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DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2008 Annual Report for Bureau of Land Management October 1, 2007 - September 30, 2008

Bureau/Office _____

Reporting Official _____

Telephone Number _____

Date _____

NOTE: Each Bureau/Office must complete all items on the report unless annotated otherwise. Enter "0" or "N/A" if there is no data to report. This is especially important with regard to the number of times each exemption is used (V.B.3.a.)

I. **(To Be Completed By The Department)**

II. **(To Be Completed By The Department)**

III. Definitions of Terms and Acronyms Used in the Report

0. Bureau specific acronyms or other terms included in each report.

(To Be Completed By The Department)

A. Basic terms, expressed in common terminology.

1. FOIA/PA Request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a Federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a Federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. 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 in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request – a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant – an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is

located in response to a FOIA request).

12. Time limits – the time period provided by the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute – a separate Federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number – the middle, not average number. For example, 3, 7, and 14, the median number is 7.
16. 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.

IV. Exemption 3 Statutes

A1. and 2. List of Exemption 3 statutes relied on by bureau during current fiscal year with a brief description of the type of information withheld under each statute, and a statement of whether a court has upheld the use of each statute.

a. National Defense Authorization Act

1) Information Withheld:

2) Pertinent Litigation:

b. Archaeological Resources Protection Act

1) Information Withheld:

descriptions and/or locations of archaeological resources
 information describing historical and cultural resources
 and/or their specific locations

2) Pertinent Litigation:

c. National Historic Preservation Act Amendments

1) Information Withheld:

2) Pertinent Litigation:

V. Initial FOIA/PA Access Requests

0. Numbers of initial requests.

Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.

The total of numbers in lines 1 and 2, minus the number in line 3, should equal the number in line 4.

1. Number of requests pending as of end of preceding fiscal year: **109**
2. Number of requests received during current fiscal year: **995**
3. Number of requests processed during current fiscal year: **1001**
4. Number of requests pending as of end of current fiscal year: **103**

A. Disposition of initial requests.

The total of the numbers in lines 1,2,3, and 4 should equal the number in [line V.A.3](#) (number of requests processed).

Please note, each request should be counted just once under [V.B](#) depending on how the

majority of the documents were handled. For example, if a request is "partially granted" and a few documents are referred to another agency for response, the request should be counted just once as a "partially granted" request (this applies to the majority if the records).

1. Number of total grants: **504**
2. Number of partial grants: **276**
3. Number of denials: **18**

Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.

Include fee waiver denials under [V.B.4.d](#), "fee-related reasons"

A "no record" response does not constitute a denial which would be reported under 3 – these should be included under [V.B.4.a](#), "No Records."

0. Number of times each FOIA exemption used (counting each exemption once per request)
 1. Exemption 1: **0**
 2. Exemption 2: **39**
 3. Exemption 3: **19**
 4. Exemption 4: **25**
 5. Exemption 5: **116**
 6. Exemption 6: **206**
 7. Exemption 7(A): **16**
 8. Exemption 7(B): **1**
 9. Exemption 7(C): **27**
 10. Exemption 7(D): **1**
 11. Exemption 7(E): **6**
 12. Exemption 7(F): **9**
 13. Exemption 8: **0**
 14. Exemption 9: **4**
4. Other reasons for nondisclosure (total): **203**
 0. No records: **121**
 - a. Referrals: **7**
 - b. Request withdrawn: **33**
 - c. Fee-related reason: **26**
 - d. Records not reasonably described: **5**
 - e. Not a proper FOIA request for some other reason: **6**
 - f. Not an agency record: **3**
 - g. Duplicate request: **1**
 - h. Other (specify): **1**
 - Requester failed to provide requested clarification **1**

VI. Appeals of Initial Denials of FOIA/PA Requests **(To Be Completed By The Department)**

VII. Compliance with Time Limits/Status of Pending Requests

0. Median processing time for requests processed during the year.

1. Normal Processing
 0. Number of requests processed: **850**
 - a. Median number of days to process: **25**
2. Multi-track Processing
 0. Simple requests (if multiple tracks used)
 1. Number of requests processed: **36**

2. Median number of days to process: **4**

a. Complex requests (specify for any and all tracks used)

1. Number of requests processed: **112**

2. Median number of days to process: **99**

3. Expedited Processing

0. Number of requests processed: **3**

a. Median number of days to process: **16**

A. Status of pending requests.

1. Number of requests pending as of end of current fiscal year: **103**

2. Median number of days that such requests were pending as of that date: **25**

3. Date range of pending requests: **08/01/2006 - 09/26/2008**

VIII. Comparisons with Previous Year(s)

0. Comparison of numbers of requests received:

17% increase from FY 2007

A. Comparison of numbers of requests processed:

17% increase from FY 2007

B. Comparison of median numbers of days requests were pending at the end of FY 2007:

64% decrease from FY 2007

C. Other narrative statements describing agency efforts to improve timeliness of FOIA responses and making records available to the public, e.g. backlog reduction efforts, training activities, public availability of new categories of records:

D. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g. backlog-reduction efforts, specification of average number of hours per processed request; training activities, public availability of new categories of records):

E. Number of requests for expedited processing received: 18

Number of requests for expedited processing granted: 5

IX. Costs/FOIA Staffing

0. Staffing levels:

1. Number of full-time FOIA personnel: **10**

2. Number of personnel with part-time or occasional FOIA duties (in total work-years): **27.22**

(For example, if one employee spends 10% of his time on FOIA, another 25%, and a third employee 50%, the total would be .85 work years.)

3. Total number of personnel (in work-years): **37.22**

(For example, if there are 5 employees who are involved in FOIA/PA matters full time, and 3 employees working on FOIA/PA matters part time for a total of .85 work years, the total under line 3 would be 5.85 work years.)

A. Total costs (including staff and all resources):

The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1 and 2 if applicable). For purposes of the report, use the individual's salary plus 16% for benefits.

Cost to provide or attend training (include under 1).

Fees which are waived or not recovered, including those instances where the fee is \$15 or under, provided that a record of such fees is maintained as backup information (include under 1) – Program Staff Only.

The cost to develop and maintain the bureau's FOIA home page (include under 1).

1. FOIA processing (including appeals)

0. Staff: **\$2,537,724.09**

a. Other: **\$19,537.00**

2. Litigation-related activities (estimated)
 0. Staff: **\$36,729.00**
 - a. Other: **\$2,474.00**
3. Other Administrative Costs: **\$32,831.00**
4. Total Costs: **\$2,789,508.37**
5. Comparison with previous year(s) (including % of change): **66.95%**

B. Statement of additional resources needed for FOIA compliance
(To Be Completed By Bureau of Land Management)

X. Fees

This includes charges for search, review (commercial use requesters only), document duplication, and any other direct costs permitted under agency regulations.

0. Total amount of fees collected by agency for processing requests: **\$16,638.19**
- A. Percentage of total costs: **0.6%**

XI. FOIA Regulations (Including the Fee Schedule)

A copy of DOI's FOIA regulations, including the fee schedule (43 CFR Part 2, Subparts A & B) may be found at the following Internet Address: <http://www.doi.gov/foia/foiaregs.html>. A copy of the regulations in paper form may be obtained by contacting the Departmental FOIA Officer ([see I.A, above](#)).

(1) The number of times each Exemption 3 statute was relied upon to withhold information;

Number of times each Exemption 3 statute was relied upon to withhold information

Archaeological Resources Protection Act : 15

National Defense Authorization Act : 3

National Historic Preservation Act Amendments : 6

(2) For requests pending as of the end of the fiscal year, the average number of days that such requests have been pending;

Number of days requests were pending as of the end of the current fiscal year

Simple Requests

Median number of days (based on work days): 0

Average number of days: 0

Normal Requests

Median number of days (based on work days): 14

Average number of days: 50

Complex Requests

Median number of days (based on work days): 89

Average number of days: 100

Expedited Requests

(NOTE: All the figures below are derived from FOIA requests that have "Expedited" selected in the "Processing" field of the "Basic Form" tab)

Median number of days (based on work days): 0

Average number of days: 0

(3) The average number of days and the Range in number of days taken to process requests; (Note: the median number of days to process requests is also still required.)

Number of days taken to process requests

Simple Requests

Range in number of days: 0 - 20

Median number of days (based on work days): 2

Average number of days: 3

Normal Requests

Range in number of days: 0 - 383

Median number of days (based on work days): 17

Average number of days: 27

Complex Requests

Range in number of days: 0 - 895

Median number of days (based on work days): 68

Average number of days: 99

Expedited Requests

(NOTE: All the figures below are derived from FOIA requests that have "Expedited" selected in the "Processing" field of the "Basic Form" tab)

Range in number of days: 2 - 12

Median number of days: 11

Average number of days: 8

(4) The number of requests which were processed in each of the following time periods:

- up to and including 20 days, and in 20-day increments up to and including 200 days
- more than 200 days and less than 301 days
- more than 300 and less than 401 days
- more than 400 days;

Number of requests which were processed in each of the following time periods:

Simple Requests

0-20 days: 36

21-40 days: 0

41-60 days: 0

61-80 days: 0

81-100 days: 0

101-120 days: 0

121-140 days: 0

141-160 days: 0

161-180 days: 0

181-200 days: 0

201-300 days: 0

301-400 days: 0

More than 400 days: 0

TOTAL: 36

Normal Requests

0-20 days: 520

21-40 days: 205

41-60 days: 53

61-80 days: 24

81-100 days: 13

101-120 days: 10

121-140 days: 6

141-160 days: 5

161-180 days: 2

181-200 days: 5

201-300 days: 1

301-400 days: 6

More than 400 days: 0

TOTAL: 850

Complex Requests

0-20 days: 11

21-40 days: 16

41-60 days: 17

61-80 days: 25

81-100 days: 12

101-120 days: 5

121-140 days: 3

141-160 days: 7

161-180 days: 4

181-200 days: 1

201-300 days: 5

301-400 days: 4

More than 400 days: 2

TOTAL: 112

Expedited Requests

(NOTE: All the figures below are derived from FOIA requests that have "Expedited" selected in the "Processing" field of the "Basic Form" tab)

0-20 days: 3
 21-40 days: 0
 41-60 days: 0
 61-80 days: 0
 81-100 days: 0
 101-120 days: 0
 121-140 days: 0
 141-160 days: 0
 161-180 days: 0
 181-200 days: 0
 201-300 days: 0
 301-400 days: 0
 More than 400 days: 0
 TOTAL: 3

Total Number of Requests: 1001

(5) The median, average, and Range in number of days taken to process requests in which information is granted, i.e., when requests are granted in full or in part;

Number of days taken to process requests in which information is granted (in full or in part)**Simple Requests**

Range in number of days: 0 - 20
 Median number of days (based on work days): 3
 Average number of days: 4

Normal Requests

Range in number of days: 0 - 383
 Median number of days (based on work days): 19
 Average number of days: 28

Complex Requests

Range in number of days: 0 - 895
 Median number of days (based on work days): 69
 Average number of days: 101

Expedited Requests

(NOTE: All the figures below are derived from FOIA requests that have "Expedited" selected in the "Processing" field of the "Basic Form" tab)

Range in number of days: 2 - 12
 Median number of days: 11
 Average number of days: 8

(6) The ten oldest pending requests, including the date of receipt of the request and the number of days pending;

Ten oldest pending requests

	FOIA Request Number	Subject	Date Received	Number of Days Pending
10	BLM-2008-00212	Various records pertaining to Northern goshawk and Mexican spotted owl.	12/27/2007	192
9	BLM-2008-00582	Routes in Juab county. USO FFO	12/18/2007	197
8	BLM-2008-00565	Documents related to the Cortez Hills Expansion Project.	12/17/2007	198
7	BLM-2008-00096	TGA, FLPMA and UIA training records; maps for specific fences; and fencing contracts for specific fences within the Dillion FO.	12/12/2007	201
6	BLM-2008-00082	Records on construction of walls, fences, and vehicle barriers in the San Pedro Riparian National Conservation Area.	12/03/2007	208
5	BLM-2008-00050	Any and all records related to the Sand	10/19/2007	237

Dune Lizard.

4	BLM-2008-00016	Project files, working files, the administrative record, and e-mail correspondence from January 1, 2007, to the present relating to PGE Topock Compressor Station.	10/05/2007	246
3	BLM-2007-00695	Mineral reports for a list of 17 AZ mineral patents.	07/19/2007	301
2	BLM-2007-00436	Concerning proposed recordable disclaimer for RS 2477 Camp Rock Rd: 1) MOUs concerning road maintenance with San Bernardino County; 2) records concerning use, maintenance, and/or construction; 3) state or county road or highway maps dated prior to 10/22/1976; 4) grazing records concerning use, maintenance or construction of roads or other facilities in the vicinity; 5) reference to road in Facilities Inventory Maintenance Mgmt Sytem database; 6) reference to management of area traversed by route	04/11/2007	372
1	BLM-2006-00813	Complete copy of the OIG investigation including all related records into the death of Marlene Braun May 2, 2005.	08/01/2006	553

(7) The number of requests for expedited processing which were granted and denied (adjudicated); the median and average number of days taken to adjudicate, and the number which were adjudicated within ten calendar days; (NOTE: All the figures below are derived from FOIA requests that have "Expedited Processing Requested" selected in the "Request" tab)

Number of requests for expedited processing (granted and denied)

Granted: 5
 Denied: 11
 Adjudicated: 16
 Adjudicated within ten calendar days: 2

Number of days taken to adjudicate a request

Median number of days: 13
 Average number of days: 12

(8) The number of requests for a fee waiver which were granted and denied (adjudicated); and the median and average number of days taken to adjudicate;

Number of requests for a fee waiver (granted and denied)

Granted: 162
 Denied: 13
 Adjudicated: 175

Number of days taken to adjudicate the request

Median number of days: 0
 Average number of days: 1

(9) Backlogs

Backlogs

Number of backlogged requests at the start of the current fiscal year: 0
 Number of backlogged requests as of the end of the current fiscal year: 0

(10) Consultations

Number of consultations

Pending at the start of the current fiscal year: 0
 Received during the current fiscal year: 0
 Processed during the current fiscal year: 0
 Pending at the end of the current fiscal year: 0

Ten oldest consultations received from other agencies pending at your Bureau/Office as of the end of the current fiscal year

Consultation	Date	Number of
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Number

Subject

Received Days Pending

(11) Comparisons

Number of Requests Received

During last fiscal year: 824

During current fiscal year: 995

Number of Requests Processed

During last fiscal year: 833

During current fiscal year: 1001