

DEPARTMENT OF THE INTERIOR

**Freedom of Information Act 2011 Annual Report
(October 1, 2010 - September 30, 2011)**

I. Basic Information Regarding Report

1. Questions about the report should be directed to:

Robert Howarth, Deputy Director, Correspondence,
Document Production, and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs (OS/OES)
Department of the Interior
1849 C Street, NW
MS-7328 (MIB)
Washington, D.C. 20240
Telephone Number: (202) 208-4451

2. The electronic address for this report on DOI's World Wide Web site is:

<http://www.doi.gov/foia/11anrep.pdf>.

3. A copy of the report in paper form may be obtained by contacting the Office of the Executive Secretariat and Regulatory Affairs (OS/OES) (see 1 above).

II. Making a FOIA Request (see DOI's **Guide for Obtaining Information** which is located at the following Internet address: <http://www.doi.gov/foia/foitabl.htm>).

1. FOIA requests should be submitted to the FOIA contact at the bureau/office where the records are maintained. A list of the Department's bureaus/offices is provided on the Department's FOIA website (see link below). If it is unclear where to send the request, contact the Departmental FOIA Officer. A list of DOI's FOIA contacts may be found at the following Internet address: <http://www.doi.gov/foia/contacts.html>.

Bureaus/Offices

Bureau of Indian Affairs (BIA)
Bureau of Land Management (BLM)
Bureau of Safety and Environmental Enforcement (BSEE)
Bureau of Ocean Energy Management (BOEM)
Bureau of Reclamation (BOR)
National Park Service (NPS)
Office of Inspector General (OIG)
Office of Surface Mining (OSM)
Office of the Secretary (OS)
Office of the Solicitor (SOL)
U.S. Fish and Wildlife Service (FWS)
U.S. Geological Survey (USGS)

2. In accordance with its FOIA regulations, DOI makes records available to the public unless the information is protected from disclosure by one or more of the nine specific FOIA exemptions (see 43 CFR § 2.21(b)(2)) and Appendix E to DOI's FOIA regulations. Some requests are not granted due to one of the reasons cited in Section V, Chart B (1), below (see DOI's FOIA regulations, 43 CFR § 2.21(e)).

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Department of the Interior acronyms used in this Report:

BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOEM	Bureau of Ocean Energy Management*
BSEE	Bureau of Safety and Environmental Enforcement*
BOEMRE	Bureau of Ocean Energy Management, Regulation and Enforcement*
BOR	Bureau of Reclamation
DOI	Department of the Interior
EFTS	Electronic FOIA Tracking System
FWS	United States Fish and Wildlife Service
MMS	Minerals Management Service*
N/A	Not Applicable
NPS	National Park Service
OCIO	Office of the Chief Information Officer
OES	Office of the Executive Secretariat and Regulatory Affairs
OIG	Office of Inspector General
OS	Office of the Secretary
OSM	Office of Surface Mining
SOL	Office of the Solicitor
USGS	United States Geological Survey

2. Terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

* On October 1, 2011, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), formerly the Minerals Management Service (MMS), was replaced by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) as part of a major reorganization. Data for BOEM and BSEE FOIA/PA requests are collectively reported under BOEMRE.

- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex

requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request within DOI’s multi-track processing system that a DOI bureau/office can process within 1-5 workdays based on the low volume and/or simplicity of the records requested.
 - iii. **Normal Request** – a FOIA request within DOI’s multi-track processing system that a DOI bureau/office can process within 20 workdays.
 - iv. **Complex Request** – a FOIA request within DOI’s multi-track processing system that a DOI bureau/office requires more than 20 workdays to process based on the high volume and/or complexity of the records requested.
 - l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
 - m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
 - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. The nine FOIA exemptions authorize Federal agencies to withhold information:
 - a. **Exemption 1:** classified national defense and foreign relations information

- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

STATUTE	TYPE OF INFORMATION WITHHELD	CASE CITATION	TIMES RELIED UPON BY BUREAU/OFFICE	TIMES RELIED UPON BY DOI
41 USC § 253b(m) (<i>Federal Property and Administrative Services Act</i>)	Certain information in contractor proposals or the proposals of unsuccessful bidders.	<i>Margolin v. NASA</i> , No 09CV-00421-LRH-VPC, WL 1303221 at 6 (D Nev 3/31/11); <i>Hornbostel v. DOI</i> , 305 F Supp 2d 21, 30 (DDC '03), summary affirmance grntd, No. 03-5257, WL 1900562 (DC Cir 8/25/04)	BLM: 2 BOR: 5 FWS: 2 NPS: 3 OS: 3 USGS: 1	16
16 USC § 5937 (<i>National Parks Omnibus Management Act</i>)	Nature/location of endangered/threatened/rare or commercially valuable resource, mineral or paleontological objects or objects of cultural patrimony in National Park System.	<i>Hornbostel v. DOI</i> , 305 F Supp 2d 1, 30 (DDC '03), summary affirmance grntd, No 03-5257, WL 1900562 (DC Cir 8/25/04); <i>SW CBD v. USDA</i> , 170 F Supp 2d 931, 945 (D Ariz '00), aff'd, 314 F 3d 1060, 1062 (9th Cir '02); <i>Pease v. DOI</i> , No 1:99CV113, slip op at 2, 4 (D Vt 9/17/99)	NPS: 2	2
16 USC § 470hh(a) (<i>Archaeological Resources Protection Act</i>)	Descriptions of historical & cultural resources and/or their specific locations.	<i>Hornbostel v. DOI</i> , 305 F Supp 2d 21, 30 (DDC '03), summary affirmance grntd, No 03-5257, '04 WL 1900562 (DC Cir 8/25/04)	BLM: 14 NPS: 4 SOL: 1	19
16 USC § 470w-3 (<i>Nat'l Historic Preservation Act Amendments</i>)	Location, character or ownership of historic resource.	None	BIA: 2 BLM: 5 BOR: 1 NPS: 1	9
16 USC § 4301 (<i>Federal Cave Resources Protection Act</i>)	Specific location of significant caves.	None	BLM: 1	1
18 USC Appendix, <i>Federal Rules of Criminal Procedure</i> 6(e), enacted by Act of July 30, 1977, PL 95-78, 91 Stat. 319	Grand jury material re identities of witnesses/jurors, substance of testimony, strategy or direction of an investigation, juror deliberations/questions.	<i>Sussman v. USMS</i> , 494 F 3d 1106, 1113 (DC '07) <i>FCG v. Nat'l Archives</i> , 656 F 2d 8356, 867-8 (DC Cir '81); <i>Durham v. Atty Gen</i> , No 06-843, 208 WL 620744 at 2 (ED Tex 3/3/08); <i>Cozen O'Connor v. Treas.</i> 570 F Supp 2d 749, 776 (ED Pa '08)	BLM: 1 FWS: 1 OIG: 1	3
41 USC § 423 (<i>Procurement Integrity Act</i>)	Procurement info prior to award of a contract.	<i>LSEER v. Army</i> , No Civ S001748, '01 WL 34098652 at 3-4 (ED Cal 5/4/01) (dictum)	BIA: 1 BOR: 2 OS: 2	5
5 USC app. § 7(b) (<i>Inspector General Act</i> , as amended)	Part of an ongoing criminal investigation.	None	BOR: 1	1
25 USC 2103(c) (<i>Indian Mineral Development Act of 1982</i>)	Related to decision to grant/disapprove Minerals Agreements for Indian tribes.	None	BLM: 1	1

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

Bureau/Office	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
BIA	122	1385	1383	124
BLM	160	1061	1040	181
BOEMRE	148	229	280	97
BOR	37	277	278	36
FWS	181	1192	1188	185
NPS	92	858	835	115
OIG	176	56	154	78
OS	134	472	480	126
OSM	9	69	61	17
SOL	43	50	42	51
USGS	28	160	168	20
AGENCY OVERALL	1130	5809	5909	1030

*Although DOI indicated in its FY 2010 Annual Report that there were 1200 requests overall pending at the end of the fiscal year, the figures in this chart are more accurate. The differences between this chart and the one in last year's report are attributed to the following: 1) in some cases, the bureau/office did not update the EFTS to reflect that some requests were in fact completed or closed during previous years (as far back as FY 2007) until FY 2011; and 2) some requests that were received in FY 2010 were not entered in the EFTS until FY 2011 due to changes in personnel or human error.

B. (1) Disposition of FOIA Requests – All Processed Requests

Bureau/ Office	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total
				No Records	All Records Referred to Another Bureau/ Office or Agency	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other	
BIA	842	251	31	139	3	26	27	14	7	15	6	22	1383
BLM	453	249	10	112	24	31	39	13	21	5	23	60	1040
BOEMRE	165	42	4	23	13	10	3	3	0	2	1	14	280
BOR	165	56	6	16	1	8	3	2	1	1	3	16	278
FWS	615	159	30	81	21	18	2	1	2	4	7	248	1188
NPS	450	220	39	57	11	10	25	1	5	1	3	13	835
OIG	7	69	10	19	1	40	0	1	0	5	2	0	154
OS	164	61	6	71	50	13	5	16	12	3	9	70	480
OSM	27	11	0	12	0	5	1	1	2	0	0	2	61
SOL	15	6	1	10	0	9	0	1	0	0	0	0	42
USGS	87	23	2	43	0	1	5	1	1	0	0	5	168
AGENCY OVERALL	2990	1147	139	583	124	171	110	54	51	36	54	450	5909

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

Bureau/Office	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
BIA	Assigned to other bureau/office for response: 2 Requester failed to provide requested clarification: 13 Request administratively closed: 1 Requester failed to provide written consent of subject individual: 6	22
BLM	Request administratively closed: 6 Assigned to other bureau/office for response: 49 Requester failed to provide requested clarification: 5	60
BOEMRE	Requester failed to provide requested clarification: 12 Request administratively closed: 2	14
BOR	Request administratively closed: 8 Assigned to other bureau/office for response: 2 Requester failed to provide requested clarification: 6	16
FWS	Request administratively closed: 8 Assigned to other bureau/office for response: 224 Requester failed to provide requested clarification: 14 Requester failed to provide written consent of subject individual: 2	248
NPS	Request administratively closed: 1 Assigned to other bureau/office for response: 5 Requester failed to provide requested clarification: 7	13
OIG	Not Applicable	0
OS	Request administratively closed: 70	70
OSM	Assigned to Other Bureau/Office for Response: 1 Request administratively closed: 1	2
SOL	Not Applicable	0
USGS	Requester failed to provide requested clarification: 5	5
AGENCY OVERALL		450

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

Bureau/ Office	Ex.1	Ex.2	Ex.3	Ex.4	Ex.5	Ex.6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex.8	Ex.9
BIA	0	0	3	30	30	227	28	3	130	0	0	0	0	0
BLM	0	31	20	45	86	177	9	0	39	1	0	6	0	7
BOEMRE	0	5	0	20	12	23	0	0	3	0	5	0	0	2
BOR	0	5	9	19	14	26	0	0	4	0	2	4	0	0
FWS	0	11	3	19	82	88	34	0	44	11	24	1	0	0
NPS	0	13	10	21	48	173	27	3	60	1	3	2	0	0
OIG	0	6	1	0	29	73	7	0	69	1	3	0	0	0
OS	0	3	5	16	27	36	0	0	4	0	1	2	0	0
OSM	0	1	0	1	6	8	0	0	1	0	0	0	0	0
SOL	0	1	1	2	6	1	0	0	0	0	0	0	0	0
USGS	2	0	1	5	8	8	0	0	0	0	0	0	0	1
AGENCY OVERALL	2	76	53	178	348	840	105	6	354	14	38	15	0	10

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
290	174	230	234

B. Disposition of Administrative Appeals – All Processed Appeals

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
28	11	44	147	230

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Ex.1	Ex.2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex.8	Ex.9
0	0	2	4	12	11	4	0	6	0	0	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

No Records	13
Records Referred at Initial Request Level	0
Request Withdrawn	0
Fee-Related Reason	13
Records Not Reasonably Described	0
Improper Request for Other Reasons	1
Not Agency Record	0
Duplicate Request or Appeal	2
Request in Litigation	5
Appeal Based Solely on Denial of Request for Expedited Processing	2
Other * Explain in Chart Below	111

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
Adequate search conducted	4
Administratively closed	69
Appeal withdrawn	8
Bureau failed to respond timely	3
Bureau responded before appeal filed	3
Bureau issued a complete response	3
Glomar	1
Improper appeal	9
Remand - Exemption 7A issue moot	1
Remand – Procedural deficiencies (1=fee waiver)(2=incomplete processing)	3
Vaughn index not required at admin level	7
AGENCY OVERALL	111

C. (4) Response Time for Administrative Appeals

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
257	727	5	1684

(5) Ten Oldest Pending Administrative Appeals

Date of Receipt of Ten Oldest Appeals	10th Oldest Appeal	9th	th	th	th	th	th	rd	nd	Oldest Appeal
	3/28/06	3/21/06	3/10/06	2/23/06	2/16/06	1/17/06	10/24/05	10/19/05	10/11/05	10/07/05
Number of Days Pending	1476	1481	1488	1499	1504	1526	1586	1590	1596	1598

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests

NOTE:

(1) All charts that report Median and Average processing times for the “Agency Overall” do not include OIG data. OIG uses its own electronic request tracking system and also continues to manually track a number of its oldest requests.

(2) DOI employs four request processing tracks: Simple, Normal, Complex and Expedited. (The Normal track is for requests that can be processed within 20 workdays.) For the appropriate charts in Section VII (A), (B), (C) and (D) of this report, data for the Normal and Complex tracks were combined for all bureaus (except OIG) to produce statistics for Median/Average/Lowest/Highest number of days.

Bureau/Office	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BIA	2	2	<1	23	19	32	<1	671	N/A	N/A	N/A	N/A
BLM	3	5	<1	41	20	38	<1	672	2	2	2	2
BOEMRE	<1	<1	<1	<1	20	65	<1	322	204	191	<1	265
BOR	15	16	<1	32	15	34	<1	607	12	12	10	13
FWS	2	3	<1	12	15	43	<1	1278	18	17	5	28
NPS	3	15	1	55	7	16	<1	444	21	21	<1	42
OIG	5	13	1	44	1131	1056	20	2235	40	43	3	127
OS	1	1	<1	1	37	117	<1	1855	13	70	4	192
OSM	N/A	N/A	N/A	N/A	16	25	1	183	N/A	N/A	N/A	N/A
SOL	N/A	N/A	N/A	N/A	78	209	5	929	N/A	N/A	N/A	N/A
USGS	N/A	N/A	N/A	N/A	12	15	<1	300	1	1	<1	1
AGENCY OVERALL	2	3	<1	55	16	44	<1	2235	175	138	<1	265

B. Processed Requests - Response Time for Perfected Requests in Which Information Was Granted

Bureau/ Office	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BIA	2	2	<1	23	19	32	<1	671	N/A	N/A	N/A	N/A
BLM	3	5	<1	41	21	40	<1	672	2	2	2	2
BOEMRE	N/A	N/A	N/A	N/A	21	70	<1	322	204	189	<1	265
BOR	15	16	<1	32	16	33	<1	607	12	12	10	13
FWS	1	3	<1	12	16	47	<1	1278	18	21	17	28
NPS	3	15	1	55	7	17	<1	444	42	42	42	42
OIG	13	15	3	30	1114	927	59	1921	95	95	3	186
OS	N/A	N/A	N/A	N/A	38	96	<1	790	9	9	4	13
OSM	N/A	N/A	N/A	N/A	16	27	1	183	N/A	N/A	N/A	N/A
SOL	N/A	N/A	N/A	N/A	59	150	5	877	N/A	N/A	N/A	N/A
USGS	N/A	N/A	N/A	N/A	15	19	<1	300	1	1	1	1
AGENCY OVERALL	2	3	<1	55	17	41	<1	1921	173	142	<1	265

C. Processed Requests – Response Time in Day Increments

C (1) - Simple Requests

Bureau/Office	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BIA	497	1	0	0	0	0	0	0	0	0	0	0	0	498
BLM	58	1	1	0	0	0	0	0	0	0	0	0	0	60
BOEMRE	5	0	0	0	0	0	0	0	0	0	0	0	0	5
BOR	3	1	0	0	0	0	0	0	0	0	0	0	0	4
FWS	10	0	0	0	0	0	0	0	0	0	0	0	0	10
NPS	4	0	1	0	0	0	0	0	0	0	0	0	0	5
OIG	20	6	1	0	0	0	0	0	0	0	0	0	0	27
OS	2	0	0	0	0	0	0	0	0	0	0	0	0	2
OSM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	599	9	3	0	0	0	0	0	0	0	0	0	0	611

C(2) - Complex Requests

Bureau/Office	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BIA	442	197	38	31	14	11	10	3	2	4	7	2	3	764
BLM	370	167	63	42	21	16	14	5	3	3	14	0	4	722
BOEMRE	111	28	14	4	4	4	2	2	6	7	33	1	0	216
BOR	136	21	14	3	6	0	2	1	1	1	2	1	3	191
FWS	519	121	51	34	19	6	5	4	1	2	12	11	17	802
NPS	578	97	40	11	7	3	5	1	1	0	3	1	1	748
OIG	4	7	5	4	2	2	5	2	1	1	10	1	81	125
OS	194	46	20	23	17	12	18	14	10	22	44	17	18	455
OSM	34	7	4	2	0	0	0	1	0	1	0	0	0	49
SOL	4	4	7	2	2	3	1	1	0	1	0	1	7	33
USGS	143	19	2	0	0	0	0	0	0	0	2	0	0	166
AGENCY OVERALL	2535	714	258	156	92	57	62	34	25	42	127	35	134	4271

C (3) - Requests Granted Expedited Processing

Bureau/Office	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BLM	1	0	0	0	0	0	0	0	0	0	0	0	0	1
BOEMRE	1	0	0	0	0	0	1	0	8	3	17	0	0	30
BOR	2	0	0	0	0	0	0	0	0	0	0	0	0	2
FWS	3	1	0	0	0	0	0	0	0	0	0	0	0	4
NPS	1	0	1	0	0	0	0	0	0	0	0	0	0	2
OIG	2	1	1	0	0	0	1	0	0	0	0	0	0	5
OS	2	0	0	0	0	0	0	0	0	1	0	0	0	3
OSM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USGS	2	0	0	0	0	0	0	0	0	0	0	0	0	2
AGENCY OVERALL	14	2	2	0	0	0	2	0	8	4	17	0	0	49

D. Pending Requests – All Pending Perfected Requests

Bureau/ Office	Simple			Complex			Expedited Processing		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
BIA	14	<1	<1	89	19	62	0	N/A	N/A
BLM	1	4	4	117	64	98	0	N/A	N/A
BOEMRE	0	N/A	N/A	22	249	250	0	N/A	N/A
BOR	0	N/A	N/A	25	9	79	0	N/A	N/A
FWS	1	8	8	136	53	101	1	8	8
NPS	0	N/A	N/A	56	22	83	0	N/A	N/A
OIG	0	0	0	78	712	733	0	N/A	N/A
OS	0	N/A	N/A	117	123	144	0	N/A	N/A
OSM	0	N/A	N/A	12	131	132	3	127	123
SOL	0	N/A	N/A	48	264	397	0	N/A	N/A
USGS	0	N/A	N/A	11	6	35	0	N/A	N/A
AGENCY OVERALL	16	<1	1	711	66	128	4	122	95

E. Pending Requests – Ten Oldest Pending Perfected Requests

Bureau/ Office	Sub-row Headings	10 th Oldest Request & Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
BIA	Date Perfected	2/2/2011	1/28/2011	1/4/2011	12/29/2010	12/14/2010	12/08/2010	10/21/2010	8/20/2010	3/31/2010	10/20/2009
	Days Pending	168	171	188	191	201	205	237	279	379	488
BLM	Date Perfected	11/8/2010	10/19/2010	10/14/2010	10/11/2010	10/5/2010	9/30/2010	6/16/2010	6/9/2010	3/25/2010	12/24/2008*
	Days Pending	225	239	242	244	248	251	325	330	383	693
BOEMRE	Date Perfected	8/27/2010	8/26/2010	7/30/2010	7/21/2010	6/29/2010	5/28/2010	12/16/2009	12/16/2009	11/12/2009	5/7/2009
	Days Pending	274	275	294	301	316	337	449	449	472	602
BOR	Date Perfected	8/29/2011	8/19/2011	8/16/2011	8/8/2011	10/18/2010	10/4/2010	8/6/2010	6/22/2010	6/17/2010	4/15/2010
	Days Pending	23	29	32	38	240	249	289	321	324	368
FWS	Date Perfected	8/3/2010	8/2/2010	8/2/2010	7/13/2010	6/28/2010	6/3/2010	6/3/2010	5/14/2010	2/19/2010	11/25/2009
	Days Pending	292	293	293	307	317	334	334	347	407	463
NPS	Date Perfected	5/31/2011	5/2/2011	4/15/2011	9/3/2010	4/6/2010	3/12/2010	1/4/2010	12/11/2009	10/31/2009	9/24/2007
	Days Pending	86	106	117	269	375	392	439	452	479	1006
OIG	Date Perfected	2/12/2007	4/19/2006	10/18/2005	9/20/2005	3/11/2005	3/3/2005	2/18/2005	2/17/2005	11/1/2004	9/15/2004
	Days Pending	1166	1370	1495	1514	1648	1654	1662	1663	1736	1768
OS	Date Perfected	6/28/2010	6/25/2010	5/27/2010	3/25/2010	1/19/10	1/13/2010	8/19/2009	6/25/2009	6/4/2009	2/17/2009
	Days Pending	317	318	338	383	429	432	530	568	583	659
OSM	Date Perfected	4/19/2011	4/18/2011	4/1/2011	4/1/2011	3/4/2011	3/1/2011	2/10/2011	12/6/2010	8/4/2010	1/28/2010
	Days Pending	115	116	127	127	147	150	162	207	291	422
SOL	Date Perfected	2/24/2009	11/21/2008	10/9/2008	10/9/2008	9/30/2008	6/24/2008	5/1/2008	1/16/2008	7/10/2007	10/12/2006
	Days Pending	654	715	744	744	751	819	856	930	1059	1252
USGS	Date Perfected	9/28/2011	9/28/2011	9/22/2011	9/22/2011	9/22/2011	9/16/2011	9/15/2011	9/14/2011	9/9/2011	7/7/2010
	Days Pending	2	2	6	6	6	10	11	12	15	311
AGENCY OVERALL	Date Perfected	10/12/2006	4/19/2006	10/18/2005	9/20/2005	3/11/2005	3/3/2005	2/18/2005	2/17/2005	11/1/2004	9/15/2004
	Days Pending	1252	1370	1495	1514	1648	1654	1662	1663	1736	1768

*This request did not appear in the FY 2010 report due to the delayed entry of the perfected date in the EFTS.

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing*

Bureau/Office	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
BIA	0	4	8	10	3
BLM	1	11	9	17	10
BOEMRE	30	2	8	14	31
BOR	2	1	4	8	2
FWS	4	13	5	4	17
NPS	2	3	7	8	4
OIG	5	5	1	1.8	10
OS	3	1	3	6	3
OSM	0	0	N/A	N/A	0
SOL	0	0	N/A	N/A	0
USGS	1	2	5	4	3
AGENCY OVERALL	48	42	7	13.8	83

*The Agency Overall values for Median and Average numbers of days do not include OIG data.

B. Requests for Fee Waiver*

Bureau/Office	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BIA	1	2	4	14
BLM	153	10	1	5
BOEMRE	55	0	5	9
BOR	9	1	17	25
FWS	180	5	<1	12
NPS	23	5	1	20
OIG	11	10	1	3.7
OS	5	3	7	24
OSM	4	1	6	6
SOL	0	0	N/A	N/A
USGS	1	7	2	2
AGENCY OVERALL	442	44	1	10

*The Agency Overall values for Median and Average numbers of days do not include OIG data.

IX. FOIA PERSONNEL AND COSTS

Bureau/Office	PERSONNEL			Costs		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs (At initial request and appeal levels)	Litigation-Related Costs	Total Costs
BIA	2	17.02	19.02	\$1,352,823.94	\$0.00	\$1,352,823.94
BLM	10	20.75	30.75	\$3,475,153.99	\$63,886.90	\$3,539,040.89
BOEMRE	5	4.5	9.5	\$841,532.11	\$0.00	\$841,532.11
BOR	2	10	12	\$658,559.45	\$1750.00	\$660,309.45
FWS	8	26.03	34.03	\$1,614,448.87	\$0.00	\$1,614,448.87
NPS	3	8.96	11.96	\$1,110,644.62	\$41,000.00	\$1,151,644.62
OCIO+OES*	2.08	0.38	2.46	\$870,646.46	\$0.00	\$870,646.46
OIG	4	2	6	\$256,915.70	\$16,500.00	\$273,415.70
OS	5	3.42	8.42	\$964,978.60	\$0.00	\$964,978.60
OSM	0	1.49	1.49	\$129,710.29	\$0.00	\$129,710.29
SOL	1	4	5	\$93,003.19	\$645,833.84	\$738,837.03
USGS	1	4	5	\$203,274.68	\$0.00	\$203,274.68
APPEALS	4	0	4	\$630,000.00	\$2,500.00	\$632,500.00
AGENCY OVERALL	47.08	102.55	149.63	\$12,201,691.90	\$771,470.74	\$12,973,162.64

*The Departmental FOIA Program was transferred from OCIO to OES in mid-January 2011; both offices reside within the Office of the Secretary.
 . The costs above include total costs of the FOIA Program while in OCIO and OES during FY 2011.

of the Secretary

X. FEES COLLECTED FOR PROCESSING REQUESTS

Bureau/Office	Total Amount of Fees Collected	Percentage of Total Costs
BIA	\$14,789.24	1.09%
BLM	\$43,463.35	1.25%
BOEMRE	\$31,859.95	3.79%
BOR	\$2,504.19	0.38%
FWS	\$3,930.60	0.24%
NPS	\$7,156.48	0.64%
OIG	\$0	0.00%
OS	\$3,842.49	0.40%
OSM	\$0	0.00%
SOL	\$0	0.00%
USGS	\$1,419.87	0.70%
AGENCY OVERALL	\$108,966.17	0.89%

XI. FOIA REGULATIONS

The DOI's FOIA regulations, including the fee schedule (43 CFR Part 2, Subparts A - E) may be accessed at the following Internet address: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=680d313447224cb3fe72a5a2572dc5a1&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43>. A hard copy of the regulations may be obtained by contacting the Departmental FOIA Officer (see Section I., above).

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

Bureau/Office	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year*
BIA	40	
BLM	90	
BOEMRE	21	
BOR	10	
FWS	88	
NPS	27	
OIG	77	
OS	92	
OSM	11	
SOL	48	
USGS	1	
AGENCY OVERALL	505	222

*All FOIA/PA appeals received by the Department are adjudicated by the FOIA and Privacy Act Appeals Officer in the

Office of the Solicitor.

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Bureau/ Office	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
BIA	0	0	0	0
BLM	0	1	1	0
BOR	0	0	0	0
FWS	0	0	0	0
BOEMRE	0	0	0	0
NPS	0	0	0	0
OIG	0	3	3	0
OS	2	1	0	3
OSM	0	0	0	0
SOL	0	0	0	0
USGS	0	0	0	0
AGENCY OVERALL	2	5	4	3

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

Bureau/ Office	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
BIA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BLM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOEMRE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FWS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NPS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7/6/11	7/13/10	2/1/10
								61 days	307 days	420 days
OIG	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OSM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SOL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
USGS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7/6/11	7/13/10	2/1/10
								61 days	307 days	420 days

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

D (1)

Bureau/Office	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BIA	1378	1385	1412	1383
BLM	1098	1061	1048	1040
BOEMRE	421	229	308	280
BOR	274	277	271	278
FWS	1242	1192	1196	1188
NPS	912	858	899	835
OIG	98	56	175	154
OS	445	472	441	480
OSM	43	69	41	61
SOL	66	50	78	42
USGS	170	160	157	168
AGENCY OVERALL	6147	5809	6026	5909

*Although some of these statistics differ from the numbers contained in DOI's FY 2010 Annual Report, the figures in this chart are believed to be more accurate. The differences between this chart and the one in last year's report are attributed to the following: 1) in some cases, the bureau/office did not update the EFTS to reflect that some requests were in fact processed during the previous year until now; and 2) some requests received in FY 2010 were not entered in the EFTS until FY 2011 due to changes in personnel or human error.

D (2)

Bureau/Office	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report*	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
BIA	55	40
BLM	80	90
BOEMRE	99	21
BOR	13	10
FWS	106	88
NPS	30	27
OIG	163	77
OS	90	92
OSM	3	11
SOL	38	48
USGS	2	1
AGENCY OVERALL	679	505

*These figures were copied from last year's annual report.

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year’s Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year’s Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGENCY OVERALL	151	174	304	230

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
AGENCY OVERALL	274	222