

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

EARTHWORKS, *et al.*,

Plaintiffs,

v.

Civil Action No. 09-1972 (HHK/JMF)

U.S. DEPT. OF THE INTERIOR,

***et al.*,**

Defendants.

MEMORANDUM ORDER

There has been assigned to me the task of reviewing a large number of documents which the Department of Interior (“DOI”) claims are protected by the attorney-client and, to a lesser extent, the work product privileges.

The attorney-client privilege protects confidential communications made by a client to a lawyer for the purpose of securing legal advice or services,¹ while the work product privilege protects a lawyer’s mental processes while that lawyer is preparing for trial or working in anticipation thereof.² The former is said to advance the crucial societal interest in clients being candid with their lawyers,³ while the latter advances the equally important value in zealous advocacy.⁴

Review of privilege logs often discloses that the person doing the log may not understand the intricacies of the privileges being claimed. Perhaps the greatest deficiency is the failure to appreciate that the attorney-client privilege does not operate to insulate from disclosure every

¹ Banks v. Office of the Senate Sergeant at Arms, 236 F.R.D. 16, 19-20 (D.D.C. 2006).

² Fed. R. Civ. P. 26(b)(3).

³ Upjohn Co. v. United States, 449 U.S. 383, 389 (1982).

⁴ Hickman v. Taylor, 329 U. S. 495, 510-11 (1947).

possible communication between an attorney and client. It should be obvious that communications from the attorney to client are not ipso facto protected. To the contrary, the privilege operates to shield communications from an attorney to a client “only if that communication is based on confidential information provided by the client.” Mead Data Cent. v. U.S. Dep’t of the Air Force, 566 F.2d 242, 255 (D.C. Cir. 1977). In that case, the district court determined that several documents were privileged although the court of appeals found that the government’s description of the documents gave “no indication as to the confidentiality of the information on which they were based.” Id. at 254. The court of appeals, therefore, ordered that the documents be remanded so that the Air Force could shield from disclosure, as privileged, only those documents where the “information upon which they [were] based was supplied by the Air Force [to counsel] with the expectation of secrecy and was not known or disclosed to any third party” Id.

I have attached to this opinion two charts, which indicate my ruling as to each document. As will be seen, I have ruled finally on certain documents, but only conditionally as to others. As I will now explain, the necessity for such conditional rulings is because so many of the documents are drafts that were exchanged either between two persons or among a group of persons.

Whether or not a document styled a draft in a privilege log is privileged can be a multifaceted and fact-bound determination. The transmittal of a communication from a client to a lawyer with an express request for guidance presents the easy case: “Here is the draft employment agreement I am going to ask my boss to sign. Let me know if it protects my legal rights.” In other circumstances, the absence of an explicit request for advice may not doom the claim of privilege, if the confidential nature of the communication can be discerned from what

the lawyer has said or done. For example, a red lined edited draft of the agreement from the lawyer to the client may, in a certain context, itself permit the inference that the client sent the draft to the lawyer expecting the lawyer to provide confidential guidance as to contents of the documents. The process of the exchange may itself bespeak an intention by the client that her transmittal of the draft be a confidential request for guidance.

On the other hand, and this is particularly true in a governmental situation, the lawyer may be the chief draftsman of a particular document which she then sends to her co-workers for their views and thoughts. While their responses may qualify as communications to a lawyer intended to be confidential, the lawyer's draft, transmitted to them, does not yield any confidential communication from them. In other words, from the lawyer's draft, we learn only that she wrote a draft and transmitted it to her clients. Thus, while there are circumstances where even a draft might yield a secret, client communication (e.g. the draft of a will that provides for an illegitimate child), the transmittal of drafts in this case does not. That the DOI lawyers and other employees were in the process of drafting new rules and regulations in response to an order in this case is hardly a secret. The privilege log itself indicates that such drafting was taking place.

As a result of the nuanced distinctions I have just elucidated, and because of the obvious deficiencies in the privilege log, I must make conditional rulings. For example, I cannot tell from the names of the authors and recipients who are the attorneys and who are the clients. In several instances, the email address indicates that the person sending or receiving the electronically stored information is in the Solicitor's office, and therefore appears to be an attorney. In all other instances, however, I cannot ascertain from the log who is the lawyer and who is the client. Furthermore, the log cannot possibly tell me what I need to know—whether

the document explicitly or implicitly reveals a communication from a client that was intended to be confidential. Thus, in its current condition, the privilege log fails me in several particulars.

I will not, however, return to the obligation of reviewing the documents until the parties consider whether the claims of privilege could be more quickly resolved by resorting to an agreement pursuant to Rule 502(d) of the Federal Rules of Evidence.

Having reviewed more privilege logs and assertedly privileged documents than I care to remember, I can state with certainty that the overwhelming majority of “privileged” documents are insignificant, and their disclosure would never prejudice the party claiming the privilege or place that party at any tactical disadvantage. Simply put, in my almost 15 years of being a magistrate judge and my more than 40 years of practicing law, I am still waiting to see that “smoking gun”—the privileged document that makes a substantial difference to whether a case is won or lost. This case is no different. To date, I have not seen a single document in this case that, if revealed, would harm the DOI’s position in this litigation.

Often, as may be true here, the assertion of the attorney-client and work product privileges is usually and understandably self-protective, lest the failure to assert the privilege as to one document be deemed a waiver of all documents that deal with the same subject matter. But, Rule 502(a) of the Federal Rules of Evidence abolishes this so-called subject matter waiver and replaces it with a much more constricted principle that requires the disclosure of a second document (or a larger amount of a single document) only when the second document deals with the same subject matter as the disclosed document and the two documents “ought in fairness be considered together.” Fed. R. Evid. 502(a).

Rule 502(b) provides further protection against an inadvertent disclosure by permitting the disclosed document to be “clawed back” under certain circumstances.

Finally, Rule 502(d) permits the parties to enter into any agreement they see fit pertaining to the privilege questions, and makes their agreement good against the world. Used creatively, it can save the parties and the court great expense and burden. As to the latter, in these days of finite resources, courts can no longer justify spending many hours resolving privilege claims, document by document, when a party can achieve the protection it needs by use of Rule 502(d). Thus, I will order DOI to meet with plaintiffs' counsel to ascertain whether a 502(d) order could not promptly resolve the outstanding privilege claims so the parties can once again focus on the merits of the controversy. The DOI now has my views on its privilege assertions and can use them to shape the agreement it needs. I also expect it to make a conscientious effort to de-duplicate the remaining documents. As it is well aware, the same email or memorandum appears again and again in the documents claimed to be privileged. I urge it to use a categorical grouping of the remaining documents⁵ so its discussions with plaintiffs can achieve the efficiency that is needed.

I expect the parties to report to me within ten days from the date of this opinion on whether they can forge such an agreement. If they cannot, I will then decide whether I will order the DOI to prepare a revised privilege log or enter a Rule 502(d) order myself, sua sponte.

SO ORDERED.



JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Digitally signed by John M. Facciola
DN: c=US, st=DC, l=Washington,
email=john_m._facciola@dcd.uscourts.gov, o=United States District Court for the District of Columbia, cn=John M. Facciola
Date: 2013.04.02 10:26:16 -04'00'

⁵ See John M. Facciola & Jonathan Redgrave, *Asserting and Challenging Privilege Claims in Modern Litigation: The Facciola-Redgrave Framework*, <http://www.fclr.org/fclr/articles/html/2009/facciolaredgrave.pdf> (last visited Mar. 29, 2013).

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1	FMV 2	FMV 3	11/19/2003	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)	Anderson, Bob M. (Deputy Ass't Director, BLM); McNutt, Paul (Economist, Solids, BLM); Schwartz, Michael (Group Manager, Regulatory Affairs, BLM); Rabinoff, Alan (Chief, Solid Minerals Branch, Utah State Office, BLM); Hankins, Helen (District Manager, Elko District, Nevada, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Lonnie, Thomas (Ass't Director, BLM)		Email regarding a summary of the district court decision in the case of Mineral Policy Center v. Norton.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential. It is a report by an attorney on a decided case.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 49	FMV 50	FMV 51	12/1/2003	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)		Email regarding a summary of the district court decision in the case of Mineral Policy Center v. Norton.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential. It is a report by an attorney on a decided case.
FMV 97	FMV 97		12/19/2003	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)		Email regarding a summary of the 43 C.F.R. 3809 meeting discussing the effects of the courts decision.	Privileged - Attorney-Client.	Denied in part. Granted in part. Highlighted area is discussion among lawyer and client that would tend to disclose communication intended to be confidential.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 99	FMV 100		1/9/2004	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM) (through Lonnie, Thomas (Ass't Director, BLM))	Clarke, Kathleen (Director, BLM)		Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied in part. Granted in part. Highlighted area is discussion among lawyer and client that would tend to disclose communication intended to be confidential.
FMV 102	FMV 103		1/16/2004	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM); Schwartz, Michael (Group Manager, Regulatory Affairs, BLM) (through Lonnie, Thomas (Ass't Director, BLM))	Clarke, Kathleen (Director, BLM)		Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Appears to be the same document as the preceding one.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 105	FMV 106		1/16/2004	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM) (through Lonnie, Thomas (Ass't Director, BLM))	Clarke, Kathleen (Director, BLM)		Draft Memorandum regarding the Departments response to the Mineral Policy Center decision, including advice from the Office of the Solicitor.	Privileged - Attorney-Client	Denied in part. Granted in part. Highlighted area is discussion among lawyer and client that would tend to disclose communication intended to be confidential.
FMV 108	FMV 109		1/16/2004	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM) (through Lonnie, Thomas (Ass't Director, BLM))	Clarke, Kathleen (Director, BLM)		Draft Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Early edited edition of same document as 105.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 111	FMV 113		2/4/2004	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM); Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM) (through Lonnie, Thomas (Ass't Director, BLM))	Clarke, Kathleen (Director, BLM)		Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied in part. Granted in part. Highlighted area is discussion among lawyer and client that would tend to disclose communication intended to be confidential.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 115	FMV 117		2/4/2004	Sierra, Selma (Ass't Director, BLM) (Lonnie, Thomas (Ass't Director, BLM)); Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM); Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Clarke, Kathleen (Director, BLM)		Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied in part. Granted in part. Highlighted area is discussion among lawyer and client that would tend to disclose communication intended to be confidential.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 119	FMV 121		2/4/2004	Sierra, Selma (Ass't Director, BLM) (through Lonnie, Thomas (Ass't Director, BLM)); Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM); Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Clarke, Kathleen (Director, BLM)		Memorandum regarding the proper response to the decision in Mineral Policy Center v. Norton under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Another copy of the same document as FMV 97.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 128	FMV 137		1/14/2003	Regulatory Affairs, BLM			Draft ANPR concerning proposed amendments to the grazing administration regulations and announcement of public meetings under 43 C.F.R. 4100.	Document redacted; not related to this rulemaking.	Sustained-- irrelevant

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 140	FMV 154		4/6/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	This is the draft of a proposed regulation and does not disclose in any way a confidential communication from a client to an attorney because there is no indication whether the author sought a lawyer's review of what the client had drafted. Denied unless supplemented to identify author.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 156	FMV 170		3/10/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client	Same ruling as preceeding entry.
FMV 172	FMV 186		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Advance Notice of Proposed Rule Making for Amendments to the BLM Surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Same ruling as preceeding entry.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 192	FMV 192		4/19/2005	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Email regarding completion of preliminary review of ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI indicates that Hudson is a client and Haight is a lawyer.
FMV 194	FMV 194	FMV 195	5/23/2005	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Email regarding proposed revisions to draft Federal Register notice for FMV rule.	Privileged - Attorney-Client	Same ruling as preceding entry.
FMV 195	FMV 210		4/13/2005	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client	Appears to be the same document or similar to FMV 140, 156 and 172. Same ruling. Denied unless supplemented to identify author.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 211	FMV 222		6/2/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Same ruling as preceeding entry.
FMV 240	FMV 249		8/9/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Same ruling as preceeding entry.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 250	FMV 257		8/11/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Same ruling as preceeding entry.
FMV 259	FMV 266		8/10/2005	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client	Same ruling as preceeding entry.

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Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 275	FMV 277		1/26/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Document regarding proposed revisions to options to address remand in Mineral Policy Center v. Norton.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 279	FMV 281		1/25/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client	Same ruling as preceeding entry.
FMV 284	FMV 286		1/31/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client	Same ruling as preceeding entry.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 288	FMV 291		2/7/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client.	Same ruling as preceeding entry.
FMV 293	FMV 296		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)	Draft memorandum regarding options to address the remand in Mineral Policy Center versus Norton concerning 43 C.F.R. 3809.	Privileged - Attorney-Client	Same ruling as preceeding entry.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV000 297	FMV00 0297	FMV0002 98	2/7/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)	Email regarding proposed revisions to options paper addressing remand in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI identifies which recipient, if any, is a lawyer and that Haight was seeking his or her legal guidance or advice.
FMV 298	FMV 301		1/25/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 302	FMV 305		2/15/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 307	FMV 310		3/28/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft options paper regarding the Mineral Policy Center case remand.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 312	FMV 313		3/28/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft document regarding proposed revisions to multiple sections under 43 C.F.R. 3809 concerning mineral examination and mining operations.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 314	FMV 317		3/28/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft memorandum regarding options to address remand in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Same ruling as previous entry.
FMV 318	FMV 325		5/1/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 327	FMV 334		4/27/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 349	FMV 379		5/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 380	FMV 414		5/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV000 427	FMV00 0430		1/5/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Briggs, Vickie (Public Affairs Specialist, BLM)			Draft Information Memorandum regarding BLM response to the District Court remand of the 3809 surface management regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 432	FMV 439		5/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Proposed Rule amending the BLM surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 440	FMV 447		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Murrellwright, Thomas (Physical Scientist, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)		Draft Proposed Rule amending the BLM Surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 449	FMV 456		5/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 475	FMV 482		5/8/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment

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FMV 484	FMV 491		5/8/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment
FMV 493	FMV 527		5/2/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 530	FMV 560		8/8/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 572	FMV 608		9/19/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 610	FMV 626		9/20/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Proposed Rule under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 627	FMV 652		9/27/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 667	FMV 680		9/28/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 682	FMV 695		9/28/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 696	FMV 709		10/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 710	FMV 710	FMV 711	10/2/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)	Email regarding draft federal register notice addressing Fair Market Value rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 711	FMV 724		10/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 725	FMV 739		10/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is client and transmitted the draft to a lawyer for review or comment.
FMV 740	FMV 740	FMV 741	10/3/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions to FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 741	FMV 754		10/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 756	FMV 769		10/3/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 770	FMV 770		10/3/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Haight, Scott (Assoc. Field Manager, Montana, BLM)	Email regarding proposed revisions to draft notice of the Fair Market Value Rule.	Non-privileged - to be released	No claim of privilege.
FMV 771	FMV 771	FMV 772	10/3/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Anderson, Bob M. (Deputy Ass't Director, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)		Email regarding draft of FMV notice.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.

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FMV 772	FMV 785		10/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Notice of Inquiry under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 786	FMV 789		10/4/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Loomas, Michael (Roseburg District Office, Oregon, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjud., BLM); Hudson, Ted (A.C., Reg. Aff., BLM); Murphy, Ted A. (Gr. Mgr., BLM)	Email regarding proposed revisions to regulations concerning notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Sustained.

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FMV 790	FMV 792		10/4/2006	Anderson, Bob M. (Deputy Ass't Director, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Haight, Scott (Assoc. Field Manager, Montana, BLM); Murphy, Ted A. (Gr. Mgr., BLM); Loomas, Michael (Oregon, BLM)	Email regarding proposed revisions to regulations concerning notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Sustained.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 793	FMV 794		10/4/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Anderson, Bob M. (Deputy Ass't Director, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Murphy, Ted A. (Gr. Mgr., BLM)	Email regarding proposed revisions to regulations concerning draft notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Sustained.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 795	FMV 797	FMV 798	10/5/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Loomas, Michael (Roseburg District Office, Oregon, BLM); Haskins, Roger (Sr. Spec., BLM); Murphy, Ted A. (Gr. Mgr., BLM)	Email regarding proposed revisions to draft notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Same ruling as preceeding entry.

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FMV 798	FMV 812		10/3/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 813	FMV 818	FMV 819	10/6/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Loomas, Michael (Roseburg District Office, Oregon, BLM); Haskins, Roger (Senior Specialist, BLM); Murphy, Ted A. (Gr. Mgr., BLM)	Email regarding proposed revisions draft notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Denied conditionally until DOI identifies the author as a client seeking legal guidance or advice from a lawyer.

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FMV 819	FMV 833		10/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 834	FMV 834	FMV 835	10/20/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions to fair market value notice.	Privileged - Attorney-Client; Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 835	FMV 849		10/20/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 850	FMV 850	FMV 851	10/20/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions to fair market value notice.	Privileged - Attorney-Client; Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

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FMV 851	FMV 865		10/20/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 866	FMV 882		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 883	FMV 899		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 900	FMV 900	FMV 901	10/24/2006	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Yudson, Joel (Attorney, Div. of Mineral Resources)		Email regarding comments to Fair Market Value rule.	Privileged - Attorney-Client; Attorney Work Product.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

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FMV 901	FMV 917		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 918	FMV 918	FMV 919	10/24/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)	Email regarding draft FMV notice.	Privileged - Attorney-Client; Attorney Work Product.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.
FMV 919	FMV 934		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 935	FMV 936	FMV 937; FMV 954	10/24/2006	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to FMV notice.	Privileged - Attorney-Client; Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.
FMV 937	FMV 953		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 954	FMV 970		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 971	FMV 971	FMV 972; FMV 989	10/24/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources)	Email regarding proposed revisions to FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 972	FMV 988		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 989	FMV 1005		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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FMV 1006	FMV 1006	FMV 1007	10/25/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)		Email regarding proposed revisions to notice of the Fair Market Value Rule.	Privileged - Attorney-Client.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor, except for the highlighted section, the mental impressions, conclusions, opinions, or legal theories of a lawyer.
FMV 1007	FMV 1023		10/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1024	FMV 1029	FMV 1030	11/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Yudson, Joel (Atty., Div. of Min. Res.); Leverette, Mitchell (Dep. Div. Chief, Solids, BLM); Haskins, Roger (Sr. Spec., BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Murphy, Ted A. (Gr. Mgr., Solids, BLM)	Email regarding proposed revisions to fair market value rule notice.	Privileged - Attorney-Client.	Sustained.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1030	FMV 1046		11/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1047	FMV 1052	FMV 1053	11/3/2006	Leverette, Mitchell (Deputy Division Chief, Solids, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Yudson, Joel (Atty., Div. of Min. Res.); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Hudson, Ted (Act. Chief, Reg. Aff., BLM); Murphy, Ted A. (Gr. Mgr., Solids, BLM)	Email regarding proposed revisions to fair market value rule notice.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1053	FMV 1069		11/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1070	FMV 1074	FMV 1075	11/3/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Yudson, Joel (Atty., Div. of Min. Res.); Leverette, Mitchell (Dep. Div. Chief, Solids, BLM); Haskins, Roger (Sr. Spec., Mining Law Adjudication, BLM); Hudson, Ted (Acting Chief, Reg. Aff., BLM); Murphy, Ted A. (Gr. Mgr., Solids, BLM)	Email regarding proposed revisions to the fair market value notice.	Privileged - Attorney-Client.	Sustained.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1075	FMV 1091		11/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1092	FMV 1098	FMV 1099	11/3/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Leverette, Mitchell (Deputy Division Chief, Solids, BLM)	Yudson, Joel (Atty., Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Min. Res.); Haskins, Roger (Sr. Spec., Mining Law Adjudication, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Murphy, Ted A. (Gr. Mgr., Solids, BLM)	Email regarding proposed revisions to fair market value notice.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1099	FMV 1115		11/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1116	FMV 1116	FMV 1117	11/7/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Yudson, Joel (Attorney, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to invalidly claimed sections of notice of Fair Market Value Rule.	Privileged - Attorney-Client.	Sustained because one or more recipients is a lawyer.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1117	FMV 1133		11/23/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1134	FMV 1139	FMV 1140	11/8/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Yudson, Joel (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Min. Res.); Leverette, Mitchell (Dep. Div. Chief, Solids, BLM); Haskins, Roger (Sr. Spec., BLM); Murphy, Ted A. (Group Manager, Solids, BLM)	Email regarding proposed revisions to fair market value notice.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1140	FMV 1156		11/2/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1216	FMV 1218		11/16/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to ANPR.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1219	FMV 1219		11/16/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Email regarding proposed revisions to language contained in ANPR.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1220	FMV 1221		11/20/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Email regarding correcting mistake in ANPR.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1222	FMV 1222	FMV 1223; FMV 1240	11/20/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Email regarding correcting mistake in ANPR.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1223	FMV 1239		11/20/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1240	FMV 1256		11/20/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1259	FMV 1275		11/21/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1278	FMV 1278	FMV 1279	11/28/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Murphy, Ted A. (Group Manager, Solids, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Anderson, Bob (Deputy Asst Director, BLM)		Email regarding proposed revisions to ANPR.	Privileged - Attorney-Client.	Denied, Transmittal of draft. Does not disclose communication from client intended to be confidential.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1279	FMV 1295		11/27/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1296	FMV 1296	FMV0012 97	11/29/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Email regarding proposed revisions of ANPR.	Privileged - Attorney-Client.	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1297	FMV 1313		11/29/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1349	FMV 1349		11/21/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Ass't Director, BLM); Murphy, Ted (Group Manager, Solids, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1353	FMV 1356		11/13/2006	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Murphy, Ted (Group Manager, Solids, BLM)	Anderson, Bob M. (Ass't Director, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Draft memorandum regarding Communication Plan and ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1357	FMV 1357		11/21/2006	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Ass't Director, BLM); Murphy, Ted (Group Manager, Solids, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1359	FMV 1360		12/21/2006	Murphy, Ted			Draft Information Memorandum regarding District Court remand of 43 C.F.R. 3809 surface management regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1362	FMV 1363		12/21/2006	Murphy, Ted			Draft Information Memorandum regarding BLM response to the District Court remand of the 43 C.F.R. 3809 surface management regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1367	FMV 1370		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Murphy, Ted (Group Manager, Solids, BLM)	Anderson, Bob M. (Ass't Director, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Memorandum regarding the communication plan for the ANPR on surface management.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.
FMV 1371	FMV 1371		11/21/2006	Murphy, Ted (Group Manager, Solids, BLM)			Draft Information Memorandum regarding BLM response to the District Court remand of the 43 C.F.R. 3809 surface management regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1378	FMV 1379		12/26/2006	Murphy, Ted (Group Manager, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Information Memorandum regarding BLM response to the District Court remand of the 43 C.F.R. 3809 surface management regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.
FMV 1386	FMV 1388		12/28/2006	Briggs, Vickie (Public Affairs Specialist, BLM)			Draft Information Memorandum regarding BLM response to District Court remand of the 3809 Surface Management Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1397	FMV 1399		12/28/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM), Aird, Brenda (Senior Advisor, Office of the Ass't Sec'y); Anderson, Bob (Ass't Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM), Murphy, Ted (Group Manager, Solids, BLM)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.
FMV 1409	FMV 1411		12/28/2006	Anderson, Bob (Ass't Director, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Abbott, Jim (Acting Ass't Director, BLM)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1412	FMV 1415		12/28/2006	Anderson, Bob (Ass't Director, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Abbott, Jim (Acting Ass't Director, BLM)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.
FMV 1420	FMV 1422		12/28/2006	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM), Aird, Brenda (Senior Advisor, Office of the Ass't Sec'y); Anderson, Bob (Ass't Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM), Murphy, Ted (Group Manager, Solids, BLM)		Draft Information Memorandum regarding District Court remand of 43 C.F.R. 3809 surface management regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1438	FMV 1441		1/5/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Information Memorandum regarding BLM's response to the District Court remand of the 3809 surface management regulations in Mineral Policy Center v. Norton.	Privileged - Attorney-Client; Attorney Work Product.	Denied as to Attorney-Client and sustained as to work product.
FMV 1447	FMV 1449		1/5/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Briggs, Vickie (Public Affairs Specialist, BLM)			Draft Information Memorandum regarding BLM response to District Court remand of the 3809 Surface Management Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1450	FMV 1453		1/5/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Briggs, Vickie (Public Affairs Specialist, BLM)			Draft Information Memorandum regarding BLM response to District Court remand of the 3809 Surface Management Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1459	FMV 1462		1/5/2007	Aird, Brenda (Senior Advisor, Office of the Ass't Sec'y)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Anderson, Bob (Deputy Ass't Director, BLM); Abbott, Jim (Acting Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Murphy, Ted, (Group Manager, Solids, BLM); Gauthier-Warriner, Barbara (BLM Liaison, Office of the Ass't Sec'y)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1463	FMV 1465		1/5/2007	Aird, Brenda (Senior Advisor, Office of the Ass't Sec'y)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Anderson, Bob (Deputy Ass't Director, BLM); Abbott, Jim (Acting Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Murphy, Ted, (Group Manager, Solids, BLM); Gauthier-Warriner, Barbara (BLM Liaison, Office of the Ass't Sec'y)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1466	FMV 1469		1/5/2007	Aird, Brenda (Senior Advisor, Office of the Ass't Sec'y)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Anderson, Bob (Deputy Ass't Director, BLM); Abbott, Jim (Acting Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Murphy, Ted, (Group Manager, Solids, BLM); Gauthier-Warriner, Barbara (BLM Liaison, Office of the Ass't Sec'y)		Draft Information Memorandum regarding Remand of 43 C.F.R. 3809 Regulations in Mineral Policy Center versus Norton.	Privileged - Attorney-Client	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1470	FMV 1474		1/8/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Aird, Brenda (Renewable Energy Advisor, Office of the Ass't Sec'y)	Anderson, Bob M. (Dep. AD, BLM); Abbott, Jim (Act. AD, BLM); Leverette, M. (Dep. DC, BLM); Haight, S. (Ass. Field Mgr., BLM); Hudson, Ted (AC, Reg. Aff., BLM); Murphy, Ted A. (Gr. Mgr., BLM); Gauthier-Warinner, B. (Office of Ass't Sec'y)	Email regarding proposed revisions to the fair market value rule briefing paper.	Nonprivileged - to be released	To be released.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1476	FMV 1479		1/10/2007	Abbott, Jim (Acting Ass't Director, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Briggs, Vickie (Public Affairs Specialist, BLM); Anderson, Robert M. (Deputy Ass't Director, BLM)			Information Memorandum regarding proposed rule amending the Bureau of Land Management Surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client Privileged	Denied. Does not disclose a communication from a client intended to be confidential.
FMV 1481	FMV 1484		1/10/2007	Briggs, Vickie (Public Affairs Specialist, BLM); Gauthier-Warinner, Barbara (BLM Liaison, Office of the Ass't Sec'y)			Draft Information Memorandum regarding BLM response to Mineral Policy Center v. Norton Court remand of regulations.	Privileged - Attorney-Client Privileged	Denied. Does not disclose a communication from a client intended to be confidential. It is a report by an attorney on a decided case.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1485	FMV 1486		1/9/2007	Murrellwright, Scott (Geologist, BLM); Maybee, J.; Gauthier-Warinner, Barbara Gauthier-Warinner, Barbara (BLM Liaison, Office of the Ass't Sec'y)			Draft Information Memorandum regarding BLM response to Mineral Policy Center v. Norton Court remand of regulations.	Privileged - Attorney-Client Privileged	Denied. Does not disclose a communication from a client intended to be confidential.
FMV 1703	FMV 1705		11/14/2007	Brady, Ray (Energy Team Manager, BLM)	Murrellwright, Thomas (Geologist, BLM)	Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Kupferman, Steve (Geologist, California State Office, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)	Email regarding follow-up questions on the discussion on how to proceed with notice of FMV rule under Kennedy decision.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and sought advice or legal guidance from a lawyer.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1706	FMV 1707		11/14/2007	Murrellwright, Thomas (Geologist, BLM)	Brady, Ray (Energy Team Manager, BLM)	Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Kupferman, Steve (Geologist, California State Office, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)	Email regarding discussion on how to proceed with notice of FMV rule under Kennedy decision.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and sought advice or legal guidance from a lawyer.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1708	FMV 1711		11/15/2007	Murrellwright, Thomas (Geologist, BLM)	Brady, Ray (Energy Team Manager, BLM)	Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Kupferman, Steve (Geologist, California State Office, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Email regarding followup question on the FMV rule under Mineral Policy Center v. Norton.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and sought advice or legal guidance from a lawyer.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1712	FMV 1720		11/26/2007	BLM	Nitta, Kendra (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); McKeown, Matt (Deputy Assoc. Solicitor, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)		Draft Interim Final Rule.	Privileged - attorney client Attorney Work Product.	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 1721	FMV 1726		11/27/2007	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft interim final fair market value rule.	Privileged - Attorney-Client - Attorney Work Product.	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1727	FMV 1727		11/29/2007	Nitta, Kendra (Attorney, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding draft interim fair market value rule.	Privileged - Attorney-Client - Attorney Work Product.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.
FMV 1728	FMV 1728		12/11/2007	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Anderson, Bob M. (Deputy Ass't Director, BLM)		Email regarding draft of the FMV rule and reclamation handbook.	Nonprivileged - to be released	To be released.
FMV 1748	FMV 1748	FMV 1749	1/15/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to FMV Rule.	Nonprivileged - to be released	To be released.
FMV 1749	FMV 1750		1/15/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)			Draft document regarding proposed revisions to Insert A of the FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Sustained as to work product.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1751	FMV 1751		1/15/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions to FMV rule.	Nonprivileged - to be released	To be released.
FMV 1752	FMV 1752	FMV 1753	1/15/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to FMV rule.	Nonprivileged - to be released	To be released.
FMV 1753	FMV 1758		1/11/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1760	FMV 1760		1/16/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Division of Mineral Resources); McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to preamble language of the FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Sustained as to the work product privilege but only as to highlighted material.
FMV 1761	FMV 1761	FMV 1762	1/17/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to preamble language of draft interim final FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Sustained as to work product.
FMV 1762	FMV 1768		1/15/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1769	FMV 1769	FMV 1770	1/17/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to preamble language of draft interim final FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Sustained as to work product.
FMV 1770	FMV 1776		1/15/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1777	FMV 1789		1/23/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 1790	FMV 1796		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1797	FMV 1797	FMV 1798	1/29/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.
FMV 1798	FMV 1804		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1805	FMV 1806	FMV 1807; FMV 1814; FMV 1821	1/29/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client - Attorney Work Product	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1807	FMV 1813		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1814	FMV 1820		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 1821	FMV 1823		1/1/1944				Restatement of the Law regarding Property, Section 512 on licenses.	Non-privileged - to be released	To be released.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1824	FMV 1824	FMV 1825; FMV 1832	1/29/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client - Attorney Work Product	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1825	FMV 1831		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1832	FMV 1838		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Harris, James (Assoc. Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1839	FMV 1839	FMV0018 40;FMV0 01847	1/29/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to draft interim final fair market value rule.	Privileged - Attorney-Client; Attorney Work Product.	Denied. Transmittal of draft. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer
FMV 1840	FMV 1846		1/29/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hudson, Scott; Haight, Ted			Draft interim final rule amending the BLM Surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1847	FMV 1853		1/29/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft interim final rule amending the BLM Surface Management Regulations for Operations Authorized by the Mining Laws under 43 C.F.R. 3809.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as to work product.

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Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1854	FMV 1855	FMV 1856; FMV 1863; FMV 1870	1/30/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1856	FMV 1862		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1863	FMV 1869		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 1870	FMV 1872		1/1/1944				Restatement of the Law regarding Property, Section 512 on licenses.	Nonprivileged - to be released	To be released.

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 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1874	FMV 1880		1/30/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1881	FMV 1882	FMV 1883	1/31/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Montana, BLM)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client.	Denied, except for highlighted part.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1883	FMV 1898		1/31/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 1900	FMV 1906		1/31/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1908	FMV 1914		1/31/2008	Nitta, Kendra (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1915	FMV 1916	FMV 1917	2/1/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Anderson, Bob M. (Dep. A.D., BLM); Nitta, Kendra (Atty., Div. of Mineral Resources); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Email regarding proposed revisions to draft interim final fair market value rule.	Privileged - Attorney-Client	Granted as to highlighted part.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1917	FMV 1929		2/1/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1930	FMV 1931	FMV 1932	2/6/2008	Anderson, Bob M. (Deputy Ass't Director, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of M.R.); Nitta, Kendra (Attorney, Div. of M.R.); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Email regarding decision to discuss draft interim final FMV rule with solids experts.	Privileged - Attorney-Client	Denied, except for highlighted section.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1932	FMV 1945		2/6/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1946	FMV 1946	FMV 1947	2/6/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Anderson, Bob; Nitta, Kendra (Attorney, Div. of Mineral Resources); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client	Sustained.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1947	FMV 1960		2/6/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Sustained as to the highlighted part.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1961	FMV 1963	FMV 1964	2/7/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1964	FMV 1977		2/7/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1978	FMV 1980		2/11/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Anderson, Bob M. (Deputy Ass't Director, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Email regarding concerns and proposed revisions to draft interim final fair market value rule.	Privileged - Attorney-Client.	Denied, except for highlighted section.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1981	FMV 1983	FMV 1984; FMV 1991; FMV 1998	2/14/2008	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding Mike Nedd Attorney-Client communication with review of FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1984	FMV 1990		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 1991	FMV 1997		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Harris, James (Assoc. Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 1998	FMV 2000		1/1/1944				Restatement of the Law regarding Property, Section 512 on licenses.	Nonprivileged - to be released	To be released.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2001	FMV 2002	FMV 2003; FMV 2010; FMV 2017	2/14/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Harris, James (Assoc. Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer except for highlighted part.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2003	FMV 2009		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2010	FMV 2016		1/29/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Harris, James (Assoc. Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client; Attorney Work Product	Denied conditionally as to Attorney-Client privilege unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment. Decision as to Work Product held in abeyance.
FMV 2017	FMV 2019		1/1/1944				Restatement of the Law, Property, Section 512.	Nonprivileged - to be released	To be released.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2020	FMV 2020	FMV 2021	2/14/2008	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)	Anderson, Bob M. (Deputy Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Email regarding option paper concerning Mineral Policy Center versus Norton.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
FMV 2021	FMV 2027		Undated		Anderson, Bob M. (Deputy Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Edited briefing paper regarding FMV options after the Mining Policy Center decision.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential. Work product privilege not claimed.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2029	FMV 2043		3/4/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 2044	FMV 2045	FMV 2046	3/13/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Nitta, Kendra (Attorney, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Email regarding proposed revisions to draft interim final FMV rule.	Privileged - Attorney-Client.	Sustained.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2046	FMV 2060		3/4/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 2062	FMV 2076		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)		Draft Interim Final Rule.	Privileged - Attorney-Client	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2077	FMV 2080	FMV0020 81	3/14/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)	Email regarding discussion of mining purposes language in FMV rule.	Privileged - Attorney-Client.	Sustained.
FMV 2081	FMV 2095		3/4/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
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Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2096	FMV 2098	FMV 2099	3/14/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)	Email regarding discussion of mining purposes language in FMV rule.	Privileged - Attorney-Client.	Sustained.
FMV 2099	FMV 2113		3/4/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2115	FMV 2117		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Lawyer, Mark (Regulatory Affairs, BLM)	Little, Chandra (Regulatory Affairs, BLM)	Chart regarding Department of Interior Regulations Ready for Review from April through June 2008.	Information about other rulemakings redacted.	Sustained. Irrelevant.
FMV 2119	FMV 2142		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 2144	FMV 2167		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2171	FMV 2173		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Nygren, Andrea (BLM)		Chart regarding Department of the Interior Regulations Ready for Review from April through June 2008.	Information about other rulemakings redacted.	Sustained. Irrelevant.
FMV 2174	FMV 2174		4/7/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources); Harris, James (Assoc. Solicitor, Div. of Mineral Resources)		Email regarding proposed revisions to FMV rule.	Privileged - Attorney-Client; Attorney Work Product	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer, except for a trivial comment.
FMV 2190	FMV 2192		Undated	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Chart regarding BLM regulations ready for review under 43 C.F.R. 3800.	Information about other rulemakings redacted.	Sustained. Irrelevant.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2492	FMV 2494	FMV 2495; FMV 2534; FMV 2575	7/14/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)		Email regarding Solicitor's Office's advice regarding Northwest Mining Association proposed revisions to FMV rule.	Privileged - Attorney-Client; Attorney Work Product.	Sustained.
FMV 2578	FMV 2580	FMV 2581; FMV 2620; FMV 2661	7/14/2008	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding Solicitor's Office's advice regarding Northwest Mining Association proposed revisions to FMV rule.	Privileged - Attorney-Client Privileged Attorney Work Product.	Numbering is wrong; document begins on 2578; sustained.
FMV 2690	FMV 2694	FMV 2695; FMV 2734; FMV 2775	7/14/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)		Email regarding Solicitor's Office's advice regarding Northwest Mining Association proposed revisions to FMV rule.	Privileged - Attorney-Client privilege Attorney Work Product.	Sustained.
FMV 2778	FMV 2781	FMV 2782; FMV 2821; FMV 2862	7/14/2008	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding Solicitor's Office's advice regarding Northwest Mining Association proposed revisions to FMV rule.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as to work product.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 2865	FMV 2865	FMV 2866	7/14/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Nedd, Mike (Asst. Director, BLM); Anderson, Bob M. (Deputy Ass't Director, BLM); Leverette, Mitchell (Deputy Division Chief, Solids, BLM)	McKeown, Matthew (Deputy Assoc. Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)	Email regarding the fair market value policy and the use of unclaimed lands for mining operations.	Privileged - Attorney-Client.	Denied. Does not disclose communication from client intended to be confidential.
FMV 3042	FMV 3067	FMV 3041	8/11/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft interim final rule under 43 C.F.R. 3800.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3068	FMV 3068		8/11/2008	Caswell, James L. (Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Allred, C. Stephen (Assistant Secretary of the Interior)		Memorandum regarding interim final rule on mining claims under the general mining laws concerning use of unclaimed lands for mining purposes under 43 C.F.R. 3800.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
FMV 3070	FMV 3095		8/12/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3096	FMV 3097	FMV 3098; FMV 3124	8/18/2008	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Leverette, Mitchell (Deputy Division Chief, Solids, BLM); Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM)	Email regarding proposed revisions to the fair market value rule.	Privileged - Attorney-Client.	Sustained as to the highlighted section.
FMV 3098	FMV 3123		8/11/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3124	FMV 3124		8/11/2008	Caswell, James L. (Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Allred, C. Stephen (Assistant Secretary of the Interior)		Memorandum regarding interim final rule on mining claims under the general mining laws concerning use of unclaimed lands for mining purposes under 43 C.F.R. 3800.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
FMV 3125	FMV 3126		8/19/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding the Solicitor review of multiple rule surname packages.	Privileged - Attorney-Client.	Sustained as to the highlighted section.
FMV 3127	FMV 3128		8/19/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Sosin, Amy		Email regarding the Solicitor review of multiple rule surname packages.	Privileged - Attorney-Client.	Sustained.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3131	FMV 3156		8/11/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3157	FMV 3157		8/11/2008	Caswell, James L. (Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Allred, C. Stephen (Assistant Secretary of the Interior)		Memorandum regarding interim final rule on mining claims under the general mining laws concerning use of unclaimed lands for mining purposes under 43 C.F.R. 3800.	Privileged - Attorney-Client.	Denied. Does not disclose a communication from a client to a lawyer.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3161	FMV 3186		8/11/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3187	FMV 3187		8/11/2008	Caswell, James L. (Director, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Allred, C. Stephen (Assistant Secretary of the Interior)		Memorandum regarding interim final rule on mining claims under the general mining laws concerning use of unclaimed lands for mining purposes under 43 C.F.R. 3800.	Privileged - Attorney-Client.	Denied. Transmittal of draft; does not disclose a communication from a client intended to be confidential.
FMV 3190	FMV 3192		9/11/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft chart regarding regulations ready for review from October through December 2008.	Information about other rulemakings redacted.	Sustained; irrelevant.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
 Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3195	FMV 3218		9/17/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3220	FMV 3243		9/17/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3261	FMV 3263		9/11/2008				Draft chart regarding regulations ready for review from October through December 2008.	Information about other rulemakings redacted.	Sustained; irrelevant.
FMV 3266	FMV 3267		10/21/2008	Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)	Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)		Email regarding the status of the FMV rule and the EPAct coal rule.	Information about other rulemakings redacted.	Sustained; irrelevant.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3274	FMV 3297		9/18/2008	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Nitta, Kendra (Attorney, Div. of Mineral Resources)			Draft Interim Final Rule.	Privileged - Attorney-Client privilege	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3657	FMV 3673		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3674	FMV 3690		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM); Hawbecker, Karen (Ass't Solicitor, Div. of Mineral Resources)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3691	FMV 3707		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3708	FMV 3724		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft ANPR under 43 C.F.R. 3809.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3734	FMV 3739		Undated	Anderson, Bob (Ass't Director, BLM)	Yudson, Joel (Attorney, Div. of Mineral Resources)		Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDOl, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Interim Final Rule adding 43 C.F.R. § 3800.6 (Dec. 4, 2008)

Beg Doc#	End Doc#	Attach.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
FMV 3792	FMV 3798		Undated	Haight, Scott (Assoc. Field Manager, Lewistown Field Office, Montana, BLM); Hudson, Ted (Acting Chief, Regulatory Affairs, BLM)			Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
FMV 3799	FMV 3807		Undated				Draft Interim Final Rule.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 43	MIL 107		2/25/1999	Haskins, Roger (Senior Specialist, Mining Law Adjudication , BLM)			Draft Proposed Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 108	MIL 108	MIL 109	3/5/1999	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions to millsite regulations preamble.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as to Attorney-Client Privilege.
MIL 109	MIL 231		3/2/1999	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)			Draft Proposed Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client; Attorney Work Product.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 369	MIL 547		3/26/1999				SOL mark up of proposed rule on Location, Recording, and Maintenance of Mining Claims or Sites.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 548	MIL 548	MIL 549	4/16/1999	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Loveless, Scott; Abeita, Ethel; Adams, Lauri; Aldrich, Rich; Anderson, Terri; Arguedas, Arthur; Babst, Charles; Baca Green, Tonianne; Berger, Temi; Blackwell, Sharon; Bockmon, Chris; Butler, Alexandra; Chaffin, John; Dunningan, Karan; Eaton, Robert; Etheridge, Dave; Freels, Catherine; Frost, Gavin; Gelfuso, Andrea; Goodyear, Barbara; Grayson, David; Greenfield, Richard; Grenham, Brad; Guy, Gina; Harrington, John; Hemmer, Lisa (Attorney, Solicitor's Office); Hill, Bruce; Hockberger, Jack; Hopewell, Dennis; Jordan, Derril; Kelley, Colleen; King, Marianne; Kunz, John; Madsen, Lowell; Mihan, Ralph; Moore, Gerald; Mothershead, James; OHare, Thomas; Ohline, Beverly; Payne, John R.; Rice, Jean; Rigg, Jennifer; Rising, Lyle; Roth, Barry; Schoessler, Michael; Sebbly, Kenneth; Shea, Courtney; Spaulding, Janet; Steiger, John; Thornton, Gerald; Toussaint, Lisa; Vaughn, Grant; Vollmann, Tim; Watts, Dave; Wood, Brock; Woodcock, Alan; Fugate, Barbara; Nitta, Kendra; Schaumberg, Peter; Leslie, Phyllis; Yudson, Joel (All attorneys, Solicitor's Office)		Email regarding request for comment and review from minerals attorneys to proposed revisions to mining law regulations.	Privileged - Attorney Work Product	Sustained as Work Product as to the highlighted section only.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 549	MIL 549		4/16/1999	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Loveless, Scott; Abeita, Ethel; Adams, Lauri; Aldrich, Rich; Anderson, Terri; Arguedas, Arthur; Babst, Charles; Baca Green, Tonianne; Berger, Temi; Blackwell, Sharon; Bockmon, Chris; Butler, Alexandra; Chaffin, John; Dunningan, Karan; Eaton, Robert; Etheridge, Dave; Freels, Catherine; Frost, Gavin; Gelfuso, Andrea; Goodyear, Barbara; Grayson, David; Greenfield, Richard; Grenham, Brad; Guy, Gina; Harrington, John; Hemmer, Lisa (Attorney, Solicitor's Office); Hill, Bruce; Hockberger, Jack; Hopewell, Dennis; Jordan, Derril; Kelley, Colleen; King, Marianne; Kunz, John; Madsen, Lowell; Mihan, Ralph; Moore, Gerald; Mothershead, James; OHare, Thomas; Ohline, Beverly; Payne, John R.; Rice, Jean; Rigg, Jennifer; Rising, Lyle; Roth, Barry; Schoessler, Michael; Sebbly, Kenneth; Shea, Courtney; Spaulding, Janet; Steiger, John; Thornton, Gerald; Toussaint, Lisa; Vaughn, Grant; Vollmann, Tim; Watts, Dave; Wood, Brock; Woodcock, Alan; Fugate, Barbara; Nitta, Kendra; Schaumberg, Peter; Leslie, Phyllis; Yudson, Joel (All attorneys, Solicitor's Office)		Questions and answers regarding Sections 3832.32 and 3832.22 of mining law.	Privileged - Attorney Work Product	Sustained as to Work Product.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 550	MIL 551		4/20/1999	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Yudson, Joel (Attorney, Div. of Mineral Resources); Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding review questions for minerals attorneys.	Privileged - Attorney Work Product.	Sustained as Work Product as to the highlighted section only.
MIL 552	MIL 552		4/20/1999	Hemmer, Lisa (Attorney, Div. of Mineral Resources)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources); Yudson, Joel (Attorney, Div. of Mineral Resources)	Email regarding review questions for mineral attorneys concerning mining law regulations.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as Work Product as to the highlighted section only.

Privilege Log for Earthworks v. USDO, No. 1:09-cv-01972-HHK (D.D.C.)
Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 1060	MIL 1111		5/1/1999	Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)			SOL mark up of proposed rule on Location, Recording, Maintenance of Mining Claims or Sites.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 1112	MIL 1168		5/14/1999	Hawbecker, Karen (Attorney, Div. of Mineral Resources)			SOL mark up of proposed rule on Location, Recording, and Maintenance of Mining Claims or Sites.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 1177	MIL 1177	MIL 1178	5/26/1999	Tryon, Stephen (Oklahoma Field Manager, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources); Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources); Birnbaum, Liz (Assoc. Solicitor, Div. of Mineral Resources); Yudson, Joel (Attorney, Div. of Mineral Resources)		Email regarding briefing on mining claim fee and recordation.	Privileged - Attorney-Client	Denied; does not disclose a communication from a client intended to be confidential.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 1340	MIL 1341	MIL 1342	5/27/1999	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Email regarding revised briefing plan on mill site provision.	Privileged - Attorney-Client.	Sustained.
MIL 1342	MIL 1345			Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Draft memorandum regarding outline for briefing on interim final rule on mining claims or sites.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the document to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 1347	MIL 1352			Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources), Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM), Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)		Draft Questions & Answers document prepared for Office of Management and Budget briefing regarding Proposed Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. Parts 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 1385	MIL 1407		7/7/1999	Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Fax attaching edits to proposed rule on Location, Recording, and Maintenance of Mining Claims or Sites.	Privileged - Attorney-Client.	Denied; is not a communication from a client.
MIL 1964	MIL 1964	MIL 1965	9/15/1999	Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM); Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Email regarding chronology of 3830 rulemaking.	Privileged - Attorney-Client; Attorney Work Product.	Denied; does not disclose a communication from a client to a lawyer.
MIL 1965	MIL 1965		9/15/1999	Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM); Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Chronology regarding Mining Claim proposed rule package.	Privileged - Attorney-Client; Attorney Work Product.	Denied as to attorney-client privilege but sustained as to work product.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 2072	MIL 2072	MIL 2073	10/13/1999	Nagle, Eric (Attorney, Pacific Northwest Regional Solicitor's Office)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	King, Marianne (Attorney, Pacific Northwest Regional Solicitor's Office)	Email regarding proposed revisions to proposed rule on millsite location.	Privileged - Attorney-Client; Attorney Work Product.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 2073	MIL 2074		10/13/1999	Nagle, Eric (Attorney, Pacific Northwest Regional Solicitor's Office)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	King, Marianne (Attorney, Pacific Northwest Regional Solicitor's Office)	Memorandum regarding comments on proposed rule on millsites.	Privileged - Attorney-Client; Attorney Work Product.	Sustained.
MIL 4124	MIL 4130			Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Draft EA for Proposed Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4484	MIL 4484	MIL 4485	12/4/2002	Rieger, Nick (Physical Scientist, Solids, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Email regarding proposed revisions and required signatures on EA of regulations under 43 C.F.R. 3830.	Privileged - Attorney-Client.	Sustained.
MIL 4485	MIL 4491			Rieger, Nick (Physical Scientist, Solids, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Draft EA for Proposed Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. Parts 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4593	MIL 4594		2/24/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Watson, Rebecca W. (Ass't Sec'y, DOI); Clarke, Kathleen (Director, BLM)		Memorandum regarding the Mill Site Opinion.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 4595	MIL 4596		2/24/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Watson, Rebecca W. (Ass't Sec'y, DOI); Clarke, Kathleen (Director, BLM)		Memorandum regarding documents for preparation for meeting with Secretary Norton on draft mill site opinion by Solicitor Myers.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 4597	MIL 4635		2/28/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)			Memorandum regarding the Mill Site Opinion.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4636	MIL 4636		3/5/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Lass, Conrad (Special Ass't, BLM)		Memorandum regarding mill site opinion issues to discuss in upcoming meeting.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 4637	MIL 4675		3/11/2003	Culp, Pete (Ass't Director, BLM); Abbey, Bob (Nevada State Director, BLM); Deery, Rick (Geologist, Solids, BLM); Lass, Conrad (Special Ass't, BLM)	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)		Memorandum regarding Mill Site opinion issues.	Privileged - Attorney-Client.	Sustained.
MIL 4676	MIL 4684		3/13/2003	Deery, Rick (Geologist, Solids, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Fax regarding Mill Site Opinion issues.	Privileged - Attorney-Client.	Sustained.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4685	MIL 4688		3/13/2003				Draft document regarding pros and cons of mill site options.	Privileged - Attorney-Client.	Sustained.
MIL 4689	MIL 4693		3/14/2003				Draft table regarding pros and cons of mill site options.	Privileged - Attorney-Client.	Sustained.
MIL 4694	MIL 4696		3/14/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Norton, Gale A. (Sec'y of the Interior)		Memorandum regarding briefing on Mining Law use or occupancy mill site provision.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.
MIL 4697	MIL 4698		3/17/2003				Draft report regarding Mill Site Options Paper.	Privileged - Attorney-Client.	Sustained.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4718	MIL 4731		4/8/2003	Myers III. William G. (Solicitor of the Interior)	Norton, Gale A. (Sec'y of the Interior)	Griles, J. Steven (Deputy Sec'y of the Interior); Watson, Rebecca W. (Ass't Sec'y, DOI); Klee, Ann (Counselor to the Sec'y)	Draft memorandum regarding DOI response to criticism of Leshy mill site opinion.	Privileged - Attorney-Client.	Sustained
MIL 4732	MIL 4746		4/11/2003	Myers III. William G. (Solicitor of the Interior)	Norton, Gale A. (Sec'y of the Interior)		Memorandum regarding Mill Site Options Paper.	Privileged - Attorney-Client.	Sustained.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4747	MIL 4761		4/11/2003	Myers III. William G. (Solicitor of the Interior)	Norton, Gale A. (Sec'y of the Interior)	Griles, J. Steven (Deputy Sec'y of the Interior); Watson, Rebecca W. (Ass't Sec'y, DOI); Klee, Ann (Counselor to the Sec'y)	Draft memorandum regarding DOI response to criticism of Leshy mill site opinion.	Privileged - Attorney-Client.	Sustained.
MIL 4764	MIL 4769		6/16/2003				Memorandum regarding the mill site use and occupancy requirements.	Privileged - Attorney-Client.	Denied conditionally unless DOI identifies author and recipient and establishes communication was by a client, intended to be confidential, and sought legal advice or guidance.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4770	MIL 4776		7/2/2003	Watson, Rebecca W. (Ass't Sec'y, DOI)	Clark, Jeffrey B. (Deputy Ass't. Attorney General, DOJ)	Sansonetti, Thomas L. (Ass't. Attorney General, DOJ)	Letter regarding meeting with Assistant Attorney General Thomas Sansonetti regarding the 1997 Mill Site Opinion.	Privileged - Attorney-Client.	Sustained
MIL 4777	MIL 4777		7/7/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding Mill Site Opinion and proposed rulemaking.	Privileged - Attorney-Client; Attorney Work Product.	Sustained.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4778	MIL 4778		7/17/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Walston, Rod (Deputy Solicitor)	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources); Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to Mill Site Opinion.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as to Work Product.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 4911	MIL 4923		8/8/2003	Rieger, Nick (Physical Scientist, Solids, BLM); Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Hawbecker, Karen (Attorney, Div. of Mineral Resources)			Draft Environmental Assessment for BLM Final Rule to amend regulations on locating, recording, and maintaining mining claims and sites under 43 C.F.R. 3710, 3730, 3810, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
MIL 5041	MIL 5042		8/9/2003				Memorandum regarding talking points for mill site opinion and rules.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential. Neither author nor recipient identified.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 5063	MIL 5063		8/12/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to preamble under 43 C.F.R. 3830.	Privileged - Attorney-Client; Attorney Work Product.	Sustained as Work Product.
MIL 5178	MIL 5178		8/13/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources); Schaumberg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)	Email regarding proposed revisions to EA and preamble under 43 C.F.R. 3830.	Privileged - Attorney-Client; Attorney Work Product.	From Ferguson; does not disclose a client communication he intended to be confidential. Rest is same document as 5063, and is sustained as Work Product as to highlighted section of Ferguson to Hawbecker.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 5194	MIL 5195		8/20/2003	Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources)	Malmen, Erika (Attorney, Solicitor's Office)		Email regarding Citizens Coal Council v. Norton and Mill site Opinion and rule.	Privileged - Attorney-Client; Attorney Work Product.	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.
MIL 5705	MIL 5715		8/21/2003	BLM Regulatory Affairs	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Draft EA of BLM proposed final rule to revise 43 C.F.R. 3710, 3810, 3820, 3830, 3840, and 3850, including transmittal slip to Karen Hawbecker.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 6812	MIL 6812	MIL 6813	8/29/2003	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM); Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Hudson, Ted (Regulatory Analyst, Regulatory Affairs, BLM)	Email regarding proposed revisions to final rule under 43 C.F.R. 3830.	Not privileged - will be released with home phone number redacted	To be released.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 6813	MIL 7041		10/21/2002	Haskins, Roger (Sr. Spec., Mining Law Adjudication, BLM); Hudson, Ted (Reg. Analyst, Reg. Affairs, BLM); Stiles, Pamela (Adj. Lead, Wyoming State Office, BLM); Schaff, Connie (Adj. Lead, Montana State Office, BLM)			Draft Final Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. Parts 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 7042	MIL 7058		9/1/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)			Excerpts from opinion regarding Mill Site operation.	Privileged - Attorney-Client.	Denied. Does not disclose communication from client intended to be confidential.
MIL 7059	MIL 7059	MIL 7060 MIL 7294	9/2/2003	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)		Email regarding proposed revisions to mining site regulations.	Privileged - Attorney-Client.	Denied. Does not disclose communication from client intended to be confidential.
MIL 7060	MIL 7293		9/2/2003	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)		Draft Final Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.

Documents withheld from production related to BLM's Final Rule on Locating, Recording, and Maintaining Mining Claims or Sites (Oct. 24, 2003)

Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 7294	MIL 7524		9/3/2003	Schwartz, Michael (Group Manager, Regulatory Affairs, BLM)	Sledge, Queen (proxy for Joel Yudson (Attorney, Div. of Mineral Resources) during period when the Solicitor's Office could not receive emails from outside the Solicitor's Office)		Draft Final Rule on Location, Recording, and Maintenance of Mining Claims or Sites, 43 C.F.R. 3710, 3730, 3820, 3830, 3840, and 3850.	Privileged - Attorney-Client.	Denied conditionally unless DOI shows that author is a client and transmitted the draft to a lawyer for review or comment.
MIL 7527	MIL 7527		9/4/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Walston, Rod (Deputy Solicitor); Ferguson, Fred E. (Assoc. Solicitor, Div. of Mineral Resources); Schaumburg, Peter (Deputy Assoc. Solicitor, Div. of Mineral Resources)		Email regarding OMB comments on proposed rule under 43 C.F.R. 3830.	Privileged - Attorney Work Product.	Denied. Does not disclose communication from client intended to be confidential nor the mental impressions, conclusions, opinions, or legal theories of a lawyer.
MIL 7831	MIL 7833		10/9/2003	Hawbecker, Karen (Attorney, Div. of Mineral Resources)	Haskins, Roger (Senior Specialist, Mining Law Adjudication, BLM)		Fax regarding proposed revisions to final rule 43 C.F.R. 3830.	Privileged - Attorney-Client.	Denied; deos not disclose a communication from a client intended to be confidential.

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Beg Doc #	End Doc#	Attch.	Date	Author / Sender	Recipient	CC	Document Description	Privilege Designation	Ruling
MIL 9009	MIL 9016		12/4/2003	Rieger, Nick (Physical Scientist, Solids, BLM)	Hawbecker, Karen (Attorney, Div. of Mineral Resources)		Draft EA for proposed rule to revise 43 C.F.R. 3830, with cover fax sheet.	Privileged - Attorney-Client.	Denied; does not disclose a communication from a client intended to be confidential.