United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

July 11, 2023

Via Electronic Mail: foia@americanoversight.org

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

RE: Freedom of Information Act (FOIA) Request No. DOI-OS-2020-000767

Dear Austin Evers**:**

The Office of the Secretary (OS) FOIA Office received your FOIA request, dated February 26, 2020, on March 3, 2020 and assigned it control number DOI-OS-2020-000767. Please cite this number in any future communications with our office regarding your request.

Description of the Requested Records

You requested:

1. "All email communications (email messages, email attachments, complete email chains, calendar invitations, and attachments thereto) sent by (1) anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) to (2) anyone with an email address ending in .com / .net / .org / .edu / .mail / .us. Please provide all responsive records from January 1, 2019, through the date the search is conducted.

2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of (1) anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) with or about (2) any of the below specified external entities or individuals:
    a. Virginia "Ginni" Thomas or any person communicating on her behalf, such as Crystal Clayton
    b. Barbara Ledeen or any person communicating on her behalf
    c. Becky Norton Dunlop or any person communicating on her behalf

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Please provide all responsive records from January 1, 2019, through the date the search is conducted.

3. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (1) any political appointees* in the immediate front Office of the Secretary (or the senior-most official at your agency) as well as anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) and (2) John McEntee, head of the Presidential Personnel Office at the White House, or anyone communicating on his behalf.

   Please provide all responsive records from February 1, 2020, through the date the search is conducted.

   *"Political appointee" should be understood as any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a Non-career SES, any Schedule C employees, or any persons hired under Temporary Non-career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.

4. All records reflecting the content of a meeting between (1) anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) and (2) John McEntee, head of the Presidential Personnel Office at the White House, on or about February 20, 2020, including any calendar entries, emails and other written communications about the meeting, agendas, lists of meeting attendees, minutes, summaries, handwritten notes, talking points, transcripts, or materials displayed or exchanged during the meeting.

   Please provide all responsive records from February 1, 2020, through the date the search is conducted."

On July 22, 2022, you narrowed the scope of your request as follows:

1. "Exclude Part 1 from the request.

2. For Part 2 of the request, please narrow the date range to January 1, 2019, through January 21, 2021.

3. For Part 3 of the request, please narrow the date range to February 1, 2020, through January 21, 2021.

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4. For Part 4 of the request, please narrow the date range to February 1, 2020, through January 21, 2021."

On July 25, 2022, you further narrowed item 3 of your request from "any political appointees in the immediate front office of the Secretary" to the following specified individuals: David Bernhardt, Gary Lawkowski, Lacey Smethers, Lori Mashburn, Elinor Werner, and Todd Willens.

Partial Release

We are writing to respond to your request.

We have enclosed one file consisting of three pages, which is being released to you in part. Portions of these materials are being withheld under the following FOIA Exemption:

Exemption 6

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). We are withholding two pages in part under Exemption 6.

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, including room numbers, email addresses, and phone numbers, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

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Sabrina Conway, OS Government Information Specialist is responsible for this denial.

Leah Bernhardi, Attorney-Advisor, Office of the Solicitor, Department of the Interior, Washington, D.C. was consulted.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Fees—No Charge

We do not bill requesters for FOIA processing fees when their fees are less than $50.00, because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g)*. Therefore, there is no billable fee for the processing of this request.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. 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 include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the Office of the Secretary 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 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

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Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS 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

Email: ogis@nara.gov
Web: https://www.archives.gov/ogis
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

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*.

Conclusion

This concludes our response to your request.

If you have any questions about this letter, you may contact me by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. Additionally, contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at *https://www.doi.gov/foia/foiacenters.*

Sincerely,

SABRINA CONWAY

Digitally signed by SABRINA CONWAY
Date: 2023.07.11 15:00:43 -05'00'

Sabrina Conway
Government Information Specialist

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Office of the Secretary
FOIA Office

Electronic Enclosure

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From: Small, Jeffrey
To: Werner, Elinor; Lori Mashburn
Subject: Few Christmas party additions
Date: Tuesday, November 26, 2019 1:03:01 PM
Attachments: RSVP_ Public Policy Roundtable (Responses).xlsx

Apologies Elinor. The email I sent previously sent before I was done typing somehow. Here is what I was trying to send.

Know you all are trying to finish up, so apologies for sending you some more folks.

However, Chris Kearney stopped by my office today and asked about the party. He used to work here and has been to the party in the past.

Chris Kearney
The Ferguson Group

ckearney@tfgnet.com
http://www.thefergusongroup.com/Services-Boxes/Meet-Us-Details/ArticleID/143/Chris-Kearney

Also, I had Kathleen Sgamma from Western Energy Alliance in Denver on my list. She won't be in town that week but asked if their policy director Tripp Parks could attend as he will be in town.

Tripp Parks Western Energy Alliance

tparks@westernenergyalliance.org

Finally, we are doing a public policy meeting with the Secretary that day. Most of these folks were already on someone's list. However, there are a few traveling from different states. Not a huge deal if we don't have room etc, but would also be nice to invite the folks on the attached list given they will all be in town and are participating in our roundtable.

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Email Address	Name:	Organization:	Title:	Phone number
rmanning@getliberty.org	Rick Manning	Americans for Limited Government	President	703 383 0880
daren.bakst@heritage.org	Daren Bakst	The Heritage Foundation	Senior Research Fellow	(202) 608-6163
gkidwell@alec.org	Grant Kidwell	American Legislative Exchange Council	Director	(b) (6)
rjones@nam.org	Rachel Jones	National Association of Manufacturers	Senior Director of Energy & Resources Policy	(b) (6)
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mpalicz@atr.org	Mike Palicz	Americans for Tax Reform	Federal Affairs Manager	(b) (6)
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nick.loris@heritage.org	Nick Loris	The Heritage Foundation	Deputy Director, Roe Institute for Economic Policy Studies	(b) (6)
paul@energyfairness.org	Paul Griffin	Energy Fairness	Executive Director	202-577-5454
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tpyle@energydc.org	Tom Pyle	American Energy Alliance	President	
(b) (6)	Erica Rhoad	NRA		
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astover@heartland.org	Aaron Stover	Heartland Institute		
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From: Kloster, Andrew R. EOP/WHO
To: samantha_hebert@ios.doi.gov; Boyd, Mazzie M. EOP/WHO
Cc: Bacon, James A. EOP/WHO; Tahmas, Naweed W. EOP/WHO; Mashburn, Lori K
Subject: [EXTERNAL] NPS and other matters --- meeting with PPO - DOI
Date: Thursday, August 27, 2020 4:22:26 PM

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Samantha:

Lori just gave me your contact information, and I don't expect an immediate response, but we (and Lori is aware) are trying to schedule time for Secretary Bernhardt to come over to the EEOB to meet with John McEntee, James Bacon, and Naweed Tahmas to discuss the National Park Service and another personnel matter. The meeting should take no more than 20 minutes and would be in EEOB (b) (6).

Copied is Mazzie Boyd, John's EA, who will handle scheduling and the Secretary's WAVES (if necessary).

Thanks!

Andrew

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