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"Rummaging in the government's attic"

Description of document: Database of approximately 46,000 Department of the Interior facilities, 2011

Requested date: 10-June-2012

Released date: 25-June-2012

Posted date: 30-July-2012

Source of document: Freedom of information Act Request
Department of the Interior
Office of the Secretary (OS)
MS-116, SIB
1951 Constitution Ave., NW
Washington, DC 20240
Fax: (202) 219-2374
E-mail: os_foia@ios.doi.gov
[Online FOIA Request Form](#)

Note: The database is comprised of 7 Excel spreadsheet files bundled together in a Zip archive file along with this PDF file.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2012-00330

June 25, 2012

On June 10, 2012, you filed Freedom of Information Act (FOIA) request **OS-2012-00330** seeking "a copy of the electronic database of approximately 46,000 Interior Department facilities recently released by the Interior Department to the USA Today newspapers."

We are writing today to respond to your request on behalf of the Department of the Interior. Please find enclosed one CD containing 8 files.

Your entitlements as an "other-use requester" were sufficient to cover all applicable FOIA charges; therefore there is no billable fee for the processing of this request.

If you have any questions about our response to your request, you may contact Clarice Julka by phone at 202-208-6045, by fax at 202-219-2374, by email at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116 SIB, Washington, D.C. 20240.

Sincerely,

Cindy Cafaro
Office of the Secretary
Acting FOIA Officer

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



IN REPLY REFER TO:
7202.4-OS-2011-00187

September 22, 2011

Via Certified Mail/Return Receipt (70041350000304621127)

Mr. Gregory Korte
Staff Writer
USA Today
1100 New York Avenue, NW
Washington, DC 20005

Dear Mr. Korte:

On January 27, 2011, you filed Freedom of Information Act (FOIA) request OS-2011-00187, seeking:

“A complete export of U.S. Department of the Interior data submitted to the Real Property Asset Management Database, as required by Executive Order 13327 of February 4, 2004. The database should include all records and data elements described in the 2009 Guidance for Real Property Inventory Reporting.”

On March 17, 2011, we acknowledged your request and informed you that we were taking 10 workday time extension.

I am writing today to provide you with our response to your request.

With respect to your request:

The enclosed CD-ROM disk contains copies of all documents responsive to your request: 7 documents, in Microsoft Excel format.¹

Portions of the enclosed documents have been redacted pursuant to the following exemptions:

¹ According to our regulations, FOIA requesters may choose the format of disclosure for records they are seeking. Unless a requester specifies otherwise, the Office of the Secretary provides copies of responsive records on a CD-ROM disk when the responsive records exceed 50 pages.

Exemption 3 of the FOIA (5 U.S.C. § 552 (b)(3))

Exemption 4 of the FOIA (5 U.S.C. § 552 (b)(4))

Exemption 5 of the FOIA (5 U.S.C. § 552 (b)(5))

Exemption 7(F) of the FOIA (5 U.S.C. § 552 (b)(7)(F))

Exemption 3:

Exemption 3 allows the withholding of information prohibited from disclosure by another federal statute provided that either the statute “requires that matters be withheld from the public in such a manner as to leave no discretion on the issue or establishes particular criteria for withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3).

We have deleted the following information under Exemption 3:

We have redacted the “cultural restrictions” status from the “Restrictions” field of 16,414 records under Exemption 3 (Archaeological Resources Protection Act 16 U.S.C. 470hh(a)), National Parks Omnibus Management Act (16 U.S.C. § 5937), and/or the National Historic Preservation Act Amendments (16 U.S.C. § 470w-3). We are unable to identify which records have had the “cultural resources” restrictions redacted under exemption 3, as doing so would identify the property where such cultural resources are located. Identifying the location of an archeological or other cultural resource may lead to harm under the above statutes.

We have also redacted the location information (latitude, longitude, city, street and zip code) from 12,935 records under Exemption 3 (Archaeological Resources Protection Act 16 U.S.C. 470hh(a)), National Parks Omnibus Management Act (16 U.S.C. § 5937), and/or the National Historic Preservation Act Amendments (16 U.S.C. § 470w-3).

Exemption 4:

Exemption 4 protects trade secrets, and commercial or financial information obtained from a person that is privileged or confidential (5 U.S.C. § 552(b) (4)). This exemption is intended to protect both the interests of commercial entities that submit proprietary information to the Government and the interest of the Government in receiving continued access to it. Information is considered “confidential” if disclosure of it “is likely to cause substantive harm to the competitive position of the person from whom the information was obtained.” National Parks & Conservation Ass’n v. Morton, 498 F.2d, 765. 770 (D.C. Cir. 1974).

We have deleted the following information under Exemption 4:

We have redacted the O&M cost is submitted by the using organization. Such information is covered under exemption 4 as it is confidential commercial and financial information submitted by an outside party.

Exemption 5:

Exemption 5 allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency” (5 U.S.C. § 552 (b)(5)). As such, the privilege “exempt[s] those documents... normally

privileged in the civil discovery context.” National Labor Relations Bd. v. Sears, Roebuck & Co., 421 U.S. 132 (1975) (NLRB). The exemption incorporates several of these privileges from discovery in litigation, including the deliberative process privilege. Id. at 149.

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank discussion of legal and policy issues by ensuring that agencies are not forced to operate in a fish bowl. Mapother v. United States Dep’t of Justice, 3 F.3d 1533, 1537 (D.C. Cir. 1993) (citing Wolfe v. United States Dep’t of Health & Human Services, 839 F.2d 768, 773 (D.C. Cir. 1988) (en banc)) (Mapother). Three policy purposes have been advanced by the courts as the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency’s action. See e.g., Russell v. United States Dep’t of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982) (Russell); Coastal States Gas Corp. v. United States Dep’t of Energy, 617 F.2d 854, 866 (D.C. Cir. 1980).

The deliberative process privilege protects materials that are both predecisional and deliberative. Mapother, 3 F.3d at 1537; Access Reports v. United States Dep’t of Justice, 926 F.2d 1192, 1195 (D.C. Cir. 1991); Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). A predecisional document is one prepared in order to assist an agency decisionmaker in arriving at his decision, and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency. Maricopa Audubon Society v. United States Forest Serv., 108 F.3d 1089, 1093 (9th Cir. 1997). A predecisional document is part of the deliberative process if the disclosure of the materials would expose an agency’s decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions. Id.

We have deleted the following information under Exemption 5:

We have redacted the O&M cost from 2446 Bureau of Reclamation Records where the works have another using organization. In some cases, the O&M cost is generated by internal estimate. Internal estimates are deliberative. Release of those estimates would cause confusion because they may not accurately represent the expenditures of the Department.

Exemption 7(F):

Exemption 7(F) permits the withholding of law enforcement-related information necessary to protect the physical safety of a wide range of individuals. This exemption provides broad protection to "any individual" when disclosure of information about him "could reasonably be expected to endanger [his] life or physical safety."

We have deleted the following information under Exemption 7(F):

3048 records in their entirety; The using organization from 21 records; The latitude and longitude of specific utility systems from 8701 records.

An additional 2074 records have been completely redacted under Exemption 3 or 7(F).

Gabriel Lohr, Attorney- Advisor with the Office of the Solicitor, was consulted in reaching this decision. Ray McInerney, FOIA Officer, is responsible for making this decision.

Appeal Rights

If you believe that the decision to withhold this information is incorrect, you may file a FOIA appeal by writing to the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C St., NW, MS 6556-MIB, Washington, DC 20240. Your appeal letter must be received no later than 30 work days of the date of this letter. Your appeal letter must be marked, both on its envelope and at the top of its first page, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal letter must be accompanied by a copy of your original FOIA request (a copy of which is enclosed with our response for your convenience), and a copy of this letter, along with a brief explanation of why you believe that this decision is in error.

The FOIA fee for the processing of your request would have been \$86.00, calculated as follows:

2.0	Professional Search Time	@	\$10.50 per ¼ hour
1 CD	Compact Disk	@	\$2.00 per disk

However, insofar as your entitlements as a "media-use requester" were sufficient to cover all applicable FOIA charges, there is no billable fee for the processing of this request.

This completes our response to your request.

If you have any questions regarding our response to your request, you may contact Mr. Dele Awoniyi by phone at 202-208-5840, by fax at 202-219-2374, by e-mail at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116-SIB, Washington, D.C. 20240. Within the Office of the Secretary, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Ray J. McInerney
Office of the Secretary
FOIA Officer

PRIVACY ACT notice: Before you choose to contact us, electronically, there are a few things you should know. The information you submit, including your electronic address, may be seen by various people. We will scan a copy of your request into our electronic OS FOIA administrative/image file. We will key the information that you provide to us into our electronic OS FOIA tracking file. We may share it with other individuals, both within and without the Department, involved in Freedom of Information Act administration. You may be contacted by any of these individuals, in other limited circumstances, including requests from Congress or private individuals, we may be required by law to disclose some of the information you submit. Also, e-mail is not necessarily secure against interception. If your communication is very sensitive, or includes personal information like your bank account, charge card, or social security number, you might want to send it by postal mail, instead.

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Sent To	MR. Gregory Korte
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City, State, ZIP+4	Washington, DC 20005

PS Form 3800, June 2002 See Reverse for Instructions