, decisions, related correspondence
- 6) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - improvements, assignment of range improvements, copies of range Improvement permits or co-operative agreements.
- 7) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - general correspondence, letters, conversation records.

II. Time frame

The time frame of for this request is for records that are dated, or in force and effect, during the time frame of **January 1, 2021 to December 31, 2021**.

I have attached the complete Administrative Record.

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).

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).

Please inform American Wild Horse Campaign if there are any “unusual circumstances” that will cause a delay in timely responding to this FOIA Appeal.

In addition, please provide the approximate date by which you anticipate a final response to this FOIA Appeal will be provided to American Wild Horse Campaign.

Please notify American Wild Horse Campaign of the date you received this FOIA Appeal and of the number you assign to identify this FOIA Appeal.

Contact information:

1. **Please send all correspondence and communications regarding this FOIA request to:**

debbiecoffey1234@gmail.com with a copy to foia@wildhorsepreservation.org

2. **If you can send responsive records via email, please send to:**
debbiecoffey1234@gmail.com, and copy foia@wildhorsepreservation.org
3. **If providing responsive records on a CD, please mail to Suzanne Roy, the Executive Director of American Wild Horse Campaign at:**

ATTN: Suzanne Roy
American Wild Horse Campaign
Box 1733
Davis, CA 95617

Telephone: 1-877-853-4696

Please feel free to contact me at debbiecoffey1234@gmail.com if you have any questions. Thank you.

Best regards,

Debbie Coffey

Attachments: Administrative Record (AR) for DOI-BLM-2022-001514

cc: Suzanne Roy, Executive Director, American Wild Horse Campaign

January 10, 2022

Wyoming State Office FOIA Officer
Bureau of Land Management
5353 Yellowstone Road
Cheyenne, WY 82009

Via www.foiaonline.gov

RE: Freedom of Information Act Request

Dear BLM Wyoming FOIA Officer,

American Wild Horse Campaign, a 501(c)(3) non-profit organization, whose address is Box 1733, Davis, CA 95617, submits the following FOIA request:

I. Request

American Wild Horse Campaign (AWHC) requests the following records, pursuant to the Freedom of Information Act (FOIA):

- 1) All records that discuss or describe **Rock Springs Grazing Association (RSGA)**, or the grazing authorizations that the BLM has issued to the RSGA, that are to be maintained in any **Grazing Case Files, Sections 1 - 6**, as set forth in BLM Handbook H-4010-1: Rangeland Management Records.
- 2) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations permit/leases - decisions, allotment maps, allotment description, rangeline agreements, Allotment Management Plan (AMP)
- 3) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - billings, applications, grazing bills, crossing permits
- 4) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - transfers, supplemental information, deed, lien holder or mortgage information
- 5) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - unauthorized use, unauthorized use actions, decisions, related correspondence
- 6) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - improvements, assignment of range improvements, copies of range Improvement permits or co-operative agreements.
- 7) All records that discuss or describe all **Rock Springs Grazing Association (RSGA)** grazing authorizations - general correspondence, letters, conversation records.

II. Time frame

The time frame of for this request is for records that are dated, or in force and effect, during the time frame of **January 1, 2021 to December 31, 2021**.

III. Background

To help you in your search, the Rock Springs Grazing Association (RSGA) has a BLM grazing authorization that includes, but is not limited to, the Rock Springs Allotment in Wyoming. There may also be other grazing authorizations that permit the RSGA to graze their livestock on other BLM Allotments. The BLM authorization number issued to RSGA to allow grazing on the Rock Springs Allotment is 4904655.

BLM Handbook H-4010-1: Rangeland Management Records describes the records to be maintained:

https://www.ntc.blm.gov/krc/uploads/470/6a_Allotment+Grazing_Case-Files_H-4010-1.pdf

The Bureau of Land Management (BLM) administers public lands throughout the United States, which includes issuing permits authorizing livestock grazing on certain public lands. In these permits, the BLM sets the number of cattle or sheep that can graze on specific land areas.

The Secretary of the Department of the Interior was tasked with the management of wild horses with the Wild Free-Roaming Horses and Burros Act of 1971. The BLM administers this Act as the Secretary's delegate.

The "Checkerboard Area" of Wyoming is a two-million acre swath of public and private lands known as the Wyoming Checkerboard. The "checkerboard" derives its name from the pattern of alternating sections of private and public land which it comprises. Each section is one square mile. The checkerboard scheme of land ownership is a result of the Union Pacific Act passed in 1862. Under that Act, the Union Pacific Railroad Company was awarded the odd-numbered lots of public land along the railbed right-of-way as the company completed each mile of the transcontinental railroad. Today, approximately half of the checkerboard remains under federal ownership as public lands, while the remainder is held privately.

There are four BLM wild horse Herd Management Areas within the Wyoming Checkerboard, where sections of unfenced private lands are adjacent to the sections of public lands.

One BLM grazing permittee in Wyoming is the Rock Springs Grazing Association (RSGA), a Wyoming Corporation.

The Rock Springs Grazing Association has BLM grazing permits on approximately one million acres of public lands in the Wyoming Checkerboard. This seems to be the

largest area of land permitted to a single grazing permittee that is managed by the Bureau of Land Management in the United States.

The RSGA also owns or leases approximately one million acres of private land in the Wyoming Checkerboard.

It seems, from very few public records available, that the Rock Springs Grazing Association is comprised of fewer than 40 shareholders.

If you have any questions regarding this FOIA request or need clarifications or help locating documents, or if I can be of any other assistance, please feel free to contact me via email at debbiecoffey1234@gmail.com.

IV. How Responsive Records Should Be Provided

American Wild Horse Campaign 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 electronic data storage device. See 5 U.S.C. §552 (a)(3)B). Providing these records in an electronic format will save agency staff processing time, as well as reduce the cost of making paper copies of all responsive records.

V. Background on American Wild Horse Campaign's Request for a Public Interest Fee Waiver

American Wild Horse Campaign (AWHC) is a tax exempt 501(c)(3) non-profit organization that informs and educates the public regarding wild horse & burro issues, public lands issues, Bureau of Land Management and Department of the Interior policies, and laws relating to the welfare of wild horses and burros. It is AWHC's intent and plan to disseminate the information from the requested records to the public on their website (<https://americanwildhorsecampaign.org/>), on their social media, in articles, in interviews with media, and in public speeches. American Wild Horse Campaign has both a demonstrated ability and intent to disseminate the requested information broadly.

American Wild Horse Campaign's goal is to protect America's wild horses and burros on public lands and in government holding facilities.

American Wild Horse Campaign informs and educates the public on matters concerning the operations and management of the BLM's Wild Horse & Burro Program and public lands issues. AWHC shares the information garnered from FOIA requests with the public to educate the public about specific details of BLM's operations and activities that would not otherwise be available to the public.

American Wild Horse Campaign members have given public comments at the BLM's National Wild Horse & Burro Advisory Board meetings and other meetings, and submit public comments on BLM Environmental Assessments, Environmental Impact Statements, and other BLM plans.

American Wild Horse Campaign is frequently interviewed by major news media, and they plan to continue to be interviewed and speak publicly. AWHC has shared information from responsive FOIA documents with the public and with the media, to make sure there is accuracy and accountability regarding the activities of the BLM on public lands, and the management of the BLM's Wild Horse & Burro Program.

The Board of Directors of American Wild Horse Campaign include:

ELEANOR PHIPPS PRICE (President) - Owner of a Sonoma County, California winery and a 2,000-acre, Northern California wild horse sanctuary with more than 200 rescued mustangs and burros. She has business management experience and an extensive knowledge of the issues and challenges of wild horse advocacy and management.

STEPHANIE ZILL (Treasurer) - 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) - Has over 25 years of political, public affairs and animal welfare advocacy. She has 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 non-profit animal welfare organizations. From 2008-2014, 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 an advisor to Montgomery Creek Ranch, a private wild horse sanctuary in northern California.

WILLIAM M. HAKE - Is the regional managing partner of the San Francisco office of Wilson Elser. He is a litigation attorney with national trial counsel, mediation and litigation management experience. For more than 25 years, he has taught and lectured at Harvard University School of Law and Stanford University School of Law on trial advocacy and on trial practice, evidence, civil litigation and mediation for the California State Bar Continuing Education Program, and for the University of San Francisco School of Law. He has also taught alternative dispute resolution and mediation for the U.S. Department of Justice and in the federal practice program for the federal court in Northern California.

DUSTIN BROWN - Dustin Brown is a Bay Area Financial Advisor who specializes in ESG investing, with RBC Wealth Management. Dustin is a passionate advocate for mustangs and owns a mustang that was born wild in the Devil's Garden Wild Horse Territory in Northern California.

ALICIA GOETZ - Is a former tech CFO and founder of Freedom Reigns Equine Sanctuary, a 3,800-acre refuge in California for wild and domestic horses, most rescued from slaughter.

KATHLEEN LEWIS - has been involved in every sector of the non-profit community for over 30 years. As a board member, she has chaired and been in leadership of fundraising efforts and campaigns for numerous institutions including Portland Art Museum, Portland Opera, Portland Institute for Contemporary Art, Oregon Ballet Theater, Pacific Northwest College of Art, Cascade Aids Project, and Randall Children's Hospital. Kathleen has been involved with wildlife rehabilitation and advocacy, working on federal and state wildlife management policy, and to successfully pass legislation to stop the trafficking of parts and products of imperiled wildlife in Oregon. Kathleen also co-owned a high-end luxury home furnishings business.

JOAN E. DAVANZO, Ph.D., M.S.W. - Chief Executive Officer of a health economics and policy consulting firm in the Washington DC metropolitan area. For the last fifteen years, Dobson DaVanzo & Associates has supported both private sector and government clients in understanding the finances of an increasingly complex health care landscape. She briefs policymakers and Hill staff regularly and is directing a five-year Congressionally mandated evaluation of a Medicare home infusion program for intravenous immunoglobulin. Dr. DaVanzo is a long-time supporter of wild horses and burros.

SCOTT WILSON - Wilson served as Chief Corporate Affairs Officer for Molson Coors, both in Europe and globally, where he led international teams across corporate responsibility, government relations, brand-building and external and internal communications functions. Wilson is a wildlife photographer who became involved in wild horse advocacy through his photography of the iconic Sand Wash Basin wild mustangs in Colorado.

American Wild Horse Campaign has a both a demonstrated ability and the intent and plan to disseminate the requested information 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 the Bureau of Land Management (BLM), is an agency of U.S. Department of the Interior, and manages the livestock grazing program on public lands. The BLM administers permits and leases held by ranchers who graze their livestock, on allotments on public lands. <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>

The records that AWHC seeks concern the BLM's operations and activities because the BLM's management of the livestock grazing program and grazing allotments on public lands is a major program of the BLM. AWHC plans to compile the information from the requested records in a way that pertains to, and sheds light on, the BLM's management and operational activities regarding the allotment/s used by the Rock Springs Grazing Association, based on BLM policies and Congressional mandates. The Rock Springs Grazing Association seems to use the largest area of land (about a million acres)

permitted to a single grazing permittee that is managed by the Bureau of Land Management in the United States.

The BLM's management of the livestock grazing program and grazing allotments on public lands, including grazing allotments used by the Rock Springs Grazing Association, are operations and activities that are identifiable as operations and activities of the government.

Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

The 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.

The requested records will allow American Wild Horse Campaign to convey more detailed information to the public about the BLM's activities regarding their management of about a million acres of public lands in Wyoming, permitted for the use of grazing by the Rock Springs Grazing Association.

Once the requested information is made available, American Wild Horse Campaign will analyze it and present it to its online activists, to the general public, and to the media in a manner that will meaningfully enhance the public's understanding of the BLM's management of about a million acres of public lands used for grazing by the Rock Springs Grazing Association, that is not currently available to the public.

The records AWHC seeks will contain new detailed information that is not easily accessible to the American public regarding the BLM's management of about a million acres of public lands used for grazing by the Rock Springs Grazing Association

Thus, the requested records are likely to contribute to an understanding of BLM operations and activities.

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

American Wild Horse Campaign is well known as a major wild horse & burro advocacy organization in the United States. AWHC's social media presence is 700,000 strong and has grown by nearly 100,000 supporters a year.

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 Horses and Burros Act of 1971.

Through American Wild Horse Campaign's synthesis and dissemination, disclosure of the information contained in, and gleaned from, the requested records will contribute to a greater understanding of the BLM's management activities and actions regarding about a million acres of public lands in Wyoming that are being used for grazing the privately owned livestock of the Rock Springs Grazing Association, to a reasonably broad audience of persons who are interested in public lands subject matter.

This information will be of interest to our members, to the members of other organizations and to the American public.

AWHC will review the information in the records and plans to inform the public about the specifics of BLM's management of about a million acres of public lands in Wyoming, permitted for grazing the privately owned livestock of the Rock Springs Grazing Association. The requested records are likely to increase the public's understanding by revealing BLM's specific management operations and activities regarding livestock grazing, and the effects of grazing, on about a million acres of public lands.

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 BLM, of the Department of the Interior, and of BLM's activities concerning livestock grazing by the Rock Springs Grazing Association on about a million acres of public lands in Wyoming.

The public is always well served when it knows how the government conducts its activities, so there can be no dispute that disclosure of the requested records will educate the public about specific aspects of the BLM's activities in the management of livestock grazing by the Rock Springs Grazing Association on about a million acres of public lands in Wyoming.

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.

American Wild Horse Campaign is not requesting the records merely for their intrinsic informational value. The requested records will provide important information related to the BLM's management activities and actions on about a million acres of public lands in Wyoming that it permits to be used by the Rock Springs Grazing Association for grazing privately owned livestock.

It would be difficult for the public to currently have an ability to evaluate any information in the requested records, since the requested records are not readily available to the public.

An understanding of how the BLM makes policy decisions is also important to the public's understanding of the BLM.

The records sought by AWHC will reveal the details of the BLM's management and actions regarding a grazing permit that seems to use the largest number of acres for a grazing permit in the United States, and of the BLM management's compliance with its own policies.

The records will therefore inform the public of the decision-making process of the BLM related to its policies and the management of public lands for livestock grazing by the Rock Springs Grazing Association.

Disclosure of the requested records will significantly enhance the public's understanding of specific aspects of the management of public lands being used for grazing privately owned livestock, by the BLM and the Department of the Interior.

The requested records will increase public understanding as compared to the level of public understanding that exists prior to the disclosure. Public understanding will be significantly increased as a result of this disclosure because the requested records will help reveal specific details about the operations, activities and management actions of the BLM and the Department of the Interior.

American Wild Horse Campaign's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure, are well established. AWHC intends to use the records requested here similarly.

American Wild Horse Campaign 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 requested information will also be shared with news outlets, who are also just as likely to disseminate this information to their audience. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject.

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

American Wild Horse Campaign meets this factor as well.

American Wild Horse Campaign has previously been provided records for other FOIA requests, with fee waivers for duplication and search fees.

VI. Waiver of Duplication and Search Fees

American Wild Horse Campaign 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's information about public lands issues. AWHC has a strong interest in, and the ability, to get the results of this request out to the public, to the media and to Congress.

American Wild Horse Campaign hereby requests a public interest fee waiver for this FOIA request. The disclosure of the records requested herein will contribute significantly to the understanding of government operations and activities. In particular, the records sought by this FOIA request will detail the BLM's management of about a million acres of public lands in Wyoming that it permits to be used for livestock grazing by the Rock Springs Grazing Association, so that both the public and lawmakers can ultimately oversee the policies involving livestock grazing on public lands.

In the event that the agency denies either of these requests, AWHC is prepared to pay for search and duplication fees, up to a maximum of \$60, unless specifically authorized in writing at a higher financial level.

American Wild Horse Campaign has previously been provided records for other FOIA requests, with fee waivers for duplication and search fees.

VII. Policy and Legal Direction for Open Government

In addition, the 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, AWHC 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 me in writing if there are any “unusual circumstances” that will cause delay in responding to this FOIA request, or in providing the requested records, and in addition, please provide the approximate date that you anticipate a final response will be provided.

VIII. Contact

Please direct all correspondence regarding this request to Debbie Coffey at: debbiecoffey1234@gmail.com

Please mail responsive records to:

Brieanah Schwartz
7137 Wilson Rd.
Marshall, VA 20115

Ms. Schwartz is the Director of Policy and Litigation for American Wild Horse Campaign.

If you have any questions regarding this FOIA request or need clarifications or help locating documents, or if I can be of any other assistance, please feel free to contact me via email at debbiecoffey1234@gmail.com.

Thank you in advance for your assistance.

Best regards,

Debbie Coffey

cc: Suzanne Roy, Executive Director, American Wild Horse Campaign
Brieanah Schwartz, Esq., Director of Policy and Litigation, American Wild

Horse Campaign



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Wyoming State Office
5353 Yellowstone Road
Cheyenne, WY 82009
www.blm.gov/WY

In Reply Refer To:
1278 (950/FOIA)
DOI-BLM-2022-001514

April 26, 2022

CERTIFIED MAIL: 7017 1450 0000 4421 4804

Suzanne Roy
C/o American Wild Horse Campaign
PO Box 1733
Davis, CA 95617

Dear Ms. Roy:

We are writing to respond to your FOIA request No. 2022-001514 that you filed with the Department of the Interior. The included CD contains 30 pages in 2 files released to you in part under FOIA Exemption 4 and Exemption 6. This concludes BLM's response to your request.

We are redacting one page in part under FOIA Exemption 4. 5 U.S.C. § 552(b)(4). Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential. The withheld information commercial or financial information. The entity that supplied this information (the submitter) is considered a person, because the term "person," under the FOIA, includes a wide range of entities including "corporations", "banks", "state governments", "agencies of foreign governments", or "Indian tribes or nations." Also, the submitter does not customarily release this information to the public, so the information is confidential for the purposes of Exemption 4.

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to

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COLORADO, NEW MEXICO, UTAH, WYOMING

establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal addresses. We have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information, and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Nathan Wallace, Deputy State Director for Support Services, is responsible for this partial denial. Terri Debin, Assistant Regional Solicitor for the Department of the Interior Office of the Solicitor, was consulted.

There is no billable fee for processing your request.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday. Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and BLM concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and BLM will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a *non-exclusive alternative to litigation*. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about our response to your request, you may contact the BLM WY FOIA Office by mail at 5353 Yellowstone Road, Cheyenne, WY 82009.

Contact information for the Department's FOIA Public Liaison, from whom you may also seek dispute resolution services, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

NATHAN
WALLACE

Digitally signed by NATHAN
WALLACE
Date: 2022.04.26 14:14:45 -06'00'

Nathan E. Wallace
Deputy State Director
Division of Support Services
Wyoming State Office

Enclosure: 1 CD

July 2, 2022

Attn: FOIA/Privacy Act Appeals Office
Department of the Interior
Office of the Solicitor
1849 C. Street N.W., MS-6556 MIB
Washington, D.C. 20240

Telephone: (202) 208-5339
Fax: (202) 208-6677
email: FOIA.Appeals@sol.doi.gov

via USPS certified mail

RE: FREEDOM OF INFORMATION ACT APPEAL for DOI-BLM-2022-001514

Dear Department of the Interior FOIA/Privacy Act Appeals Officer:

I am writing to hereby appeal the April 26, 2022, FOIA decision for DOI-BLM-2022-001514, as set forth in the attached decision by Nathan E. Wallace, Deputy State Director, Division of Support Service, BLM Wyoming State Office, in responding to a FOIA request filed by American Wild Horse Campaign on January 10, 2022.

A copy of the final decision letter

American Wild Horse Campaign
with the U.S. Internal Revenue

American Wild Horse Campaign
Management's final decision

- 1) AWHC believes the responsive records.
- 2) AWHC believes records

American Wild Horse Campaign

American Wild Horse Campaign
the Freedom of Information Act (FOIA):

- 1) All records that discuss or describe **Rock Springs Grazing Association (RSGA)**, or the grazing authorizations that the BLM has issued to the RSGA, that are to be maintained in any **Grazing Case Files, Sections 1 - 6**, as set forth in BLM Handbook H-4010-1: Rangeland Management Records.

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