

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EARTHRIGHTS INTERNATIONAL,

Plaintiff,

v.

U.S. DEPARTMENT OF THE INTERIOR,

Defendant.

Civ. Act. No. 22-1503 (CKK)

DEFENDANT’S ANSWER

Defendant, the U.S. Department of the Interior (“Defendant”), by undersigned counsel, respectfully submits this answer to the complaint filed by EarthRights International (“Plaintiff”).

FIRST DEFENSE

Defendant denies each and every allegation of the Complaint not expressly admitted in its Answer. Defendant respectfully requests and reserves the right to amend, alter and supplement the defenses contained in the Answer as the facts and circumstances giving rise to the Complaint become known to it through the course of the litigation.

SECOND DEFENSE

Plaintiff is not entitled to information protected from disclosure by one or more exemptions to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

RESPONSE TO THE NUMBERED PARAGRAPHS

Defendant responds to the separately numbered paragraphs and prayer for relief contained in the Complaint below. To the extent that any allegation is not admitted, it is denied. Moreover,

to the extent the Complaint refers to or quotes from external documents, statutes or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant's references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiff; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF¹

1. This paragraph consists of the Plaintiff's characterization of this case, to which no response is required. To the extent a response is deemed required, Defendant denies it has unlawfully withheld records.

2. This paragraph consists of the Plaintiff's characterization of the relief requested, to which no response is required. To the extent a response is deemed required, Defendant denies that it has unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

Jurisdiction and Venue

3. This paragraph contains Plaintiff's legal conclusions regarding jurisdiction, to which no response is required. To the extent a response is required, Defendant admits jurisdiction.

4. This paragraph contains Plaintiff's legal conclusions regarding venue, to which no response is required. To the extent a response is required, Defendant admits that venue is appropriate in this district.

Parties

5. Defendant lacks information or knowledge sufficient to admit or deny the allegations in

¹ Merely for reference, Defendant replicates the headings and subheadings contained in the Complaint herein. Although Defendant believes that no response is required to such headings and subheadings, to the extent a response is deemed required, Defendant denies the allegations contained in such headings and subheadings.

this paragraph.

6. Defendant admits.

7. This paragraph contains Plaintiff's characterization of Defendant's responsibilities as summarized on Defendant's website, to which no response is required. To the extent a response is required, the referenced website speaks for itself.

8. In response to the first sentence of this paragraph, Defendant admits that it plays a role in the collection, distribution, and verification of payments made by companies to the government for the extraction of resources on federal lands, Native American lands, and the Outer Continental Shelf. Defendant admits to the allegations contained in the second sentence of this paragraph. As to the third sentence, Interior maintains the Natural Resources Revenue Data website; the site is not referred to as the "DOI Data Portal" as stated in this sentence. Further, as to the third sentence, Defendant denies that the Natural Resources Revenue Data website currently hosts the USEITI Reports. However, Defendant admits that the website provides access to annual revenue data reported by companies and the government.

Background

9. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.

10. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.

11. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.

12. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.

13. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.

14. Defendant admits.

15. Defendant admits the allegations in the first sentence of this paragraph. Defendant further admits that the withdrawal was announced by Gregory J. Gould, who at the time was the Director of the Office of Natural Resources (ONRR). The second sentence of paragraph 15 consists of the Plaintiff's characterization of US policy, to which no response is required. To the extent a response is required, Defendant denies.

16. This paragraph consists of the Plaintiff's characterization of a variety of reactions to the announcement, to which no response is required.

17. This paragraph consists of the Plaintiff's characterization of the information contained in the records they have requested, to which no response is required. To the extent a response is required, Defendant denies.

18. Defendant admits that it received Plaintiff's request on May 5, 2020.

19. The May 5, 2020, request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the May 5, 2020, request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

20. The May 5, 2020, request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the May 5, 2020, request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

21. The May 5, 2020, request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the May 5, 2020, request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

22. Defendant admits that it acknowledged Plaintiff's request on June 3, 2020. The June 3, 2020, communication speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the June 3, 2020, communication for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

23. Defendant admits that it communicated with Plaintiff via email on October 29, 2020. The October 29, 2020, email speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the October 29, 2020, email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

24. Defendant admits that it communicated with Plaintiff via email on October 29, 2020. The October 29, 2020, email speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the October 29, 2020, email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

25. Defendant admits that it has not made a final determination on Plaintiff's FOIA request.

Statutory Framework

26. This paragraph contains Plaintiff's characterization of FOIA to which no response is required. To the extent a response is required, the FOIA (although not cited) speaks for itself.

27. This paragraph contains Plaintiff's characterization of FOIA to which no response is required. To the extent a response is required, the cited statutory provision speaks for itself.

28. This paragraph contains Plaintiff's characterization of FOIA to which no response is required. To the extent a response is required, the cited statutory provision speaks for itself.

29. This paragraph contains Plaintiff's characterization of FOIA to which no response is required. To the extent a response is required, the cited statutory provision speaks for itself.

30. This paragraph contains Plaintiff's characterization of FOIA to which no response is

required. To the extent a response is required, the cited statutory provision speaks for itself.

EARTHRIGHTS' CLAIM FOR RELIEF

COUNT I

**Interior's Wrongful Withholding of Records
Responsive to its FOIA Request²**

31. Defendant reiterates and incorporates its responses to paragraphs 1 through 30 above as though fully set forth herein.

32. This paragraph consists of the Plaintiff's characterization of the case and the relief requested, to which no response is required. To the extent a response is deemed required, Defendant denies that it has unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

33. This paragraph consists of the Plaintiff's characterization of the case and the relief requested, to which no response is required. To the extent a response is deemed required, Defendant denies that it unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

34. This paragraph consists of the Plaintiff's characterization of the case and the relief requested, to which no response is required. To the extent a response is deemed required, Defendant denies that it unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

35. This paragraph consists of the Plaintiff's characterization of the case and the relief requested, to which no response is required. To the extent a response is deemed required,

² Again, merely for reference, Defendant replicates the headings and subheadings contained in the Complaint herein. Although Defendant believes that no response is required to such headings and subheadings, to the extent a response is deemed required, Defendant denies the allegations contained in such headings and subheadings.

Defendant denies that it unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

36. Defendant admits.

37. This paragraph consists of the Plaintiff's characterization of the case and the relief requested, to which no response is required. To the extent a response is deemed required, Defendant denies that it unlawfully withheld records to which Plaintiff is entitled and denies that Plaintiff is entitled to any of the relief sought.

Requested Relief

The remainder of Plaintiff's Complaint consists of Plaintiff's Prayer for Relief, and, thus, no response is required. To the extent this paragraph is deemed to contain factual allegations, Defendant denies those allegations and denies that Plaintiff is entitled to any relief.

Dated: August 10, 2022

Respectfully submitted,

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