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FOIA Officer  
US Bureau of Land Management  
E-Mail: [BLM\\_WO\\_FOIA@blm.gov](mailto:BLM_WO_FOIA@blm.gov)

October 5, 2017

## **FOIA REQUEST**

Dear Records Request Officer:

Pursuant to the Freedom of Information Act, I request access to and copies of any recording of the September 21, 2017 webinar involving the Department of the Interior and the Bureau of Land Management concerning the National Environmental Policy Act (NEPA) and other topics. I have attached a media report about this event to aid in identifying this record.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), Western Values Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).<sup>1</sup>

Western Values Project requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.”<sup>2</sup> The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

The National Environmental Policy Act (NEPA) is “intended to: promote efforts to prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural

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<sup>1</sup> See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii)

resources important to the Nation.”<sup>3</sup> As such, the public has a clear interest in understanding any changes to NEPA being proposed by the Department of the Interior, the Bureau of Land Management, governors of western States or by elected county officials; all of which participated in this event.<sup>4</sup>

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project’s financial interest. Western Values Project’s mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

### **Request for Expedited Processing**

On October 5, 2017, *The Washington Post* reported that the Interior Department and Bureau of Land Management was considering ways to “water down NEPA [the National Environmental Policy Act] and more” but that “legislation is required to make those changes.”<sup>5</sup>

President Trump has said the American people “will never be ignored again”<sup>6</sup> and just weeks ago sent out a “Listening to America” survey<sup>7</sup> to solicit the opinions of the American people. Furthermore, participants involved in the creation of the records sought in this request acknowledge that legislation will be required to enact their policy proposals. It is vital for the public to have access to these records so they can understand the proposals issued by this administration as they offer their comment to their elected officials. As legislation is imminent, expedited processing is the only way the American public will have the chance to review these materials in time to make their voices heard.

Western Values Project certifies these facts are true and correct and requests expedited processing for this request.

### **Conclusion**

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<sup>3</sup> <https://www.whitehouse.gov/ceq/nepa>

<sup>4</sup> Darryl Fears, “Notes from closed meeting show how Interior aims to weaken environmental laws,” *The Washington Post*, 10/05/17

<sup>5</sup> Ibid.

<sup>6</sup> President Donald Trump, “The Inaugural Address,” 01/20/17

<sup>7</sup> Jarvis DeBerry, “‘Real’ American that I am, I took Donald Trump’s ‘Listening to America’ survey: Opinion,” *The Times-Picayune*, 07/27/17

If possible, I would prefer to receive this information electronically via e-mail at [csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org).

If you have questions or need additional information from me, please feel free to call me at (406) 438-1918.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. If any documents are withheld based on the Agency's interpretation of any exemption, we request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity as to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Chris Saeger  
Executive Director  
Western Values Project

CC: [rwitt@blm.gov](mailto:rwitt@blm.gov)

# Notes from closed meeting show how Interior aims to weaken environmental laws

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By **Darryl Fears** October 5 at 7:00 AM

Near the end of September, officials at the Interior Department bureau that oversees hundreds of millions of acres of public land hosted a conference with state, county and local government representatives to discuss ways to loosen environmental rules.

Bureau of Land Management hosts told attendees and those joining the invitation-only meeting remotely that they wanted to streamline a powerful law that protects wildlife and public land, the National Environmental Policy Act. They asked how its rules could be smoothed out to limit delays that slow public and corporate development so that the federal government, as President Trump and Interior Secretary Ryan Zinke have said, can be a better partner rather than a hindrance. The meeting covered ways to fulfill the president's executive order to remove impediments to new infrastructure, mining and other development on federal land.

At least two groups not on the invitation list obtained the call-in information for the meeting and secretly sat in and took notes, which one group provided to The Washington Post.

During the Sept. 21 webinar, the BLM and its guests discussed ways to water down NEPA and more. They talked about working around environmental analyses that determine whether infrastructure projects harm ecosystems, about stripping conservation groups of the power to sue the BLM if it wrongly approves a project and about limiting the number of federal Freedom of Information Act requests that allow the public to scrutinize how decisions were made.

“We’re seeking a better decision-making process that’s more productive and getting decisions faster,” Leah Baker, the BLM division chief for planning and NEPA, said in an interview Tuesday. “We heard through this process that we should try and streamline regulations ... and that the agency leaves a little to be desired in how effectively we coordinate” with states and local governments.

When a participant in the meeting noticed that the event was being recorded, BLM officials assured the group that it would not be distributed. A second webinar attended by native tribes took place Sept. 25, BLM officials said in an interview this

week.

A few days after the webinars, Zinke called employees who disagreed with Trump's vision for change disloyal and vowed to move policymaking positions at Interior's Washington headquarters to offices out West, possibly to Denver. Zinke has already reassigned dozens of senior Interior employees to positions they did not want. Interior's inspector general is probing the legality of Zinke's rapid reassignments.

NEPA is one of the oldest and most progressive environmental laws on the books. Established in 1970, it has been called an environmental Magna Carta that dozens of governments across the globe have used to craft their own environmental policies. But corporations and some state and local government officials have long criticized it as an impediment to development and revenue.

The webinar's participants, which included the Western Governors' Association and the National Association of Counties, also took aim at the Equal Access to Justice Act, which allows groups to seek reimbursement of attorneys' fees when they win cases against the government. BLM officials and their guests said the reimbursements fuel more lawsuits from people who disagree with their land management practices.

The participants complained that the BLM is being overwhelmed with Freedom of Information Act requests from groups and individuals, more than 1,000 so far this year and growing. They discussed submitting recommendations to Zinke to limit those requests in addition to altering NEPA and EAJA.

Kelly Fuller, energy campaign coordinator for the Western Watersheds Project, said some state and local governments want to align the BLM's environmental priorities with weaker or, in some cases, nonexistent rules of municipalities.

"They want BLM planning outcomes to match local and state plans ... but there are different obligations," Fuller said. "State and local plans are about development and extraction and making more money, creating more revenue."

Since legislation is required to make those changes, they hoped Zinke would encourage Republicans in Congress, some of whom are working to weaken environmental rules such as the Endangered Species Act and Migratory Bird Act, to include the September meeting's recommendations as part of overall reform.

"They may say they want to streamline, but what they mean is cut the public out of the process, do less environmental review and have more secrecy so they can give oil, gas and coal companies unfettered access to our treasured public lands," said Tiernan Sitterfeld, a vice president for government affairs at the League of Conservation Voters, who called the meeting an attempt to weaken NEPA.

"Let's be perfectly clear," said Bethany Cotton, a spokeswoman for WildEarth Guardians, based in Santa Fe, N.M. "The Trump administration's efforts to roll back environmental protections are meant to strip the public of the opportunity to be informed and weigh in on proposals that will negatively impact our public lands, air, water, and most imperiled animals and plants. Each of these attacks is meant to cede power to resource extractive industries and anti-conservation localities."

Cynthia Moses-Nedd, the BLM's liaison to local and state governments who participated on the webinar with Baker and at least two other federal officials, said the issue isn't so black and white. She recalled that a local government official suggested introducing legislation that would change the Equal Access to Justice Act.

"EAJA ... is used to fund lawsuits against the BLM," Nedd said, and can "paralyze the BLM when it's doing its work. There needs to be something that deals with that ... so BLM can do the work and not be hampered and paralyzed."

Nedd said BLM isn't necessarily trying to give its allies a greater role in environmental assessments. "I think our goal is to make sure we're coordinating better ... that's where we saw the greatest input from our state and local partners."

Baker called the NEPA statute "a cool law" but said complying with its rules is "a heavy lift. We're trying to figure out how we do it quicker. ... There are things routine in nature that can make [the process] speed up." She said she recalled an experience where a single misstep caused a decision that could have been completed in months to take years. Officials worried that the misstep would trigger a lawsuit that would doom an entire project.

The National Association of Counties agrees with local officials who say they're cut out of NEPA's processes to determine environmental harm and want to help decide how its analysis should be done. Association spokesman David Jackson said counties suffer when a NEPA analysis drags on for months and sometimes years. "NACo supports the revision of NEPA to strengthen the involvement of local government in the federal decision-making process. We also support more public involvement."

Jackson said the association's position is that EAJA also should be reformed to ease lawsuits. "You can't do effective forest management, for example, because you get sued at every turn."

Fuller, of the Western Watersheds Project, said: "We're waiting to see the BLM's recommendations report to Secretary Zinke to give local governments and the states greater control. ... How far is he going to go?"

### **Read More:**

[Federal watchdog opens probe into travel by Interior Secretary Zinke](#)

[Zinke took a \\$12,000 charter flight home in oil executive's plane](#)

[Zinke says his workers are disloyal. They say his personnel moves break the law](#)

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