

Exhibit D

IM 2018-93 FOIA request



UNIVERSITY of
DENVER

STURM COLLEGE OF LAW

FOIA REQUEST

October 22, 2018

U.S. Department of the Interior
Office of the Secretary FOIA Officer
Clarice Julka
MS-7328, MIB
1849 C St., NW
Washington, D.C. 20240

Ryan Witt, FOIA Officer
Bureau of Land Management
Attn: FOIA Office (WO-640)
1849 C St. N.W.
Washington, DC 20240

Via email: os_foia@ios.doi.gov; rwitt@blm.gov

RE: Request for Records Related to BLM Instruction Memorandum 2018-93

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, I request the following records:

- All records relied upon by Bureau of Land Management (BLM) Deputy Director Brian Steed in issuing Instruction Memorandum 2018-093, subject “Compensatory Mitigation,” on July 24, 2018.
- All records created between January 20, 2017 and July 24, 2018 that constitute correspondence between the Secretary, Deputy Secretary, Assistant Secretaries, Solicitor, Bureau Directors, Deputy Bureau Directors, the immediate staff of those identified individuals, and persons outside of the Department of the Interior, related to the BLM’s mitigation policies, excluding correspondence about specific mitigation requirements imposed or considered for specific land use approvals or resource management plans. A search using the term “mitigation” is sufficient to satisfy this request.
- All records created since July 24, 2018 (1) addressing implementation of Instruction Memorandum 2018-093 and (2) either addressed to, or authored by, staff or leadership in the BLM headquarters office, or the Department of the Interior’s Secretary, Deputy Secretary, Assistant Secretaries, Solicitor, and Deputy Solicitors, and the immediate staff of those identified individuals. Suggested search term: “mitigation.”

For purposes of the requested records, the identified positions encompass anyone serving in an acting capacity in those positions.


Under 5 U.S.C. §§ 552(a)(3)(A)-(B), I request that the above listed records be produced, if possible, in electronic form that is text searchable.

Under 5 U.S.C. § 552(a)(4)(A)(iii), I request a waiver of all applicable fees, if any, as this request 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.” First, I am a full time, tenured member of the faculty at the University of Denver Sturm College of Law, itself a non-profit educational institution, and I am not engaged in any profit-making enterprise or business. I thus have no commercial interest to which this request could (or does) pertain. Second, a significant component of my job is to conduct research and write scholarly publications and I write extensively about environmental law, natural resources law, and public land law. This request will shed light on the BLM’s current mitigation policy and will contribute to the public’s understanding about the government’s operations in this area. It is further likely to contribute to the public’s understanding of government activities because it is intended to form the basis for a future scholarly publication. My record of past publications supports the credibility of future publications. As support, I am attaching a copy of my current curriculum vitae, in which you can see my record of scholarly publications.

In the event that my request for a waiver of fees is denied, please contact me with an estimate of fees before they are incurred. Please also contact me if you have any questions about my request.

I look forward to hearing from you within 20 days (weekends and legal public holidays excepted) as required under 5 U.S.C. § 552(a)(6)(A)i).

Best,



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