

# EXHIBIT D



## United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:  
7202.4-OS-2020-00341

July 29, 2020

Via email: [foia@democracyforward.org](mailto:foia@democracyforward.org)

Sam Ritzman  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, DC 2004

Dear Mr. Ritzman:

The Office of the Secretary FOIA office received your Freedom of Information Act (FOIA) request, dated February 25, 2020 on February 27, 2020 and assigned it control number **OS-2020-00341**. Please cite this number in any future communications with our office regarding your request.

At this time, we have gathered the responsive material and conducted an initial survey to identify the quantity and nature of the records. However, we have not reached a final decision on whether responsive material is exempt from release.

We have identified approximately 21 emails and an additional 114 pages of records as potentially responsive to your request. We intend to comply with your request. We expect to invoke the deliberative process privilege of Exemption 5, because this set of records includes some internal deliberations and drafts. We also expect to invoke the privacy privilege of Exemption 6, because this set of records includes some private email addresses. For all the materials, we will segregate and release information appropriately where there would be no foreseeable harm caused by the release.

We apologize for this delay in completing our decision. Please note that contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at <https://www.doi.gov/foia/foiacenters>. You may also seek dispute resolution services from the Office of Government Information Services (OGIS). If you choose to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

Web: <https://ogis.archives.gov>

Telephone: 202-741-5770

Fax: 202-741-5769

Toll-free: 1-877-684-6448

Your request falls into the “Complex” processing track.

You may also file an appeal with the Department’s FOIA/Privacy Act Appeals Officer regarding this delay. If you choose to appeal this delay, you may do so anytime between now and the date we make our determination on the FOIA request. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must also include with your appeal copies of all correspondence between you and the Office of the Secretary FOIA office concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the Office of the Secretary FOIA office will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer’s sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For more information on FOIA Administrative Appeals, you may review the Department’s FOIA regulations at *43 C.F.R. Part 2, Subpart H*. Please note that using OGIS services does not affect the timing of filing an appeal with the Department’s FOIA & Privacy Act Appeals Officer.

If you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Cynthia Sweeney by phone at (202) 513-0765, by fax at (202) 219-

2374, by e-mail at [os\\_foia@ios.doi.gov](mailto:os_foia@ios.doi.gov) or by mail at U.S. Department of the Interior, 1849 C St, N.W., MS-7328 MIB, Washington, D.C. 20240. Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

**LEAH  
FAIRMAN**

Digitally signed by  
LEAH FAIRMAN  
Date: 2020.07.29  
09:01:57 -04'00'

Leah Fairman  
Office of the Secretary  
FOIA Office