

Exhibit 28



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-2022-001491

April 26, 2022

CERTIFIED MAIL: 7017 1450 0000 4421 4811

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. 2022-001491 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

INTERIOR REGION 7 • UPPER COLORADO BASIN

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 14:12:47
-06'00'

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

Enclosure: 1 CD