

Exhibit H

07/25/19 e-mail from Plaintiff to
mareid@blm.gov
Re: IM 2018-93 FOIA request

From: [Pidot, Justin R - \(jpidot\)](mailto:Pidot, Justin R - (jpidot))
To: BLM_WO_FOIA@blm.gov; mareid@blm.gov
Subject: RE: FOIA 2019-00078
Date: Thursday, July 25, 2019 12:51:00 PM
Attachments: [image001.png](#)

Dear BLM FOIA Officer,

I am writing to inquire about the status of FOIA Request number 2019-00078, which I filed on October 22, 2018 and which was acknowledged on October 23, 2018. As I am sure you are aware, 5 U.S.C. 552(a)(6)(A)(1) requires federal agencies to respond to FOIA requests within twenty business days. I filed my request more than 180 business days ago and have received no response other than an initial acknowledgment of receipt. When will I receive responsive documents?

Since I filed the request last fall, I have changed the academic institution with which I am affiliated. Please direct all future correspondence to me at jpidot@email.arizona.edu.

Best,

Justin

Justin Pidot
Professor of Law
Co-Director of the Environmental Law Program
University of Arizona James E. Rogers College of Law
<http://ssrn.com/author=1173128>

From: mareid@blm.gov <mareid@blm.gov> on behalf of FOIA, BLM_WO <blm_wo_foia@blm.gov>
Sent: Tuesday, October 23, 2018 12:02 PM
To: Pidot, Justin <jpidot@law.du.edu>
Subject: FOIA 2019-00078

Good afternoon Mr. Pidot:

Our FOIA office received your FOIA request dated October 22, 2018. We have assigned it control number 2019-00078. Please cite this number in any future communications regarding your request.

In your request you asked for the following:

"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."

We have received your fee waiver request and it will be processed accordingly. In the interim, we have classified you as an "other" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1).

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that can be processed in one to five workdays. The Normal track is for requests that can be processed in six to twenty workdays. The Complex track is for requests that can be processed in twenty-one to sixty workdays. The Exceptional/Voluminous track is for requests requiring more than sixty workdays for processing. The Expedited track is for requests that have been granted expedited processing. Within each track, requests are usually processed on a first-in, first-out basis.

This request falls into the **Complex** track.

Even though we normally process requests on a first-in, first-out basis, because of the nature of your request and the circumstances surrounding this request, we will prioritize and process your request as the records become available.

If you have any questions, please contact us at BLM_WO_FOIA@blm.gov or 202-912-7650. Thank you for your interest in public lands and in programs and activities of the BLM.



Washington Office FOIA Coordinators

Bureau of Land Management
Phone: 202-912-7650
Fax: 202-245-0027
BLM_WO_FOIA@blm.gov