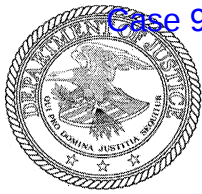


Exhibit C



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

January 23, 2019

Jacob Hutt
American Civil Liberties Union
jhutt@aclu.org

**Re: FOIA Tracking No. FY18-058;
ACLU, et al. v. Dep't of Defense, et al., D. Mt. No. 9:18-cv-154**

Dear Mr. Hutt:

This letter responds to your January 23, 2018 Freedom of Information Act (“FOIA”) request to the Office of Legal Counsel (“OLC”), seeking records “pertaining to cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for anticipated protests against the Keystone XL pipeline.” As you know, the request is also the subject of the above-captioned litigation. Pursuant to 28 C.F.R. § 16.5(b), your request was processed in the complex track. A search of OLC’s files has located no documents responsive to your request.

The following description of the search conducted by OLC is provided for your reference. OLC maintains a database of unclassified final legal advice in a shared central storage system consisting of documents in their original file format (e.g., Microsoft Office, WordPerfect, Adobe PDF) collected in folders, which are organized by date. It is OLC’s practice to save all final unclassified written legal advice to this central storage system; accordingly, if OLC has provided any unclassified written advice or has memorialized any unclassified oral advice in writing, that advice should be accessible through this system. Because OLC attorneys use this database to perform internal research, it is in OLC’s interest to keep the database as complete as possible. OLC uses a search engine called Perceptive Workgroup Search (“Perceptive”) to perform keyword searches of this collection of final work product files. Perceptive searches the full text of documents (including PDF files) within this collection of final work product, as opposed to searching only document titles or email subject lines. OLC’s FOIA staff searched the Perceptive database using a number of over-inclusive keywords—including “keystone,” “pipeline,” “protest*,” and “law enforce* w/10 cooperat*”—and reviewed any hits for potential responsiveness. This search identified no responsive records. OLC FOIA staff also consulted with the senior officials best positioned to know whether responsive records existed or were likely to exist, and those officials identified no potentially responsive records.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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You may contact Victoria Francis or Mark Smith of the United States Attorney's Office for the District of Montana to discuss any aspect of your request. Ms. Francis may be reached at 406-247-4633 or by email at Victoria.Francis@usdoj.gov and Mr. Smith may be reached at 406-247-4667 or by email at Mark.Smith3@usdoj.gov.

Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul P. Colborn
Special Counsel

cc: Victoria Francis, Assistant United States Attorney
District of Montana

Mark Smith, Assistant United States Attorney
District of Montana