

**VICTORIA L. FRANCIS
MARK STEGER SMITH**
Assistant U.S. Attorney
U.S. Attorney's Office
2601 2nd Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 247-4633 – Victoria
(406) 247-4667 – Mark
Fax: (406) 657-6058
Email: victoria.francis@usdoj.gov
mark.smith3@usdoj.gov

**ATTORNEYS FOR DEFENDANTS/
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**AMERICAN CIVIL LIBERTIES
UNION, AMERICAN CIVIL
LIBERTIES UNION FOUNDATION,
and AMERICAN CIVIL LIBERTIES
UNION OF MONTANA
FOUNDATION, INC.,**

Plaintiffs,

vs.

**DEPARTMENT OF DEFENSE,
DEPARTMENT OF HOMELAND
SECURITY, DEPARTMENT OF
THE INTERIOR, and
DEPARTMENT OF JUSTICE,**

Defendants.

CV 18-154-M-DWM

**DECLARATION OF KEIOSHA
ALEXANDER**

I, Keiasha Alexander, declare as follows:

1. I am the Acting Freedom of Information Act (FOIA) Officer in the Bureau of Land Management headquarters office in Washington, D.C. (BLM WO) at the United States Department of the Interior (Department). I have held this position since April 14, 2019. In my capacity as Acting FOIA Officer, I am familiar with BLM's and the Department's obligations under FOIA, including application of the various exemptions thereunder. All information herein is based upon my personal knowledge, experience and/or my personal review of Plaintiff's FOIA request, and/or upon information furnished to me in my official capacity. I report to Ryan Witt, who is the Division Chief for the BLM Intergovernmental and External Affairs Office for the Washington Office. I process FOIA requests that are submitted to the BLM WO, and I participated in processing the FOIA request that is the subject of this lawsuit, labeled as BLM 2018-00388.

2. I am aware that BLM headquarters received a FOIA request from the plaintiff on January 23, 2018, for records created since January 27, 2017 concerning:

(1) Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and

(2) Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(3) Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(4) Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

3. Under the Department of the Interior FOIA regulations, BLM has a decentralized FOIA program. The Bureau of Land Management headquarters in Washington, DC (BLM WO) assesses incoming FOIA requests and routes requests to the appropriate bureau component(s) that has, or is likely to have, responsive records. 43 CFR § 2.4(b). The bureau component contacts the appropriate program lead(s) in order to identify potential custodians

4. BLM WO acknowledged Plaintiff's FOIA request on January 29, 2018 and assigned it control number BLM 2018-00388.

5. Based on the content of the request and location of potentially responsive records, BLM WO FOIA discussed the request with the Energy, Minerals, and Realty Management Directorate.

6. The Energy, Minerals, and Realty Management Directorate indicated it

would not have any responsive records, and directed BLM WO FOIA to search the Law Enforcement Directorate, and James Stobaugh as a custodian, and to route the request to the BLM Montana State Office.

7. BLM WO routed the request to the Law Enforcement Directorate, James Stobaugh, and the BLM Montana State Office.

8. James Stobaugh is a Washington headquarters employee who is stationed in Nevada.

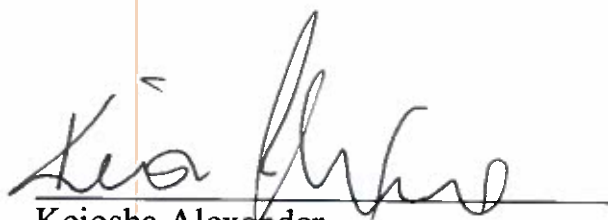
9. The BLM Nevada State Office possesses no responsive records.

10. BLM is voluntarily conducting a search of BLM's Washington Office for responsive records.

11. BLM's search of the Washington Office will cover any responsive records involving the office of law enforcement, and of Ryan Sklar.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 11, 2019

A handwritten signature in black ink, appearing to read "Keiosha Alexander", written over a horizontal line.

Keiosha Alexander
Acting FOIA Officer
Bureau of Land Management