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U.S. Dept. of Interior
1849 C Street, NW
Washington, D.C. 20240

Via FOIAOnline.gov
December 9, 2021

Re: Freedom of Information Act Request – Decision to Conduct Lease Sale 257

Dear Dept. of Interior FOIA Officer:

Pursuant to 5 U.S.C. § 552 *et seq.*, Food & Water Watch (“FWW”), Earth Uprising International, One Up Action, and Action Center on Race and the Economy (collectively, “Requesters”) submit this Freedom of Information Act request seeking public records related to the decision of the U.S. Department of Interior (“DOI”) and its Bureau of Ocean Energy Management (“BOEM”) to commence leasing of more than 80 million acres of federal waters within the [Gulf of Mexico under Lease Sale 257](#) for oil and gas development.

On January 21, 2021, President Biden issued Executive Order 14008, which prohibited the leasing of federal lands for oil and gas purposes until the Department of Interior completed review of the fossil fuel leasing program and addressed inadequacies in the existing program. Following a decision by the U.S. District Court for the Western District of Louisiana, the Administration decided to announce a series of oil and gas lease auctions, despite clearly articulating that they possessed many other legal mechanisms to restrict lease sales aside from those addressed by the Court in *Louisiana v. Biden*.¹ Despite possessing the legal authority to withhold or deny lease sales, on November 17, 2021, BOEM held an auction for oil and gas leasing in the Gulf of Mexico. Requesters seek records related to the agency decision to proceed with leasing despite the authority to withhold leasing.

Specifically, we request that DOI and BOEM produce:

¹ Case No. 21-cv-00778, (W.D. La. 2021)

- Internal DOI communications concerning the decision to proceed with lease sales in the Gulf of Mexico, including but not limited to communications between Secretary Haaland, Secretary Haaland's staff, and/or BOEM staff.
- Communications between DOI and White House staff concerning the decision to proceed with lease sales in the Gulf of Mexico, including but not limited to Gina McCarthy, John Kerry, David Hayes, and Ron Klain.
- Communications between DOI and members of Congress or their staff, including but not limited to Senators Joe Manchin and Kyrsten Sinema or their staff, concerning the decision to proceed with lease sales in the Gulf of Mexico.
- Communications between DOI and labor organizations concerning the decision to proceed with lease sales in the Gulf of Mexico, including but not limited to the Oil and Natural Gas Industry Labor-Management Committee, the Laborers' International Union of North America, and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States, Canada (UA).
- Communications between DOI and energy industry representatives concerning the decision to proceed with lease sales in the Gulf of Mexico. This includes, but is not limited to, Exxon, Chevron, Royal Dutch Shell, Anadarko, Occidental, BP, National Ocean Industries Association, American Exploration and Production Council, American Petroleum Institute, Energy Workforce and Technology Council, International Association of Geophysical Contractors, Independent Petroleum Association of America, Louisiana Mid-Continent Oil and Gas Association, US Oil and Gas Association.

Requesters seek all relevant records from January 21, 2021 to the date of production.

As 501(c)(3) nonprofit organizations, Requesters request a waiver of all fees for this request. Disclosure of the requested 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 Requesters.

As per 5 U.S.C. § 552 and Dept. of Interior regulations, 43 CFR §§ 2.45 and 2.48, Requesters are entitled to a waiver of all fees for this request, because:

- **The subject of the requested records concerns government operations and activities.** The requested records seek communications between the Secretary of Interior, DOI staff, and other governmental actors concerning governmental leasing decisions; as such it directly concerns government operations and activities.

- **The disclosure is likely to contribute to understanding of these operations or activities.** These records demonstrate how this Administration reached its decision not to employ its legal authority under the Outer Continental Shelf Leasing Act and the Federal Land Policy Management Act to deny leasing after representing its authority throughout court briefings and appeals. As such, these communications will contribute to the public understanding of DOI's operations and regulatory priorities.

- **Disclosure will likely result in public understanding of the subject.** Disclosure of these communications will result in the public understanding of how DOI has reached its decision to move forward with Lease Sale 257 despite it possessing non-Executive Order authority to deny leases to industry players.

Requesters plan on disseminating relevant findings from this request to the public and have a proven track records of being able to effectively do so. FWW has had significant success in receiving local, national, and international media coverage of its watchdog activities concerning the food, water, and energy industries. Furthermore, FWW's website (<https://www.foodandwaterwatch.org/>) receives roughly 120,000 unique visitors monthly. Earth Uprising International is a youth-led climate education organization with chapters in over 40 nations and the U.S. with a history of distributing information like this to interested members of the public. Further, One Up Action has roughly 1,000 unique monthly visitors to its website and provides resources to marginalized youth to take community action to tackle the climate crisis. The Action Center on Race and the Economy distributes information among organizations working at the intersection of racial justice and Wall Street Accountability had has over 8,000 followers on Twitter and over 9,000 on Facebook. Between all of these organizations, disclosure would result in broad dissemination and understanding of the issue among the public.

- **The contribution to public understanding of government operations or activities will be significant.** The release of the requested records will provide significant understanding to the American people as to how DOI reached its decision to re-commence oil and gas leasing, and specifically to move forward with Lease Sale 257, despite clear issues with the fossil fuel leasing program and its own assertions of clear statutory authority to deny lease sales. Moreover, these requested records would significantly contribute to the public understanding of this decision as the federal government has consistently represented in litigation that they possess multiple means of employing legislatively delegated authority to deny leasing of public lands and waters outside of issuing an Executive Order.

- **The requester has a limited commercial interest in the disclosure.** As 501(c)(3) nonprofit organizations, Requesters stand to receive no financial or commercial benefit in the disclosure of the requested materials. Requesters request this information solely in their public interest advocacy capacities so that it may be shared with the broader public.

- **The public interest in disclosure is greater than the Requesters' commercial interest.** As Requesters lack any commercial interest in the disclosure of the requested material and the public interest will be greatly served by disclosure, a fee waiver is warranted by this request.

As the policy of the federal government is for "all agencies [to] adopt a presumption in favor of disclosure,"² in the event that DOI and BOEM withhold any information under a listed exemption, Requesters ask that the Agency provide a clear index of such withholdings with a description as to why such information was withheld and the relevant exemption asserted. We request that any records produced be provided in an electronic format.

² *Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act*, 74 Fed. Reg. 4683 (Jan. 21, 2009).

Thank you for your consideration of this request.

Sincerely,

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