

Exhibit A

Gutierrez, Ana M.

From: Gutierrez, Ana M.
Sent: Friday, September 04, 2015 2:22 PM
To: foia@osmre.gov; oawoniyi@osmre.gov
Cc: Savage, Justin A.; Banks, James T.
Subject: FOIA - Expedited Request
Attachments: FOIA Request to OSMRE - Expedited (Sept 4 2015).pdf

Importance: High

Dear Dele Awoniyi,

Attached please find a request for access to public information pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the U.S. Department of the Interior corresponding regulations at 43 C.F.R. Part 2, Subpart B. Through this request we are seeking copies of certain agency records—described in further detail in the request—received, transmitted, or maintained by the Office of Surface Mining Reclamation and Enforcement ("OSMRE"), U.S. Department of the Interior.

This FOIA request relates to OSMRE's agency records regarding the proposed Stream Protection Rule published at 80 Fed. Reg. 44,435 (July 27, 2015) (the "Stream Protection Rule"), as well as the associated Draft Environmental Impact Statement, and Regulatory Impact Analysis. Thus, we specifically ask that this request receive expedited processing because the period made available by OSMRE for the public to comment on the 2015 Proposed Stream Protection Rule is limited to sixty (60) days, ending September 25, 2015, and the requested information is vital to the public's evaluation of the same.

Please note that we have also sent the original of this FOIA request to your attention at the address listed in the attached, via certified mail, return receipt requested.

If you have questions regarding this request, please immediately contact me or my colleague, Justin Savage, at the addresses or telephone numbers listed below.

Thank you,
Ana

Ana Maria Gutiérrez
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Please consider the environment before printing this e-mail.

Justin Savage
Partner

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September 4, 2015

**Via Certified Mail, Return Receipt Requested
Courtesy Copy Via Electronic Mail**

Dele Awoniyi, FOIA Officer, WA DC
MS-233, South Interior Building
1951 Constitution Ave., NW
Washington, DC 20240
T + (202) 208-5840
oawoniyi@osmre.gov
foia@osmre.gov

**Re: Freedom of Information Act Request to the Office of Surface Mining Reclamation
and Enforcement, U.S. Department of the Interior**

Dear Dele Awoniyi:

This letter serves as a request for access to public information pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the U.S. Department of the Interior corresponding regulations at 43 C.F.R. Part 2, Subpart B. Through this request I am seeking copies of the following agency records received, transmitted, or maintained by the Office of Surface Mining Reclamation and Enforcement ("OSMRE"), U.S. Department of the Interior:

- (1) Any and all agency records on the proposed Stream Protection Rule published at 80 Fed. Reg. 44,435 (July 27, 2015) (the "Stream Protection Rule"), as well as its associated Draft Environmental Impact Statement ("DEIS"), and Regulatory Impact Analysis ("RIA"), that reflect communications between (a) any political appointee, official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any official, manager, representative, personnel, employee, or agent of any environmental organization or non-governmental organization, including, but not limited to: Earthjustice, Kentucky Waterways Alliance, Ohio Valley Environmental Coalition, National Parks Conservation Association, Southern Environmental Law Center, West Virginia Highlands Conservancy, Sierra Club, WaterKeeper Alliance, Coal River Mountain Watch, Statewide Organizing for Community eMpowerment, Southern Appalachian Mountain Stewards (VA), and Appalachian Citizens' Law Center.
- (2) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee, official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any official, manager, representative,

personnel, employee, or agent of any third-party, including government contractors, consultants, scientists, universities, and the media.

- (3) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any political appointee, official, manager, representative, personnel, employee, or agent of the White House.
- (4) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee, official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any political appointee of the U.S. Department of Interior.
- (5) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any political appointee official, manager, representative, personnel, employee, or agent of the U.S. Army Corps of Engineers.
- (6) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any political appointee official, manager, representative, personnel, employee, or agent of the U.S. Environmental Protection Agency.
- (7) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any member, official, manager, representative, personnel, employee, staff, or agent of the U.S. House of Representatives.
- (8) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any member, official, manager, representative, personnel, employee, staff, or agent of the U.S. Senate.
- (9) Any and all agency records that reflect communications regarding the Stream Protection Rule between (a) any political appointee, official, manager, representative, personnel, employee, or agent of the OSMRE and (b) any official, manager, representative, personnel, employee, staff or agent of any State or state governmental agency.
- (10) Any and all agency records referencing, mentioning, discussing, or analyzing direct and indirect job losses relating to the Stream Protection Rule.
- (11) Any and all agency records that reflect communications produced or provided by OSMRE contractors regarding anticipated direct and indirect job losses relating to the Stream Protection Rule.

- (12) Any and all agency records collected, reviewed and/or referenced in the U.S. Department of the Interior Inspector General's report entitled Investigative Report of the OSMRE Environmental Review (date posted to the Web: Dec. 20, 2013).
- (13) Any and all agency records that reflect information related to OSMRE's retention or termination of contractors engaged in analysis of the employment impacts resulting from the Stream Protection Rules.
- (14) Any and all agency records regarding the potential or alleged connection between the use of the longwall mining method or other high-extraction methods of underground mining and subsidence, including but not limited to studies and analyses regarding the same.

For purposes of this FOIA request, the term agency record is to be given a broad construction. Agency records include, but are not limited to, electronically stored information, government emails, text messages, calendar entries, memoranda, handwritten notes, voicemails, and personal emails and texts to the extent used to conduct official government business. This request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request. Note that this FOIA request does *not* seek agency records that were submitted as public comments or otherwise made public as part of the administrative record or docket in the Stream Protection Rule including comments submitted on the Advanced Notice of Proposed Rulemaking for the Stream Protection Rule, 74 Fed. Reg. 62,664 (Nov. 30, 2009) and the Notice of Intent to Prepare an Environmental Impact Statement, 75 Fed. Reg. 22,723 (Apr. 30, 2010).

We request that the OSMRE thoroughly search agency records in its custody, possession, or control to locate responsive records for this FOIA. OSMRE's search should include, but not be limited to, reviewing the electronic and paper records of the following individuals who are current or former OSMRE political appointees, officials, managers, representatives, personnel, employees, or agents:

- Joseph Pizarchik;
- Glenda H. Owens;
- Michele Altemus;
- Nicola Sanchez;
- Diane Shawley;
- Loraine Dawkins;
- Cynthia Johnson;
- Earl D. Bandy, Jr.;
- Sterling Rideout;
- Thomas D. Shope;
- David G. Hartos;
- David Barry;
- Harry Payne;
- Lois J. Uranowski;
- Yolande Norman;

- Dennis G. Rice;
- Robin T. Ferguson;
- Mark Gehlar; and
- John A. Trelease.

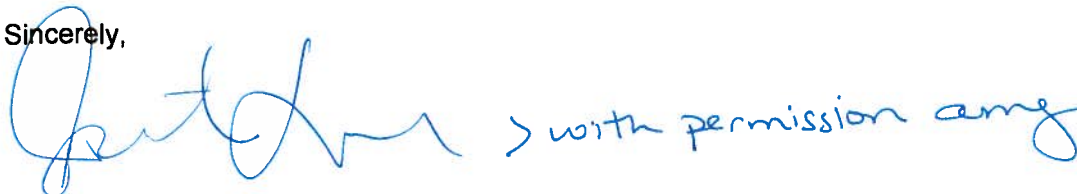
We are making this request on behalf of Murray Energy Corporation. We are willing to pay reasonable fees up to \$1500.00 without prior notice. If fees are estimated to exceed this amount, please notify me first.

Should you decide to withhold any documents because you believe they are exempt from disclosure please set forth, in detail, the reasons you are claiming the exemption, a description of the documents being withheld, and a description of those documents' content, as well as all appeals procedures available under law.

If possible, please provide the information requested in electronic format, either to the email address indicated below or on a CD-ROM. I ask that my request receive expedited processing because the period made available by OSMRE for the public to comment on the 2015 Proposed Stream Protection Rule is limited to sixty (60) days, ending September 25, 2015, and the requested information is vital to the public's evaluation of the same.

If you have any questions regarding this request please contact me immediately at the address or telephone number listed below. Thank you for your assistance in supplying this information. I look forward to your timely reply.

Sincerely,



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cc: James Banks, Esq., Hogan Lovells US LLP