



FREEDOM OF INFORMATION ACT REQUEST

December 11, 2023

Bureau of Land Management
Utah State Office
ATTN: Marilyn Hedrick
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345
Submitted via FOIA.gov

RE: FOIA Request for Records Related to Wildcat Loadout Facility ROW

Greetings:

On behalf of the Southern Utah Wilderness Alliance (SUWA), and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and United States Department of the Interior implementing regulations, 43 C.F.R. Part 2, I request the following records in the possession or control of the Bureau of Land Management (BLM):

- The renewed/amended right-of-way for UTU-048027 approved by the Bureau of Land Management (BLM) on or around October 16, 2014. This includes BLM's decision letter(s) and the right-of-way holder's request for said renewal/amendment.¹
- The amended/modified right-of-way for UTU-048027 approved by the BLM on or around April 19, 2022. This includes BLM's decision letter(s) and the right-of-way holder's request for said amendment/modification.²
- All records related to the Wildcat Loadout Facility ROW Amendment (DOI-BLM-UT-G020-2023-0013-EA)³ and federal right-of-way UTU-048027 received or

¹ The serial register page for UTU-048027 contains the notations: "ROW RENEWED" and "AUTHORIZATION AMENDED/MODIFIED," both dated 10/16/2014. These are the documents, including the company's application for said renewal/amendment, SUWA is requesting.

² The serial register page for UTU-048027 contains the notation: "AUTHORIZATION AMENDED/MODIFIED" dated 4/19/2022. It is this document, including the company's application for said renewal/amendment, SUWA is requesting.

³ Available at <https://eplanning.blm.gov/eplanning-ui/project/2025436/510>.

generated by the BLM from July 8, 2023 through the date BLM starts its record search in this matter.⁴

The term “record” includes, but is not limited to, all correspondence, (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, letters, notes, recordings, telephone records, voicemails, telephone notes, telephone logs, text messages, chat messages, expense reports, meeting minutes, memoranda, comments, files, presentations, consultations, papers, reports, studies, photographs and images, data (including raw data, spreadsheets, GPS or GIS data, UTM, etc.), maps, and/or all other responsive records, in draft or final form.

Please note that your agency has an obligation to preserve all records that are the subject a FOIA request while such request is pending or the subject of an appeal or litigation under the FOIA. 43 C.F.R. § 2.68.

If your agency invokes a FOIA exemption to withhold in full or in part any responsive records, please include sufficient information for LPFW assess the basis for the exemption, including:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material.

Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation. If your agency determines that portions of records are exempt from disclosure, we expect that the remaining portions of the records will be segregated and released by the statutory deadline.

REQUEST FOR FEE WAIVER

In accordance with BLM FOIA guidelines the first 100 pages of paper copies or reasonable equivalent, such as a microfiche containing the equivalent of 100 pages, are to be copied free. Additionally, the first 2 hours of manual search time are free. The requested documents are likely to be less than 100 pages, and to require little search time. If however, for some reason the requested documents exceed 100 pages or two hours of search time, SUWA requests a fee waiver. SUWA is a non-profit public interest environmental organization. Accordingly, I request that all copy and research fees be waived under 5 U.S.C. § 552(a)(4)(iii) and 43 C. F.R. § 2.21. A fee waiver is justified because the information I am requesting is likely to contribute significantly to public understanding of the operations and activities of the government, and is not primarily in SUWA’s commercial interest. If our fee waiver is denied please contact me at (801) 428-3991 or foia@suwa.org before proceeding with the processing of this request.

⁴ SUWA’s prior FOIA request in this matter was submitted on July 7, 2023 (FOIA UT-2023-88; DOI-BLM-2023-005495).

SUWA is a 15,000 member non-profit environmental organization dedicated to the preservation of Utah's wild lands, and has been involved in such protection for over thirty years. SUWA is recognized to have expertise in matters of public land law. We are frequently solicited for comment on such issues by local and national media, as well as various federal agencies.

The requested information will provide valuable and currently unknown information about BLM's management of public lands in Utah including specifically services related to travel management planning. SUWA has a long history of submitting comments on, litigating, and monitoring such activities. The requested documents will aid in these activities, and provide insight into the extent and impact of BLM's management of these public resources.

Public oversight of BLM's activities and operations is not possible without the participation of an informed public. SUWA plays a critical role in this oversight by collecting, analyzing, and disseminating information on BLM's activities. We intend to review and evaluate the requested information along with information about similar activities. As appropriate, we will then disseminate this information to our membership through publication on our website, newsletters, action-alerts, public service announcements, tabling, and other grassroots outreach activities. Our newsletter alone has a distribution in excess of 20,000 and we have a proven history of being able to disseminate information to a large and diverse segment of the public.

Thank you for your time in meeting this request. SUWA looks forward to a determination in response to our request within twenty (20) working days. 5 U.S.C. § 552(a)(6)(A)(i) and 7 C.F.R. § 1.6(b).

Please send the requested information to:

foia@suwa.org

OR Landon Newell, Attorney
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, Utah 84111

Sincerely,

/s/ Landon Newell
Landon Newell