

Exhibit A



April 10, 2019

Via Electronic Mail

Dele Awoniyi, FOIA Officer
Main Interior Building
1849 C Street NW,
MS 1200W-MIB
Washington, DC 20240
foia@osmre.gov

RE: Freedom of Information Act Request – Records pertaining to Endangered Species Act programmatic consultation

Dear FOIA Officer Awoniyi:

On behalf of the Sierra Club, I am writing to request that the Office of Surface Mining, Reclamation and Enforcement (“OSMRE”), United States Department of the Interior (“DOI”), provide copies of the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the DOI regulations at 43 C.F.R. § 2.1, *et seq.*

The Sierra Club is the nation’s oldest environmental organization. It has more than 800,000 members nationwide and is dedicated to the protection and preservation of the natural and human environment. The Sierra Club’s Beyond Coal Campaign is dedicated to solving the pressing environmental and health problems associated with the mining, burning and disposal of coal and its combustion by-products.

Records Requested and Definitions

The Sierra Club asks that OSMRE provide the following records:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.
2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

For the purposes of this request, the term “records” means information of any kind, including writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, memoranda, correspondence, notes, applications, completed forms, studies, reports, reviews, guidance documents, policies, telephone conversations, telefaxes, e-mails, documents, databases, drawings, graphs, charts, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. Without limitation, the records requested include records relating to the topics described below at any stage of development, whether proposed, draft, pending, interim, final or otherwise. All of the foregoing are included in this request if they are in the possession of or otherwise under the control of the OSMRE or any of its offices nationwide.

Exempt Records

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information for the Sierra Club to appeal the denial. To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions and provide the remainder of the record to the Sierra Club at the address listed below.

Fee Waiver Request

We respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 43 C.F.R. § 2.48. The Sierra Club has spent years promoting the public interest through the development of policies that protect human health and the environment, and have routinely received fee waivers under FOIA.

The Sierra Club is a national, nonprofit, environmental organization with no commercial interest in obtaining the requested information. Instead, our organization intends to use the requested information to inform the public, so the public can meaningfully understand and participate in OSMRE’s review of amendments to state programs.

As explained below, this FOIA request satisfies the factors listed in DOI’s governing regulations for waiver or reduction of fees, as well as the requirements of fee waiver under the FOIA statute – that “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), *see also* 40 C.F.R. § 2.48.

1. The subject matter of the requested records must specifically concern identifiable “operations and activities of the government.”

The requested records relate to OSMRE’s oversight of surface coal mining activities and its compliance with the Endangered Species Act, which are unquestionably “identifiable operations or activities of the government.”

The Department of Justice Freedom of Information Act Guide expressly concedes that “in most cases records possessed by federal agency will meet this threshold” of identifiable operations or activities of the government. There can be no question that this is such a case.

2. The disclosure of the requested documents must have an informative value and be “likely to contribute to an understanding of Federal government operations or activities.”

The Freedom of Information Act Guide makes it clear that, in the Department of Justice’s view, the “likely to contribute” determination hinges in substantial part on whether the requested documents provide information that is not already in the public domain. The requested records are “likely to contribute” to an understanding of your agency’s decisions because they are not otherwise in the public domain and are not accessible other than through a FOIA request. Given the significant environmental impacts of surface coal mining activities, including on threatened and endangered species, it is important for information relating to government operations or activities involving the issue to be made available to the public. This information will facilitate meaningful public participation in OSMRE’s oversight of surface mining, including OSMRE’s compliance with the Endangered Species Act, therefore fulfilling the requirement that the documents requested be “meaningfully informative” and “likely to contribute” to an understanding of your agency’s actions and decisions.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. Under this factor, the identity and qualifications of the requester—i.e., expertise in the subject area of the request and ability and intention to disseminate the information to the public—is examined.

The Sierra Club and its members have a longstanding interest and expertise in issues related to surface mining activities throughout the United States, including the impacts of such activities on threatened and endangered species. More importantly, the Sierra Club unquestionably has the “specialized knowledge” and “ability and intention” to disseminate the information requested in the broad manner, and to do so in a manner that contributes to the understanding of the “public-at-large.”

The Sierra Club intends to disseminate the information received through FOIA regarding these government operations and activities in a variety of ways, including but not limited to, analysis and distribution to the media, distribution through publication and mailing, posting on the organizations' websites, emailing and list-serve distribution to members.

4. The disclosure must contribute "significantly" to public understanding of government operations or activities. The public's understanding must be likely to be enhanced by the disclosure to a significant extent.

There is currently little or no information publicly available regarding OSMRE's current approach to compliance with the Endangered Species Act, including preparation of a Programmatic Biological Opinion or other programmatic consultation. This includes information regarding the role that the Interstate Mining Compact Commission may play in shaping OSMRE's approach to these issues. Absent disclosure of the records requested, the public's understanding will be shaped only by what is disclosed by the private interests involved. The records requested will contribute to the public understanding of the government's role, or their "operations and activities" associated with this critically important information.

The disclosure of the requested records is also essential to public understanding of the regulation of surface coal mining, and the impacts that coal mines may have on threatened and endangered species. After disclosure of these records, the public's understanding of these issues will be significantly enhanced. The requirement that disclosure must contribute "significantly" to the public understanding is therefore met.

5. Whether the requester has a commercial interest that would be furthered by the requested disclosure.

The Sierra Club has no commercial interest in the requested records. Nor does the Sierra Club have any intention to use these records in any manner that "furthers a commercial, trade, or profit interest" as those terms are commonly understood. The Sierra Club is a tax-exempt organization under section 501(c)(4) of the Internal Revenue Code, and as such has no commercial interest. The requested records will be used for the furtherance of the Sierra Club's mission to inform the public on matters of vital importance to the environment and public health.

6. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

When a commercial interest is found to exist and that interest would be furthered by the requested disclosure, an agency must assess the magnitude of such interest in order to compare it to the "public interest" in disclosure. If no commercial interest exists, an assessment of that non-existent interest is not required.

As noted above, the Sierra Club has no commercial interest in the requested records. Disclosure of this information is not “primarily” in the Sierra Club’s commercial interest. On the other hand, it is clear that the disclosure of the information requested is in the public interest. It will contribute significantly to public understanding of the scope and magnitude of the environmental impacts of mining, including impacts on threatened and endangered species.

We respectfully request, because the public will be the primary beneficiary of this requested information, that OSMRE waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4)(A). In the event that your agency denies a fee waiver, please notify me if the search and duplication costs exceed \$250, and please send a written explanation for the denial. Also, please continue to produce the records as expeditiously as possible, but in any event no later than the applicable FOIA deadlines.

Record Delivery


We request OSMRE, in responding to this request, to comply with all relevant deadlines and other obligations set forth in FOIA and the agency’s regulations. 5 U.S.C. § 552, (a)(6)(A)(i); 43 C.F.R. § 2.16. Please produce the records above by sending them to me at the address listed below. Please produce them on a rolling basis; at no point should the search for—or deliberation concerning—certain records delay the production of others that the agency has already retrieved and elected to produce.

Whenever possible, please provide records in electronic format to the email address peter.morgan@sierraclub.org. If it is necessary to provide hard copies, please mail those records as soon as possible to:

Peter Morgan
Sierra Club
1536 Wynkoop St., Ste. 200
Denver, CO 80203
Phone: 303-454-3367

Thank you for your cooperation. If you find that this request is unclear in any way please do not hesitate to call me to see if I can clarify the request or otherwise expedite and simplify your efforts to comply. I can be reached at (303) 454-3367 or by e-mail at peter.morgan@sierraclub.org.

Sincerely,


Peter Morgan
Senior Attorney
Sierra Club Environmental Law Program



Peter Morgan <peter.morgan@sierraclub.org>

FOIA - Records pertaining to ESA programmatic consultation

1 message

Peter Morgan <peter.morgan@sierraclub.org>
To: foia@osmre.gov

Wed, Apr 10, 2019 at 11:27 AM

Dear FOIA Officer Awoniyi:

Please find attached a request for records under the Freedom of Information Act (FOIA) requesting that OSMRE provide:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.
2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

Please note that the FOIA request includes a fee waiver request.

Please let me know if I can provide any additional information or otherwise clarify this request.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

FOIA request - programmatic ESA review.pdf
134K

Exhibit B



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092

FOIA, OSM <osm-foia@osmre.gov>
To: Peter Morgan <peter.morgan@sierraclub.org>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Tue, Apr 30, 2019 at 4:32 PM

Dear Mr, Morgan:

Your request was received in the Office of Surface Mining Reclamation and Enforcement ("OSM") FOIA office for processing and assigned control number **OSMRE-2019-00092**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an "other-use" 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. § 2.37\(g\)](#)

You have asked for a fee waiver. Your request for a fee waiver is being considered.

Please be informed that we are conducting responsive records search based on the subject matter of your request. You should expect to hear from us following the completion of our records search. Because we will need to consult with one or more offices of the Department in order to properly process your request, we are taking a 10-workday extension under 43 C.F.R. §2.19 and placing your request under the "Complex" processing track. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a faster track (which may also have the effect of reducing the cost of processing your request).

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

[1849 C Street NW | Washington, D.C. | 20240](#)

On Wed, Apr 10, 2019 at 1:28 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dear FOIA Officer Awoniyi:

Please find attached a request for records under the Freedom of Information Act (FOIA) requesting that OSMRE provide:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.
2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

Please note that the FOIA request includes a fee waiver request.

Please let me know if I can provide any additional information or otherwise clarify this request.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

Exhibit C



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092

Peter Morgan <peter.morgan@sierraclub.org>
To: "FOIA, OSM" <osm-foia@osmre.gov>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Fri, May 24, 2019 at 1:58 PM

Dele-

Please provide an update on the states of OSMRE's response to my FOIA request. OSMRE has now exceed the time to respond to my request provided by 43 CFR § 2.16(a), including the extension OSMRE provided itself under 43 CFR § 2.19.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

On Tue, Apr 30, 2019 at 4:33 PM FOIA, OSM <osm-foia@osmre.gov> wrote:

Dear Mr, Morgan:

Your request was received in the Office of Surface Mining Reclamation and Enforcement ("OSM") FOIA office for processing and assigned control number **OSMRE-2019-00092**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an "other-use" 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. § 2.37\(g\)](#)

You have asked for a fee waiver. Your request for a few waiver is being considered.

Please be informed that we are conducting responsive records search based on the subject matter of your request. You should expect to hear from us following the completion of our records search. Because we will need to consult with one or more offices of the Department in order to properly process your request, we are taking a 10-workday extension under 43 C.F.R. §2.19 and placing your request under the "Complex" processing track. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a faster track (which may also have the effect of reducing the cost of processing your request).

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

1849 C Street NW | Washington, D.C. | 20240

On Wed, Apr 10, 2019 at 1:28 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dear FOIA Officer Awoniyi:

Please find attached a request for records under the Freedom of Information Act (FOIA) requesting that OSMRE provide:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.
2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

Please note that the FOIA request includes a fee waiver request.

Please let me know if I can provide any additional information or otherwise clarify this request.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

Exhibit D



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

FOIA, OSM <osm-foia@osmre.gov>
To: Peter Morgan <peter.morgan@sierraclub.org>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Wed, May 29, 2019 at 8:27 PM

Dear Mr, Morgan:

We apologize for the delay in responding to your request **OSMRE-2019-00092**. We are still processing your request.

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

[1849 C Street NW | Washington, D.C. | 20240](#)

On Fri, May 24, 2019 at 3:58 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dele-

Please provide an update on the states of OSMRE's response to my FOIA request. OSMRE has now exceed the time to respond to my request provided by 43 CFR § 2.16(a), including the extension OSMRE provided itself under 43 CFR § 2.19.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
[1536 Wynkoop St. Ste. 200](#)
[Denver, CO 80202](#)
303-454-3367
peter.morgan@sierraclub.org

On Tue, Apr 30, 2019 at 4:33 PM FOIA, OSM <osm-foia@osmre.gov> wrote:

Dear Mr, Morgan:

Your request was received in the Office of Surface Mining Reclamation and Enforcement ("OSM") FOIA office for processing and assigned control number **OSMRE-2019-00092**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an "other-use" 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. § 2.37(g)

You have asked for a fee waiver. Your request for a fee waiver is being considered.

Please be informed that we are conducting responsive records search based on the subject matter of your request. You should expect to hear from us following the completion of our records search. Because we will need to consult with one or more offices of the Department in order to properly process your request, we are taking a 10-workday extension under 43 C.F.R. §2.19 and placing your request under the "Complex" processing track. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a faster track (which may also have the effect of reducing the cost of processing your request).

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

1849 C Street NW | Washington, D.C. | 20240

On Wed, Apr 10, 2019 at 1:28 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dear FOIA Officer Awoniyi:

Please find attached a request for records under the Freedom of Information Act (FOIA) requesting that OSMRE provide:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.
2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

Please note that the FOIA request includes a fee waiver request.

Please let me know if I can provide any additional information or otherwise clarify this request.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
[1536 Wynkoop St. Ste. 200
Denver, CO 80202](https://www.sierraclub.org/1536-Wynkoop-St.-Ste.-200-Denver-CO-80202)
303-454-3367
peter.morgan@sierraclub.org

Exhibit E



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

Peter Morgan <peter.morgan@sierraclub.org>
To: "FOIA, OSM" <osm-foia@osmre.gov>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Thu, Sep 5, 2019 at 1:45 PM

Dele-

Please provide an update on OSMRE's processing of my FOIA request OSMRE-2019-00092, including an estimated completion date. In your update, please provide the basis for the now extensive delay, an estimate of the number of documents responsive to my request, and an indication of whether OSMRE intends to assert any basis for withholding any responsive documents.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

On Wed, May 29, 2019 at 8:28 PM FOIA, OSM <osm-foia@osmre.gov> wrote:

Dear Mr, Morgan:

We apologize for the delay in responding to your request **OSMRE-2019-00092**. We are still processing your request.

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

1849 C Street NW | Washington, D.C. | 20240

On Fri, May 24, 2019 at 3:58 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dele-

Please provide an update on the states of OSMRE's response to my FOIA request. OSMRE has now exceed the time to respond to my request provided by 43 CFR § 2.16(a), including the extension OSMRE provided itself under 43 CFR § 2.19.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

On Tue, Apr 30, 2019 at 4:33 PM FOIA, OSM <osm-foia@osmre.gov> wrote:

Dear Mr, Morgan:

Your request was received in the Office of Surface Mining Reclamation and Enforcement (“OSM”) FOIA office for processing and assigned control number **OSMRE-2019-00092**. Please cite this number in any future communications with our office regarding your request.

We have classified you as an “other-use” 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. § 2.37\(g\)](#)

You have asked for a fee waiver. Your request for a fee waiver is being considered.

Please be informed that we are conducting responsive records search based on the subject matter of your request. You should expect to hear from us following the completion of our records search. Because we will need to consult with one or more offices of the Department in order to properly process your request, we are taking a 10-workday extension under 43 C.F.R. §2.19 and placing your request under the “Complex” processing track. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a faster track (which may also have the effect of reducing the cost of processing your request).

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Dele Awoniyi | FOIA Officer

Office of Surface Mining Reclamation and Enforcement

Department of the Interior | (202) 208-5840

1849 C Street NW | Washington, D.C. | 20240

On Wed, Apr 10, 2019 at 1:28 PM Peter Morgan <peter.morgan@sierraclub.org> wrote:

Dear FOIA Officer Awoniyi:

Please find attached a request for records under the Freedom of Information Act (FOIA) requesting that OSMRE provide:

1. All correspondence with employees, staff, contractors, consultants, or representatives of the United States Fish and Wildlife Service from January 1, 2017 to the present regarding programmatic consultation under the Endangered Species Act.

2. All correspondence with employees, staff, contractors, consultants, or representatives of the Interstate Mining Compact Commission from January 1, 2017 to the present regarding or pertaining to the Endangered Species Act.

Please note that the FOIA request includes a fee waiver request.

Please let me know if I can provide any additional information or otherwise clarify this request.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

Exhibit F



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

Peter Morgan <peter.morgan@sierraclub.org>
To: "FOIA, OSM" <osm-foia@osmre.gov>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Thu, Sep 19, 2019 at 9:03 AM

Dele-

I am writing again to request that you provide an update on OSMRE's processing of my FOIA request OSMRE-2019-00092, including an estimated completion date. As you know, I submitted my request on April 10, 2019, which was 162 days ago. In your update, please provide the basis for the now extensive delay, an estimate of the number of documents responsive to my request, and an indication of whether OSMRE intends to assert any basis for withholding any responsive documents.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT
This e-mail may contain privileged and confidential communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please reply and notify the sender and delete all versions on your system. Thank you.

[Quoted text hidden]

Exhibit G



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

FOIA, OSM <osm-foia@osmre.gov>
To: Peter Morgan <peter.morgan@sierraclub.org>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Mon, Oct 7, 2019 at 5:40 PM

Dear Mr. Morgan,

Thank you for your email. We apologize for the delay in responding to your request. Please be informed that we are still processing your request. We expect that we will dispatch our response to you by October 31, 2019.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Dele Awoniyi

Department of the Interior
Office of Surface Mining, FOIA Officer
MS MIB 200 West, [1849 C Street, N.W. Washington, D.C. 20240](#)
Telephone [\(202\) 208-5840](tel:(202)208-5840)

[Quoted text hidden]

Exhibit H



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

Peter Morgan <peter.morgan@sierraclub.org>
To: "FOIA, OSM" <osm-foia@osmre.gov>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Fri, Nov 1, 2019 at 4:48 PM

Dele-

On October 7, you indicated that OSMRE would respond to my FOIA request "by October 31, 2019." I have not received any response. Please let me know when I will receive a response.

As you know, I submitted my request on April 10, 2019, which was 199 days ago. I am also still waiting for an estimate of the number of documents responsive to my request, and an indication of whether OSMRE intends to assert any basis for withholding any responsive documents.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

[Quoted text hidden]

Exhibit I



Peter Morgan <peter.morgan@sierraclub.org>

Re: [OSMRE-2019-00092]

Peter Morgan <peter.morgan@sierraclub.org>
To: "FOIA, OSM" <osm-foia@osmre.gov>
Cc: Oladele Awoniyi <oawoniyi@osmre.gov>

Fri, Nov 15, 2019 at 3:10 PM

Dele-

It's now been more than two weeks since October 31, the date that you previously indicated OSMRE would respond to my FOIA request. I have still not received any response. Please let me know when I will receive a response.

As you know, I submitted my request on April 10, 2019, which was 219 days ago. I am also still waiting for an estimate of the number of documents responsive to my request, and an indication of whether OSMRE intends to assert any basis for withholding any responsive documents. Please respond.

Regards,

Peter Morgan



Peter Morgan
Senior Attorney, Sierra Club
1536 Wynkoop St. Ste. 200
Denver, CO 80202
303-454-3367
peter.morgan@sierraclub.org

[Quoted text hidden]