

EXHIBIT 1

SOUTHERN ENVIRONMENTAL LAW CENTER

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November 9, 2017

Via Electronic Mail and U.S Certified Mail

Dionne Hardy
FOIA Officer
Office of Management and Budget
1800 G Street NW, Room 9026
Washington, DC 20503
(202) 395-3642
OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request Regarding Executive Order 13781

Dear Dionne:

On March 17, 2017, Executive Order 13781 instructed each agency head to submit, within 180 days, a report to the Director of the Office of Management and Budget (“OMB”) “a proposed plan to reorganize the agency, if appropriate, in order to improve the efficiency, effectiveness, and accountability of that agency.” Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and 7 C.F.R. § 1.5, the Southern Environmental Law Center (“SELC”) hereby requests all records in the custody or control of OMB submitted in connection with Executive Order 13781 by any agency responsible for the management of federal public lands, as follows:

- All United States Forest Service submissions to OMB related to Executive Order 13781, including but not limited to the required reports along with any appendices, attachments, or enclosures, as well as any other related records, whether draft or final;
- All United States Fish and Wildlife Service submissions to OMB related to Executive Order 13781, including but not limited to the required reports along with any appendices, attachments, or enclosures, as well as any other related records, whether draft or final;
- All National Park Service submissions to OMB related to Executive Order 13781, including but not limited to the required reports along with any appendices, attachments, or enclosures, as well as any other related records, whether draft or final; and
- All Bureau of Land Management submissions to OMB related to Executive Order 13781, including but not limited to the required reports along with any appendices, attachments, or enclosures, as well as any other related records, whether draft or final.

This request for documents or other records includes all reports, studies, correspondence, memoranda, e-mails, analyses, meeting notes or other notes of any kind, drafts and working papers, and every other document, recorded communication, or record of any kind (including records which exist electronically). In addition, we request access to each version of a record or document, whether it is a draft, has been electronically deleted, has attachments, bears annotations, etc. Please include records up to the date that the agency commences its search for responsive records.

If you take the position that any of the above-described public records are not open to public inspection under the FOIA, please explain the basis for your position and identify any statute, rule of law, or other authority upon which you rely.

We do not believe our limited request will necessitate fees, but in the event it does we also request a fee waiver pursuant to the FOIA fee waiver provision, § 552(a)(4)(A)(iii).

SELC requests that any fees associated with this request be waived because disclosure of information in the requested records would be in the public interest. The FOIA provides that “[d]ocuments *shall* be furnished without any charge or at a charge reduced below the fees established ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii) (2006) (emphasis added); *see also* 7 C.F.R. pt. 1, subpt. A, app. A (2010) (USDA FOIA regulations stating, “Agencies shall waive or reduce fees on request for records if disclosure of information in the records is deemed to be in the public interest.”). Congress’ stated main purpose in amending the FOIA in 1986 was “to remove any roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under FOIA.” 132 CONG REC. S16,496 (Oct. 15, 1986) (statement of Sen. Leahy). Congress intended the amendment to the FOIA’s public interest provision “to be liberally construed in favor of waivers for noncommercial requesters.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003); *McClellan Ecological Seepage Situation v. Carlucci*, 853 F.2d 1282, 1284 (9th Cir. 1987) (both quoting 132 CONG. REC. S14,298 (Sept. 20 1986) (statement of Sen. Leahy)).

SELC is a 501(c)(3) non-profit organization that engages citizens in safeguarding the treasures of our public lands, including wildlife, old growth forests, and rare ecosystems. SELC, along with our partner organizations, have many years of experience in educating the public and sharing information regarding public lands and protection of resources in the Southern Appalachian Mountains. Staff members are interviewed by the media to explain their work and its significance. Disclosure of the requested records will make a significant contribution to public understanding. In addition, SELC will not benefit commercially from the disclosure of the requested records.

If you have any questions, please do not hesitate to contact me at 828-258-2023 or by email at sevans@selcnc.org. I am happy to work with you to clarify the scope of our request and to facilitate the production of the requested public records. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sam Evans', with a stylized flourish at the end.

Sam Evans
Staff Attorney