

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2012 Annual Report (October 1, 2011 – September 30, 2012)

I. BASIC INFORMATION REGARDING REPORT

1. Questions about the report should be directed to:

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2. The electronic address for this report on DOI's FOIA website is
<http://www.doi.gov/foia/upload/12anrep.pdf>
3. A copy of the report in paper form may be obtained by contacting the Departmental FOIA Officer (see 1 above).

II. MAKING A FOIA REQUEST

1. FOIA requests should be submitted to the FOIA contact at the bureau/office where the records are maintained (see DOI's FOIA contacts page at <http://www.doi.gov/foia/contacts.cfm>). A list of the Department's bureaus/offices is located in the Acronyms section below.
2. DOI protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future. When DOI withholds records requested under the FOIA, it most frequently does so under Exemption 5 (which safeguards inter-agency or intra-agency records which would normally be privileged in the civil discovery context) and Exemption 6 (which safeguards personal privacy interests). However, DOI's diverse mission and records ensures a wide variety of FOIA exemptions may sometimes be appropriately used.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.

BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOEM	Bureau of Ocean Energy Management
BOR	Bureau of Reclamation
BSEE	Bureau of Safety and Environmental Enforcement
DOI	Department of the Interior

EFTS	Electronic FOIA Tracking System
FWS	United States Fish and Wildlife Service
N/A	Not Applicable
NPS	National Park Service
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.
- 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 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. **Perfected 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:** information that is related solely to the internal agency rules and practices of an agency

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	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
41 U.S.C. § 423(a)(1) (Procurement Integrity Act)	Contractor bid or proposal information; source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	BLM: 3 BOR: 3 NPS: 3 OS: 12	21
41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	BOR: 5 FWS: 2	7
16 U.S.C. § 4304	Specific locations of significant caves	None	BIA: 1 BLM: 1 FWS: 1 NPS: 1	4
16 U.S.C. § 470hh (Archaeological Resources Protection Act of 1979)	Information pertaining to the nature and location of certain archaeological resources	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	BIA: 2 BLM: 26 BOEM: 1 BOR: 1	30

16 U.S.C. § 5937	Information pertaining to: "endangered, threatened, rare, or commercially valuable" National Park System resources; "mineral or paleontological objects within units of the National Park System"; or "objects of cultural patrimony within units of the National Park System"	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004); Sw. Ctr. for Biological Diversity v. USDA, 170 F. Supp. 2d 931, 945 (D. Ariz. 2000), aff'd, 314 F.3d 1060, 1062 (9th Cir. 2002); Pease v. U.S. Dep't of Interior, No. 1:99CV113, slip op. at 2, 4 (D. Vt. Sept. 17, 1999).	BLM: 2 FWS: 1 NPS: 2	5
16 U.S.C. § 470w-3	Information about the location, character or ownership of a historic resource	None	BIA: 1 BLM: 13 BOEM: 1 BOR: 1	16
25 U.S.C. § 2103(c)	Information related to decisions to grant/disapprove minerals agreements for Indian tribes	None	BIA: 2 BLM: 1	3
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 867-68 (D.C. Cir. 1981); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	BLM: 1 FWS: 2 OIG: 1	4

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

Bureau/Office¹	Number of Requests Pending as of Start of Fiscal Year²	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	117	1,696	1,708	105
BLM	178	979	1,003	154
BOEM	17	83	75	25
BOR	36	227	254	9
BSEE	70	174	151	93
FWS	172	1,226	1,260	138
NPS	117	921	906	132
OIG	81	90	105	66
OS	134	466	517	83
OSM	17	66	71	12
SOL	54	78	70	62
USGS	17	162	165	14
AGENCY OVERALL	1,010	6,168	6,285	893

¹ Please note that BOEM and BSEE appear for the first time in this report. On October 1, 2011, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), itself formerly the Minerals Management Service (MMS), was replaced by BOEM and BSEE as part of a major reorganization.

² Increased auditing and training in FY12 has lead DOI to conclude that the numbers reported last year were in slight need of adjusting. The numbers in this column represent the adjusted FY11 numbers.

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	976	358	45	178	8	29	26	34	8	3	5	38	1,708
BLM	372	302	20	101	36	37	24	13	18	5	27	48	1,003
BOEM	37	11	4	9	3	3	0	2	0	2	2	2	75
BOR	87	67	9	24	5	9	5	1	4	0	4	39	254
BSEE	59	32	4	22	2	6	8	0	5	5	4	4	151
FWS	613	171	24	77	24	22	5	7	2	1	22	292	1,260
NPS	409	279	46	57	10	23	42	3	1	5	10	21	906
OIG	7	54	12	15	2	11	0	0	0	1	3	0	105
OS	146	129	4	66	59	7	19	22	6	12	6	41	517
OSM	32	14	0	7	0	11	3	2	0	1	0	1	71
SOL	22	9	4	20	1	3	1	2	1	3	4	0	70
USGS	103	19	1	28	2	1	3	1	0	4	0	3	165
AGENCY OVERALL	2,863	1,444	173	604	152	162	136	87	45	42	87	489	6,285

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	Requester failed to provide requested clarification	19	38
	Assigned to other bureau/office for response	9	
	Request administratively closed	2	
	Requester failed to provide written consent of subject individual	8	
BLM	Requester failed to provide requested clarification	11	48
	Assigned to other bureau/office for response	30	
	Request administratively closed	7	
BOEM	Requester failed to provide requested clarification	1	2
	Request administratively closed	1	
BOR	Requester failed to provide requested clarification	11	39
	Assigned to other bureau/office for response	19	
	Request administratively closed	9	
BSEE	Requester failed to provide requested clarification	4	4
FWS	Requester failed to provide requested clarification	28	292
	Assigned to other bureau/office for response	238	
	Request administratively closed	26	
NPS	Requester failed to provide requested clarification	14	21
	Request administratively closed	7	
OIG	N/A	0	0
OS	Requester failed to provide requested clarification	2	41
	Assigned to other bureau/office for response	20	
	Request administratively closed	19	
OSM	Assigned to other bureau/office for response	1	1
SOL	N/A	0	0
USGS	Requester failed to provide requested clarification	3	3
AGENCY OVERALL		489	

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	1	4	52	62	308	30	0	142	0	3	1	0	0
BLM	0	8	33	56	102	216	9	0	56	0	1	8	0	9
BOEM	0	0	1	5	9	3	4	0	1	0	0	0	0	0
BOR	0	2	8	27	16	46	0	0	0	0	0	5	0	0
BSEE	0	1	0	8	4	30	0	0	1	0	0	0	0	1
FWS	0	5	6	44	80	101	32	0	34	10	29	7	0	0
NPS	0	8	6	18	54	218	40	1	89	0	13	6	0	0
OIG	0	0	1	2	23	52	12	0	49	2	2	0	0	0
OS	0	2	12	46	60	68	2	1	7	1	10	1	0	0
OSM	0	0	0	2	12	11	2	0	0	0	0	1	0	0
SOL	0	1	0	0	13	2	0	0	0	0	0	0	0	0
USGS	0	0	0	2	5	12	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	28	71	262	440	1,067	131	2	379	13	58	29	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
AGENCY OVERALL	234	188	225	197

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
AGENCY OVERALL	23	13	105	84	225

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
AGENCY OVERALL	0	1	5	23	62	12	6	0	5	0	0	2	0	2

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

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other
AGENCY OVERALL	13	0	0	9	0	1	0	0	4	2	55

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	8
Administratively closed	27
Appeal withdrawn	2
Bureau failed to timely respond	4
Bureau issued complete response	2
Bureau responded before appeal filed	1
Bureau response was not procedurally deficient	1
Premature appeal	1
Procedural deficiencies	6
Remand for additional processing	1
Search certificate not required at administrative level	1
Vaughn index not required at administrative level	1
AGENCY OVERALL	55

C. (4) Response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	430	911	1	1810

C. (5) Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	2008-4-22	2007-11-2	2007-10-10	2007-7-30	2007-2-2	2007-1-31	2006-12-26	2006-10-31	2006-10-5	2005-10-11
Number of Days Pending	1158	1280	1297	1349	1475	1477	1503	1543	1561	1818

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

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

Bureau/Office	Simple				Complex ³				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	1	1	<1	23	17	27	<1	736	N/A	N/A	N/A	N/A
BLM	4	4	<1	20	21	52	<1	776	15	15	15	15
BOEM	8	11	<1	27	27	45	<1	269	28	28	15	41
BOR	9	9	1	17	16	29	<1	381	N/A	N/A	N/A	N/A
BSEE	11	11	8	13	22	65	<1	538	N/A	N/A	N/A	N/A
FWS	13	13	<1	29	18	39	<1	713	7	13	4	27
NPS	N/A	N/A	N/A	N/A	9	27	<1	1438	9	18	<1	103
OIG	3	10	1	81	127	534	1	1870	14	25	4	70
OS	N/A	N/A	N/A	N/A	26	85	<1	661	3	3	2	4
OSM	1	1	<1	2	16	73	<1	662	356	289	141	369
SOL	N/A	N/A	N/A	N/A	114	313	<1	1497	N/A	N/A	N/A	N/A
USGS	1	1	<1	1	14	13	<1	46	N/A	N/A	N/A	N/A
AGENCY OVERALL⁴	1	2	<1	29	17	44	<1	1497	12	48	<1	369

³ Please note that the Complex category (both here and elsewhere in this document whenever the Complex category is discussed) includes information from both DOI's "normal" and "complex" processing tracks.

⁴ Please note that the overall numbers (both here and elsewhere in this document whenever overall numbers are discussed) do not include the numbers for OIG.

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	1	1	<1	23	17	27	<1	736	N/A	N/A	N/A	N/A
BLM	3	4	<1	20	23	55	<1	776	15	15	15	15
BOEM	7	8	3	13	25	43	<1	269	28	28	15	41
BOR	9	9	1	17	18	33	<1	381	N/A	N/A	N/A	N/A
BSEE	11	11	8	13	30	72	<1	519	N/A	N/A	N/A	N/A
FWS	12	12	<1	29	18	42	<1	713	7	13	4	27
NPS	N/A	N/A	N/A	N/A	9	29	<1	1438	9	18	<1	103
OIG	6	18	3	81	607	701	1	1870	14	17	8	30
OS	N/A	N/A	N/A	N/A	31	89	<1	661	3	3	2	4
OSM	1	1	<1	2	16	61	<1	662	356	289	141	369
SOL	N/A	N/A	N/A	N/A	82	225	<1	1497	N/A	N/A	N/A	N/A
USGS	1	1	<1	1	15	14	<1	44	N/A	N/A	N/A	N/A
AGENCY OVERALL	1	2	<1	29	18	43	<1	1497	12	51	<1	369

C. Processed Requests – Response Time in Day Increments

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	483	1	0	0	0	0	0	0	0	0	0	0	0	484
BLM	65	0	0	0	0	0	0	0	0	0	0	0	0	65
BOEM	8	1	0	0	0	0	0	0	0	0	0	0	0	9
BOR	2	0	0	0	0	0	0	0	0	0	0	0	0	2
BSEE	2	0	0	0	0	0	0	0	0	0	0	0	0	2
FWS	12	1	0	0	0	0	0	0	0	0	0	0	0	13
NPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	14	0	1	0	1	0	0	0	0	0	0	0	0	16
OS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSM	2	0	0	0	0	0	0	0	0	0	0	0	0	2
SOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USGS	3	0	0	0	0	0	0	0	0	0	0	0	0	3
AGENCY OVERALL	591	3	1	0	1	0	0	0	0	0	0	0	0	596

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	650	167	29	14	12	5	12	10	1	2	8	5	3	918
BLM	360	165	42	38	19	19	21	11	6	10	31	9	7	738
BOEM	20	15	3	3	1	4	2	0	0	1	1	0	0	50
BOR	127	34	5	6	3	0	1	0	0	0	1	5	0	182
BSEE	57	22	5	4	2	3	2	2	6	1	9	1	2	116
FWS	520	144	57	34	26	17	15	5	5	6	10	9	8	856
NPS	557	102	36	18	14	11	6	4	5	2	6	3	5	769
OIG	28	6	3	2	2	1	0	1	1	2	1	2	35	84
OS	148	55	19	17	16	14	8	7	13	11	20	13	12	353
OSM	31	7	1	1	1	1	0	0	0	0	2	2	3	49
SOL	10	2	8	4	2	4	0	1	0	1	4	7	14	57
USGS	134	11	2	0	0	0	0	0	0	0	0	0	0	147
AGENCY OVERALL	2,642	730	210	141	98	79	67	41	37	36	93	56	89	4,319

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
BOEM	1	0	1	0	0	0	0	0	0	0	0	0	0	2
BOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BSEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FWS	2	1	0	0	0	0	0	0	0	0	0	0	0	3
NPS	12	1	1	0	0	1	0	0	0	0	0	0	0	15
OIG	3	1	0	1	0	0	0	0	0	0	0	0	0	5
OS	2	0	0	0	0	0	0	0	0	0	0	0	0	2
OSM	0	0	0	0	0	0	0	1	0	0	0	2	0	3
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	21	3	2	1	0	1	0	1	0	0	0	2	0	31

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	1	1	1	89	14	69	0	N/A	N/A
BLM	0	N/A	N/A	134	54	132	0	N/A	N/A
BOEM	0	N/A	N/A	24	67	93	0	N/A	N/A
BOR	0	N/A	N/A	6	6	7	0	N/A	N/A
BSEE	0	N/A	N/A	23	146	239	1	6	6
FWS	0	N/A	N/A	106	45	103	0	N/A	N/A
NPS	0	N/A	N/A	97	24	97	1	101	101
OIG	0	N/A	N/A	66	583	585	0	N/A	N/A
OS	0	N/A	N/A	71	94	161	0	N/A	N/A
OSM	0	N/A	N/A	9	18	101	0	N/A	N/A
SOL	0	N/A	N/A	57	176	264	0	N/A	N/A
USGS	0	N/A	N/A	13	14	14	0	N/A	N/A
AGENCY OVERALL	1	1	1	629	45	127	2	54	54

E. Pending Requests – Ten Oldest Pending Perfected Requests

Bureau/Office	10 th Oldest Request and Number of Days Pending ⁵	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
BIA	2011-10-3	2011-8-16	2011-8-10	2011-8-9	2011-5-25	2011-4-13	2011-4-11	2011-3-30	2011-3-23	2011-2-7
	249	282	286	287	339	369	371	379	384	415
BLM	2011-1-20	2011-1-6	2010-12-27	2010-11-29	2010-10-14	2010-10-11	2010-10-5	2010-9-30	2010-6-9	2010-5-18
	427	436	443	462	492	494	498	501	580	595
BOEM	2012-4-18	2012-4-10	2012-4-3	2012-2-9	2012-1-18	2011-12-7	2011-12-5	2011-11-29	2011-10-21	2011-8-24
	114	120	125	162	178	205	207	211	236	276
BOR	N/A	N/A	N/A	N/A	2012-9-28	2012-9-21	2012-9-20	2012-9-20	2012-9-18	2012-9-10
	0	0	0	0	0	5	6	6	8	14
BSEE	2012-2-27	2011-12-16	2011-2-22	2011-1-14	2010-10-29	2010-10-13	2010-9-27	2010-8-26	2010-6-29	2009-5-7
	151	198	405	430	481	493	504	525	566	852
FWS	2011-8-16	2011-7-19	2011-5-20	2011-4-5	2011-3-23	2011-3-10	2010-12-9	2010-12-1	2010-10-5	2010-2-19
	282	302	342	375	384	393	454	460	498	657
NPS	2011-5-29	2011-4-18	2011-3-15	2011-1-27	2011-1-11	2011-1-10	2011-1-10	2011-1-7	2010-11-9	2010-4-12
	336	366	390	422	433	434	434	435	474	621
OIG	2008-9-5	2008-9-2	2008-9-2	2008-5-6	2007-12-21	2007-12-20	2007-11-30	2007-11-28	2007-11-14	2007-6-12
	1027	1030	1030	1112	1205	1206	1220	1222	1231	1338
OS	2011-3-17	2011-3-1	2011-1-14	2011-1-11	2010-11-22	2010-11-18	2010-8-4	2010-1-13	2009-12-16	2009-2-17
	388	400	430	433	466	468	541	682	699	909
OSM	N/A	2012-9-27	2012-9-26	2012-9-25	2012-9-7	2012-9-4	2012-6-21	2012-4-5	2012-3-14	2010-8-04
	0	1	2	3	15	18	69	123	139	541
SOL	2010-10-20	2010-9-30	2010-7-29	2010-6-11	2010-3-15	2009-12-3	2009-10-15	2009-8-25	2009-3-13	2009-2-24
	488	501	545	578	641	708	741	776	891	904
USGS	2012-9-14	2012-9-12	2012-9-10	2012-9-10	2012-9-10	2012-9-7	2012-9-3	2012-8-31	2012-8-17	2012-8-17
	10	12	14	14	14	15	18	19	29	29
AGENCY OVERALL	2008-9-5	2008-9-2	2008-9-2	2008-5-6	2007-12-21	2007-12-20	2007-11-30	2007-11-28	2007-11-14	2007-6-12
	1027	1030	1030	1112	1205	1206	1220	1222	1231	1338

⁵ Increased auditing and training in FY12 has lead OS to add one request to this chart that should have been on the FY11 chart. It has also lead NPS to add three requests to this chart that should have been on the FY11 chart.

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 Ten Calendar Days
BIA	0	4	5	12	3
BLM	1	4	13	11	2
BOEM	1	2	5	5	3
BOR	0	1	6	6	1
BSEE	0	2	5	5	2
FWS	3	3	9	13	4
NPS	8	7	1	8	11
OIG	11	13	1	2.63	22
OS	1	1	2	2	2
OSM	3	0	11	15	1
SOL	0	0	N/A	N/A	0
USGS	0	2	4	4	2
AGENCY OVERALL	28	39	5	9	31

B. Requests for Fee Waiver

Bureau/Office	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BIA	11	1	9	8
BLM	156	8	1	5
BOEM	13	0	1	1
BOR	20	4	7	14
BSEE	7	0	7	12
FWS	214	2	3	25
NPS	24	3	1	5
OIG	11	13	1	3
OS	4	0	19	22
OSM	7	0	9	8
SOL	0	0	N/A	N/A
USGS	5	4	1	1
AGENCY OVERALL	472	35	1	15

IX. FOIA PERSONNEL AND COSTS

A. Personnel

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	3	21.7	24.7	\$1,637,417.20	\$0.00	\$1,637,417.20
BLM	10	19.09	29.09	\$2,692,631.15	\$4,790.00	\$2,697,421.15
BOEM	0	3.05	3.05	\$271,407.19	\$0.00	\$271,407.19
BOR	3	10	13	\$689,121.37	\$3,500.00	\$692,621.37
BSEE	2	3.5	5.5	\$389,060.73	\$0.00	\$389,060.73
FWS	6	27.9	33.9	\$1,819,350.02	\$0.00	\$1,819,350.02
NPS	4	8.6	12.6	\$1,262,724.79	\$1,100.00	\$1,263,824.79
OIG	4	0	4	\$354,739.18	\$0.00	\$354,739.18
OS	10.42	0	10.42	\$953, 684.98	\$0.00	\$953, 684.98
OSM	1	0.85	1.85	\$153,081.17	\$0.00	\$153,081.17
SOL	1	6	7	\$94,969.00	\$709,153.75	\$804,122.75
USGS	1	3	4	\$189,088.34	\$6,000.00	\$195,088.34
FOIA/PA APPEALS	2	0	2	\$365,000.00	\$28,000.00	\$393,000.00
OES	2	0	2	\$205,486.00	\$0.00	\$205,486.00
AGENCY OVERALL	49.42	103.69	153.11	\$11,077,761.12	\$752,543.75	\$11,830,304.87

X. FEES COLLECTED FOR PROCESSING REQUESTS

Bureau/Office	Total Amount of Fees Collected	Percentage of Total Costs
BIA	\$25,995.15	1.59%
BLM	\$28,859.29	1.07%
BOEM	\$3,480.87	1.28%
BOR	\$11,730.79	1.70%
BSEE	\$5,045.58	1.30%
FWS	\$13,330.30	0.73%
NPS	\$13,538.46	1.07%
OIG	\$0.00	0.00%
OS	\$2,633.56	0.28%
OSM	\$45.00	0.03%
SOL	\$1,814.95	1.91%
USGS	\$29,025.34	15.35%
AGENCY OVERALL	\$135,499.29	1.22%

XI. FOIA REGULATIONS

The DOI's FOIA regulations can be found at: <http://www.doi.gov/foia/news/guidance/index.cfm>

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	34	
BLM	86	
BOEM	15	
BOR	0	
BSEE	20	
FWS	68	
NPS	51	
OIG	61	
OS	54	
OSM	4	
SOL	56	
USGS	0	
AGENCY OVERALL	449	186

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 DOI 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 DOI During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at DOI as of <u>End</u> of the Fiscal Year
BIA	0	0	0	0
BLM	0	2	2	0
BOEM	0	1	1	0
BOR	0	0	0	0
BSEE	0	0	0	0
FWS	0	0	0	0
NPS	0	0	0	0
OIG	0	4	4	0
OS	2 ⁶	9	11	0
OSM	0	1	1	0
SOL	0	0	0	0
USGS	0	0	0	0
AGENCY OVERALL	2	17	19	0

⁶ Please note that an entry error lead DOI to incorrectly report last year that three consultations were pending at OS. In fact, there were only two.

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
	0	0	0	0	0	0	0	0	0	0
BLM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
BOEM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
BOR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
BSEE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
FWS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
NPS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
OIG	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
OSM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
SOL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
USGS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	0	0	0	0	0	0	0	0	0	0

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

Bureau/Office	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report ⁷	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report ⁸	Number Processed During Fiscal Year from Current Annual Report
BIA	1,385	1,696	1,383	1,708
BLM	1,061	979	1,040	1,003
BOEM	42	83	40	75
BOR	277	227	278	254
BSEE	172	174	216	151
FWS	1,192	1,226	1,188	1,260
NPS	858	921	835	906
OIG	56	90	154	105
OS	472	466	480	517
OSM	69	66	61	71
SOL	50	78	42	70
USGS	160	162	168	165
AGENCY OVERALL	5,794	6,168	5,885	6,285

⁷ As noted above, increased auditing and training in FY12 has lead DOI to conclude that the numbers reported last year were in slight need of adjusting. The numbers in this column represent the adjusted FY11 numbers.

⁸ As noted above, increased auditing and training in FY12 has lead DOI to conclude that the numbers reported last year were in slight need of adjusting. The numbers in this column represent the adjusted FY11 numbers.

Bureau/Office	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report⁹	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
BIA	40	34
BLM	90	86
BOEM	13	15
BOR	10	0
BSEE	27	20
FWS	88	68
NPS	27	51
OIG	77	61
OS	92	54
OSM	11	4
SOL	48	56
USGS	1	0
AGENCY OVERALL	524	449

⁹ As noted above, BOEM and BSEE appear for the first time in this report. The numbers in this chart reflect the allocation of requests between the two bureaus, following their division and creation from the previous BOEMRE. Corrections have also been made to BOEM and BSEE's numbers to correct FY11 discrepancies revealed through increased training and auditing in FY12.

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

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS 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
AGENCY OVERALL	174	188	230	225

	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	222	186