

NISKANEN

C E N T E R

August 19, 2020

Sent via email

Office of the United States Trade Representative
FOIA Office
Anacostia Naval Annex
Building 410/Door 123
Murray Lane SW
Washington, D.C. 20509
(202) 395-4990
FOIA@ustr.eop.gov

Re: Freedom of Information Act Request for disclosure of records related to the LNG Jordan Cove Energy Project and Pacific Connector Gas Pipeline

Dear USTR FOIA Office:

Please accept this Freedom of Information Act (“FOIA”) request to the Office of the United States Trade Representative (“USTR”) from the Niskanen Center, individually, and on behalf of the following Oregon landowners and landowner-focused organizations¹: Bill Gow, Deb Evans, Ron Schaaf, Evans Schaaf LLC, Stacey McLaughlin, Will McKinley, James Dahlman, Joan Dahlman, Pamela Ordway, Clarence Adams, Greater Good Oregon, Landowners United, and Oregon Women’s Land Trust (collectively, “Landowners”). Niskanen Center and Landowners seek records that will shed light on government operations, positions, and policies involving liquified natural gas (“LNG”) as a trade commodity and priority, and LNG as a West Coast export.

Specifically, Niskanen Center and Landowners seek information related to the planned Jordan Cove LNG natural gas export terminal in Coos Bay, and the 229-mile Pacific Connector Gas Pipeline that will supply it in southern Oregon (collectively, the “Jordan Cove Energy Project,” “Project” or “JCEP”). The Pipeline will traverse four counties in the State of Oregon, affecting over 250 private landowners. On March 19, 2020, the Federal Energy Regulatory Commission (“FERC”) approved and authorized the proposed Jordan Cove Energy Project, despite substantial issues with and opposition to the project, and that two previous iterations of the proposed project were denied by

¹ A majority of whom reside in Oregon.

FERC. *See Jordan Cove Energy Project L.P.*, 170 FERC ¶ 61202 (2020); *see also, e.g., Jordan Cove Energy Project L.P.*, 154 FERC ¶ 61,190, at P41 (2016). In a dissenting opinion, FERC Commissioner Richard Glick opposed the Commission’s decision to authorize the project, citing FERC’s “outcome-oriented desire to approve” it and noting that “[t]he evidence suggests a number of reasons to doubt whether the Project will ever be developed.” *See Jordan Cove Energy Project L.P.*, 171 FERC ¶ 61136 at P1 (May 22, 2020) (Comm’r Glick, dissenting)

FERC’s authorization of the Project allows the corporate entities involved, which are subsidiaries of the Canadian energy company Pembina, to take Landowners’ property without consent, via the extraordinary governmental power of eminent domain. The Project has been heavily contested for over fifteen years, and remains highly contested by landowners, Tribes, and environmental organizations. It is currently being challenged in federal court, and the State of Oregon has denied several necessary permits for the Project, including a necessary Clean Water Act permit, and proper certification under the Coastal Zone Management Act, which are required before construction can begin. *See* Letter from Oregon Dep’t of Env. Quality to Jordan Cove LP (May 6, 2019), *available at* <https://www.oregon.gov/deq/FilterDocs/jcdeclearter.pdf>; Federal Consistency Determination, Oregon Dep’t of Land Conservation and Dev (Feb. 19, 2020), *available at* https://www.oregon.gov/lcd/OCMP/FCDocuments/FINAL-CZMA-OBJECTION_JCEP-DECISION_2.19.2020.pdf. Under consideration before the federal court are issues relating to trade arguments and priorities, market demand, and constitutional takings of private property by private corporations bestowed such authority by the federal government. *See Deborah Evans et al. v. FERC*, Civil Case No. 20-1161 (D.C. Cir.) (merits briefing pending).

This FOIA request is made in furtherance of the initiatives and efforts described below. Many of the public informational, educational, and advocacy activities undertaken by Niskanen Center and Landowners are time sensitive and therefore, ***time is of the essence*** regarding this request and we ask that you take all steps necessary to provide a prompt response. In this regard, we note that for any request taking longer than ten days to process, the Agency must inform the requester “(i) the date on which the agency originally received the request; and (ii) an estimated date on which the agency will complete action on the request.” 5 U.S.C. § 552(a)(7)(B). Accordingly, we ask that you immediately inform us of the date you received this request. We further ask that you provide an estimated date by which we can expect completion of the USTR’s response to our FOIA request.

FOIA REQUEST

Please produce any and all records, documents or communications—to be released in electronic format to the extent possible—from the period of January 1, 2013 through the date of search in USTR’s possession or control related to the following:

- Any and all records, including, but not limited to, documents or communications, that mention or pertain to (1) the Jordan Cove Energy Project (a/k/a “Jordan Cove LNG Terminal”), (2) the Pacific Connector Gas Pipeline, (3) Pembina Pipeline Corporation, and/or (4) Veresen Inc.;
- Any and all communications that are between USTR and any of the following third parties: (1) Pembina Pipeline Corporation; (2) Jordan Cove Energy Project L.P.; (3) Pacific

Connector Gas Pipeline L.P.; and/or (4) Veresen Inc. This request is intended to include (but is not limited to) any staff, representatives, or lobbyists of these entities; and

- Any an all records describing the processing of this request, including records sufficient to identify search terms used² and locations and custodians searched and any tracking sheets used to track the processing of this request.

For all responsive records, the Niskanen Center and Landowners request all parts and versions of that record, including entire email threads.

The Niskanen Center and Landowners seek all responsive records regardless of format, medium, or physical characteristic. For the purposes of this request, “record” shall include at least any agreement, appendix, application, assessment, attachment, calendar entries, checklist, circular, comment, contract, correspondence (including but not limited to email), data management plan, documentation of search parameters, email, email attachment, form, guide, handbook, index of records, information consent agreement, information sharing agreement, instruction, interpretation, kit, management instruction, manual, meeting notes, memorandum, memorandum of understanding, notes, notice, notification, opinion, order, plan, policy, policy statement, processing note, publication, recording, referral, report, request certification form, request detail report, response, rule, script, standard operating procedure, submission, survey, talking point, training document, video, or related record described, regardless of publication status.

No category of material should be omitted from search, collection, and production. Additionally, no non-exempt information contained within otherwise responsive records should be withheld as “non-responsive.” *See, e.g., Am. Immigration Lawyers Ass’n v. Exec. Office for Immigration Review*, 830 F.3d 667, 676-79 (D.C. Cir. 2016) (notwithstanding FOIA’s nine exceptions, if a record contains information responsive to a FOIA request, the government must disclose the entire record); *see also Institute for Policy Studies v. U.S. Cent. Intelligence Agency*, 388 F. Supp. 3d 51, 53 (D.D.C. 2019) (“If any of the [non-exempt] information on a page of the document falls within the subject matter of a FOIA request, then that entire page should be included as within the scope of the request.”) (citation omitted). If we can be of assistance in your development of search query terms, please do not hesitate to contact us.

This request is not meant to be exclusive of any other records that, although not specifically requested, have a reasonable relationship to the subject matter of this request. If you, or your office, have destroyed or decide to withhold any documents that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

EXEMPT RECORDS

In 2016, Congress added an additional requirement by amending the FOIA to codify a “foreseeable harm” standard into the Act. *See* FOIA Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538; *Rosenberg v. Dep’t of Def.*, No. 17-cv-00437, 2018 WL 4637363, at *2 (D.D.C. Sept. 27, 2018). The

² As noted below, Niskanen Center and Landowners are ready and willing to confer with USTR to develop search terms to locate records responsive to this request.

amended FOIA now provides that an agency shall withhold information “*only if* . . . the agency reasonably foresees that disclosure would harm an interest protected by” a FOIA exemption or “disclosure is prohibited by law.” 5 U.S.C. § 552(a)(8)(A) (emphasis added). As a result of this amendment, the USTR must “release a record—even if it falls within a FOIA exemption—if releasing the record would not reasonably harm an exemption-protected interest and if its disclosure is not prohibited by law.” *Rosenberg*, 2018 WL 4637363 at *2.

Notwithstanding FOIA’s foreseeable harm standard, should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information for Niskanen Center and Landowners to appeal the denial. To comply with legal requirements, the following information must be included:

Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and

Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions and provide the remainder of the record to Niskanen Center and Landowners as required by 5 U.S.C. § 552(b).

Finally, even if you ultimately conclude that the requested records are exempt from mandatory disclosure under FOIA, we request that you disclose them nevertheless, pursuant to the Agency’s powers of discretionary release under the FOIA. *See, e.g., Chrysler Corp. v. Brown*, 441 U.S. 281, 293 (1979) (reasoning that application of agency FOIA policies may require “some balancing and accommodation,” and noting that “Congress did not design the FOIA exemptions to be mandatory bars to disclosure”); *Bartholdi Cable Co. v. FCC*, 114 F.3d 274, 282 (D.C. Cir. 1997) (observing that “FOIA’s exemptions simply permit, but do not require, an agency to withhold exempted information”). In this regard, it is well settled that agencies may make “discretionary disclosures” of exempt information, as a matter of their administrative discretion, where they are not otherwise prohibited by law from doing so. *See, e.g., CNA Fin. Corp. v. Donovan*, 830 F.2d 1132, 1334 n.1 (D.C. Cir. 1987) (explaining that agency’s FOIA disclosure decision can “be grounded either in its view that none of the FOIA exemptions applies, and thus that disclosure is mandatory, or in its belief that release is justified in the exercise of its discretion, even though the data fall within one or more of the statutory exemptions.”); *see also FOIA Update, Vol. VI, No. 3*, at 3 (“OIP Guidance: Discretionary Disclosure and Exemption 4”) (“[A]gencies generally have discretion under the Freedom of Information Act to decide whether to invoke applicable FOIA exemptions.”). Discretionary disclosure in this instance would serve the public interest of educating citizens regarding the operations and activities of the Agency regarding the NLG export and pipeline location issues that are the subject of this request.

For the reasons set forth above, we anticipate that the USTR will release the requested information.

FEE WAIVER REQUEST

In accordance with 5 U.S.C. § 552(a)(4)(A) and USTR's implementing regulations, the Niskanen Center and Landowners request a waiver of all fees associated with providing information responsive to the above FOIA request. Niskanen Center is a 501(c)(3) nonprofit think tank that operates in the public interest. Landowner Oregon Women's Land Trust is a 501(c)(3) membership organization, which holds land in trust for environmental, conservation, and land educational purposes. Landowners United is a nonprofit organization formed by landowners around the issue of the use of eminent domain by a project that involves products that are intended solely for export. Greater Good Oregon is a nonprofit organization dedicated to education about threats to land, water, and people. It was formed by landowners to help bring resources and information to landowners facing eminent domain.

The LNG terminal and natural gas pipeline at issue have been publicly debated for over a decade, with individual citizens, landowners directly affected by the Project (including requesters herein), Tribes, public interest organizations, elected officials, and local and federal government offices and agencies taking different positions. It has been heavily featured in major media outlets. *See* Washington Post, *US signs order for first West Coast gas-export terminal* (July 6, 2020), available at https://www.washingtonpost.com/politics/us-signs-order-for-first-west-coast-gas-export-terminal/2020/07/06/80927b0c-bfe6-11ea-8908-68a2b9eae9e0_story.html; Christopher Booker, Connie Kargbo, & Sam Weber, PBS NewsHour Weekend, *Natural gas pipeline proposal fractures Oregon community* (Feb. 9, 2020), available at <https://www.pbs.org/newshour/show/natural-gas-pipeline-proposal-fractures-oregon-community>; Don Gentry & Ema Marris, N.Y. Times, *The Next Standing Rock? A Pipeline Battle Looms in Oregon* (Mar. 8, 2018), available at <https://www.nytimes.com/2018/03/08/opinion/standing-rock-pipeline-oregon.html>.

When approving the Project, under both the Natural Gas Act and the U.S. Constitution, FERC must conduct a public benefit and interest analysis, and weigh the public purpose of the Project. In approving the Project, FERC made the argument that imports and exports “benefit domestic markets,” as part of its public interest analysis. *See Jordan Cove Energy Project L.P.*, 170 FERC ¶ 61202 at P (2020). In order to ensure oversight of this finding, and understand how the U.S. government weighed the Jordan Cove Project from a trade perspective to reach the conclusion that this natural gas export will benefit the domestic market, documents from USTR's trade engagement on the Project will assist the public in understanding a federal agency's conclusion that the Project provides a public benefit.³ Accordingly, beyond the fee waiver factors established below, at a foundational level the public interest is being served because this request seeks records to foster public oversight of the federal government's legally required public benefits analysis regarding the Project.

³ Based on the information obtained via this request, the Niskanen Center and Landowners are contemplating other types of oversight and enforcement challenges, both legal and otherwise, that this information would be used in, to ensure that the government is discharging its statutory and constitutional duties. As an example of the type of oversight and enforcement challenge contemplated, Niskanen has filed a suit in federal court, challenging FERC's public interest finding on the Jordan Cove project. *See Deborah Evans et al. v. FERC*, Civil Case No. 20-1161 (D.C. Cir.) (merits briefing pending).

In addition, the companies behind the Project have received export approval from the Department of Energy, and it would greatly inform the public regarding the operations and activities of DOI, USTR and other federal entities to receive any USTR records about the Project, in order to understand more about United States government views, deliberations, and engagement surrounding the export of natural gas and LNG, especially during a time when global LNG market prices have fallen to new lows. *See* Ekaterina Kravtsova, Reuters, *GLOBAL LNG-Asian LNG price drops as deals done at record lows* (May 1, 2020), available at <https://www.reuters.com/article/global-lng/global-lng-asian-lng-price-drops-as-deals-done-at-record-lows-idUSL8Nxxw2CJ2TC>.

FOIA requires the federal government to furnish documents to public interest groups free of charge, or at a reduced rate, “if disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Such disclosure is in the public interest if “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 the requester.” *Id.* Disclosure of the requested information is in the public interest, and will provide the public and those affected by import or export natural gas pipelines, including Landowners, with a better understanding of how such pipelines and related imports and exports factor into trade considerations of the United States, and most importantly, how the federal government works on, considers, recommends, and promotes these pipelines and exports through a trade economics and policy lens, regardless of market demand or need for the commodities.

The disclosures will contribute significantly to the public’s understanding of the operations or activities of the government, especially when it comes to economic policies and negotiations surrounding, and considerations placed upon, LNG and international trade, and to what extent LNG exports factor into trade agreement negotiations and USTR policy goals. *Id.* The pipeline and LNG facility at issue involves Canadian investment, and USTR recently facilitated the United States-Mexico-Canada agreement, which supports U.S. energy trade, including natural gas. *See* The United States-Mexico-Canada Agreement Fact Sheet, available at <https://ustr.gov/sites/default/files/files/Press/fs/USMCA/USMCA-Energy.pdf>. The USTR has the legal duty to develop and coordinate trade policy; it represents the U.S. in “dealings with foreign governments regarding their laws, policies, and practices that affect U.S. trade;” it negotiates with foreign countries to create agreements “that reduce trade barriers and create new opportunities for U.S. exports;” it “coordinates export promotion for U.S. based small and medium enterprises (including affiliates of foreign-owned firms);” and it “leads an interagency process to conduct reviews of the possible environmental effects of trade negotiations.”⁴ Accordingly, disclosure of information on the Jordan Cove Project will provide public insight into how USTR has been involved in coordinating export trade policy that affects natural gas export projects, whether they have negotiated directly with Canada or Canadian natural gas companies or countries that may import natural gas, what work has been done to reduce trade barriers in the natural gas export

⁴ *See* Ask the Ambassador: The Role of USTR (April 2010), available at <https://ustr.gov/about-us/policy-offices/press-office/blog/2010/april/ask-ambassador-role-ustr>; U.S. Trade Representative, Select USA, available at <https://www.selectusa.gov/iwgg-ustr>; Office of the U.S. Trade Representative, U.S. Dep’t of the Interior, available at <https://www.doi.gov/invasivespecies/ustr>; *see also* Mission of the USTR, USTR, available at <https://ustr.gov/about-us/about-ustr> (“The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries.”).

market, and whether any review was conducted of the environmental effects of the Jordan Cove Project, or natural gas exports more broadly.

The Niskanen Center has spent years promoting the public interest through the development of open society policies that advocate for a social order that is open to political, cultural, and social change. FOIA fees have been waived in every FOIA request made by Niskanen Center. Niskanen Center regularly publishes and disseminates information to the public through its website,⁵ social media, speaking events, white papers, blogs, court filings, and opinion pieces.

For example, the Niskanen Center regularly serves as an expert on, advocates on behalf of, and represents landowners affected by natural gas projects.⁶ The Center disseminates the natural gas pipeline-related information it receives through its broad network of landowner coalitions, cases, and representation, including FOIA requests regarding government operations and activities, through a variety of ways, including but not limited to, analysis and distribution to the media,⁷

⁵ See, e.g., *Fighting the Corruption of the National Coal Council*, Niskanen Center, [available at https://www.niskanencenter.org/niskanen-litigation-holding-power-to-account/fighting-the-corruption-of-the-national-coal-council/](https://www.niskanencenter.org/niskanen-litigation-holding-power-to-account/fighting-the-corruption-of-the-national-coal-council/) (posting documents from FOIA action).

⁶ See, e.g., *Testimony of David Bookbinder, Chief Counsel, Niskanen Center, Before the House Energy & Commerce Committee Subcommittee on Energy, Hearing on “Modernizing the Natural Gas Act to Ensure it Works for Everyone”* (Feb. 5, 2020), [available at https://docs.house.gov/meetings/IF/IF03/20200205/110468/HHRG-116-IF03-Wstate-BookbinderD-20200205.pdf](https://docs.house.gov/meetings/IF/IF03/20200205/110468/HHRG-116-IF03-Wstate-BookbinderD-20200205.pdf) (testimony from the Chief Counsel of Niskanen, filed after invitation to speak on the Natural Gas Act and landowner issues);

⁷ See, e.g., Max Egener, *Jordan Cove opponents worry about federal surveillance*, *The Oregonian* (Aug. 23, 2019), <https://www.oregonlive.com/politics/2019/08/jordan-cove-opponents-worry-about-federal-surveillance.html> (mentioning Niskanen Center attorney Megan Gibson discussing submitted FOIA requests); Vickie Aldous, *Groups appeal federal Jordan Cove approval*, *Mail Tribune* (May 29, 2020), <https://mailtribune.com/news/top-stories/groups-appeal-federal-jordan-cove-approval> (quoting Niskanen Center attorney Megan Gibson on the decision to authorize the Jordan Cove Project); Robert McNamara & David Bookbinder, *Pipeline Builders Abuse Eminent Domain*, *WSJ Opinion* (July 19, 2018), <https://www.wsj.com/articles/pipeline-builders-abuse-eminant-domain-1532039318> (Wall Street Journal opinion piece written by Niskanen Center General Counsel, David Bookbinder, on natural gas pipelines and eminent domain); Maya Weber, *FERC faces pushback on whether it can act now on Jordan Cove*, *S&P Global* (Mar. 2, 2020), <https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/030220-ferc-faces-pushback-on-whether-it-can-act-now-on-jordan-cove> (citing Niskanen Center General Counsel David Bookbinder as arguing “that nearly six years after the Department of Energy first approved exports from the terminal to countries that lack free trade agreements with the US, the project still lacks a contract for any of that gas, and the price of LNG in Asia has collapsed”).

distribution through publication and mailing, Congressional testimony,⁸ comments to administrative agencies,⁹ court filings,¹⁰ and publication on Niskanen Center’s website.¹¹

Landowners, likewise, have been part of many of Niskanen Center’s and their own submissions to federal agencies and courts in order to challenge the Jordan Cove Project, and engage in numerous other public-facing, landowner-focused activities to educate the impacted public about the Project.¹²

Moreover, the Niskanen Center and Landowners thus further request that they not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because Niskanen Center, Greater Good Oregon, Landowners United, and Oregon Women’s Land Trust qualify as members of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

This information is not being sought for commercial purposes, and the Niskanen Center will analyze and disseminate the information for public purpose. The Niskanen Center and Landowners intend to use the requested information to inform the public, so the public, especially anyone affected by

⁸ *See, e.g.*, Testimony of David Bookbinder, Chief Counsel, Niskanen Center, Before the House Energy & Commerce Committee Subcommittee on Energy, Hearing on “Modernizing the Natural Gas Act to Ensure it Works for Everyone” (Feb. 5, 2020), *available at* <https://docs.house.gov/meetings/IE/IF03/20200205/110468/HHRG-116-IF03-Wstate-BookbinderD-20200205.pdf>.

⁹ Comments on the Federal Energy Regulatory Commission’s Draft Environmental Impact Statement for the Jordan Cove Energy Project, Niskanen Center *et al.* (July 2019), *available at* <https://www.niskanencenter.org/wp-content/uploads/2020/01/Jordan-Cove-Comments-on-the-Federal-Energy-Regulatory-Commissions-Draft-Environmental-Impact-Statement-For-the-Jordan-Cove-Energy-Project.pdf>.

¹⁰ *See, e.g.*, *Evans v. FERC*, No. 1:19-CV-00766, 2020 WL 2764608, at *1 (D. Or. May 27, 2020) (ruling in favor of releasing previously withheld documents to Niskanen Center’s landowner clients under FOIA).

¹¹ Niskanen Center’s FOIA website is currently under construction, *but see, e.g.*, *Fighting the Corruption of the National Coal Council*, Niskanen Center, *available at* <https://www.niskanencenter.org/niskanen-litigation-holding-power-to-account/fighting-the-corruption-of-the-national-coal-council/> (publicly linking to FOIA-related litigation documents).

¹² *See, e.g.*, Emily Hoard, *Landowners file anti-pipeline letter with FERC*, AP News (Oct. 12, 2017), <https://apnews.com/548d464dca4f4632872c3a5ca92f2b9a> (detailing letter send to federal agency in opposition to the Jordan Cove Project, signed by, *inter alia*, Landowners United and Oregon Women’s Land Trust); Landowners United Notice of Intervention and Protest (Aug. 6, 2012, *available at* https://fossil.energy.gov/ng_regulation/sites/default/files/programs/gasregulation/authorizations/2012/orders/landowners08_06_12.pdf (notice from Landowners United asking Department of Energy to stop the project); Letter from Greater Good Oregon to Congresspersons (Feb. 2, 2020), *available at* <https://docs.house.gov/meetings/IE/IF03/20200205/110468/HHRG-116-IF03-20200205-SD007.pdf> at 2 (comments submitted from Greater Good Oregon regarding Hearing on Modernizing the Natural Gas Act to Ensure it Works for Everyone).

natural gas pipelines, can meaningfully understand the trade considerations surrounding natural gas and liquified natural gas, and whether those considerations align with FERC's duty to consider whether the Jordan Cove Project is in the public's interest. All documents obtained via this FOIA request will be published for public consumption on Niskanen Center's website, as part of the Center's "FERC & Landowner Transparency Project." In addition, the majority of Landowners are currently engaged in a legal challenge against the Federal Energy Regulatory Commission's approval of the Jordan Cove Project; disclosure of information about the activities and operations of the federal government with respect to negotiations, positions, and considerations surrounding LNG may assist them in their legal challenge, particularly as some of the legal analysis turns on how exports factor into the constitutionally required "public use" and "public benefits" analysis that must apply where the land of U.S. citizens will be taken. Several Landowners have previously successfully litigated under FOIA to improve transparency around the Jordan Cove Project. *See Evans v. Fed. Energy Regulatory Comm'n*, No. 1:19-CV-00766-CL, 2020 WL 2764608 (D. Or. May 27, 2020).

Accordingly, because the public will be the primary beneficiary of the disclosure of the requested information, please waive all search, review and copying fees pursuant to 5 U.S.C. § 552(a)(4)(iii). Please direct all communications and correspondence directly to me using the contact information presented beneath my signature below.

CONCLUSION

For the foregoing reasons, the Niskanen Center and Landowners respectfully request that USTR promptly provides access to the requested information and waive any fees associated with that response. As noted above, *time is of the essence* regarding this request, and I thank you in advance for your prompt response. Accordingly, although we expect full compliance with FOIA's statutory deadlines, if you do not think you can satisfy these legal requirements, we again ask that you provide the date that you received this request as well as an estimated completion date as mandated by 5 U.S.C. § 552(a)(7)(B). Finally, to the extent that the information can be released in electronic format, we ask that you do so.

Please do not hesitate to let us know if we can help you in your efforts to publicly disclose the important information contained in the requested documents. We are happy and eager to answer any questions you may have.

Respectfully submitted,

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