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*"Rummaging in the government's attic"*

Description of document: Records related to the ten oldest pending FOIA requests at the Bureau of Indian Affairs (BIA), 2002-2011

Requested date: 18-December-2010

Released date: 19-September-2012

Posted date: 13-May-2013

Source of document: Office of the Asst. Secretary/BIA  
MS-3071, MIB  
1849 C Street, NW  
Washington, DC 20240  
Fax: (202) 208-6597  
Email: [foia@bia.gov](mailto:foia@bia.gov)

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**SEP 19 2012**

## **CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Re: FOIA Control No. BIA-2011-00283

This letter is in response to your December 18, 2010, Freedom of Information Act (FOIA) request dated December 18, 2010, and addressed to the Bureau of Indian Affairs (BIA) FOIA Office. In your request you sought copies of the FOIA request files for the ten oldest pending FOIA requests in the BIA. On January 3, 2011, you clarified your request to include the ten oldest pending FOIA request files for “all years” by referencing BIA’s “Ten Oldest Pending Perfected FOIA Requests” section of the Department’s Annual FOIA Report.

We have interpreted your request for the BIA’s ten oldest FOIA requests files for all years as being framed by those years during which all agencies were required to report their ten oldest requests in their FOIA annual reports. Those years include fiscal years (FY) 2007 up to the most recently published annual report covering FY 2010. Prior to FY 2007, we did not keep an annual accounting of which requests comprised our ten oldest FOIA requests. Accordingly, we are enclosing copies of the ten oldest FOIA requests files as reported for FY 2007 through FY 2010.

We searched our records and found 193 pages responsive to your request. Some of the information contained in these pages have been redacted pursuant to Exemption 6 (5 U.S.C. § 552(b)(6)) of FOIA, which protects the privacy interests of individuals. We have redacted private information pertaining to the names of individuals, home addresses and telephone numbers, dates of birth, personal e-mail addresses, social security numbers, criminal/incident case numbers, vehicle VIN numbers, and the signatures of individuals.

Exemption 6 allows an agency to withhold “personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Disclosure of this information under Exemption 6 would allow unwarranted intrusions into the private lives of the individuals to whom the information pertains. Furthermore, the Bureau is not aware of any public interest that would outweigh the privacy interests of the individuals in withholding this information, as disclosure would not shed any light on the Bureau’s performance of its statutory duties. Therefore, the Bureau concludes that, on balance, the

privacy interests in withholding the redacted information outweigh the public interest in disclosure.

Please note that some files pertaining to fiscal year 2007 are incomplete because we have not been able to locate some files despite our best efforts to locate the files.

In addition to myself, the official responsible for this response to your request is Laura Cloud, FOIA Officer. This decision was also made in consultation with Angela Kelsey, Attorney-Advisor, Division of Indian Affairs, Office of the Solicitor.

In accordance with 43 C.F.R. § 2.28(a)(1), you may appeal this partial denial to the FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter response. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W., MS 6556  
Washington, D.C. 20240

You must include with your appeal copies of all correspondence between you and the Bureau concerning your FOIA request, including a copy of your original FOIA request and this final letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the Bureau's response is in error.

We apologize for the delay, and, as a courtesy, have waived all fees in processing your request. This completes our response to your request.

If you have any questions regarding this response, please contact Laura Cloud at (202) 208-4542, by fax at (202) 208-6597, or by e-mail at [foia@bia.gov](mailto:foia@bia.gov).

Sincerely,



Thomas Thompson  
Acting Deputy Assistant Secretary – Indian Affairs  
(Management)

Enclosures

FY 2007

10 Oldest FOIA Requests

	REQUEST NUMBER	LAST NAME	FIRST NAME	DATE OF REQUEST	DATE RECEIVED
1	03071	(b) (6)		3/12/2002	4/14/2002
2	05015 (OS-2004-00195)	Baur	Donald C.	2/4/2004	2/19/2004
3	05064	EchoHawk	Paul C.	2/18/2004	3/17/2004
4	05065	Cobb	George	2/24/2004	3/17/2004
5	05230	Nelson	Thomas H.	3/25/2004	
6	05449	Soraghan	Mike	9/10/2004	9/30/2004
7	05908	Wharff	Deborah	6/16/2004	6/21/2004
8	05910	Gerber	A. Grant	5/13/2004	5/15/2004
9	06001 (OS-2004-00629)	Koblentz	Michael R.	9/9/2004	9/30/2004
10	06173	Cohen	Anthony	5/24/2005	1/10/2006

March 12, 2002

Mr. Dennis Whiteman  
Superintendent  
Fort Peck Agency  
Poplar, Montana 59255

*[Handwritten signature]*  
S.D. Svcs  
FOIA Request  
typ 3/13/02

Dear Mr. Whiteman,

My name is (b) (6). I was a police officer for the Fort Peck Tribes Law and Justice Department from February 12, 2001 until October 8, 2001. On September 4, 2001 I filed sexual harassment complaint against (b) (6) at which time he was suspended with pay until an investigation could be done. A few weeks later the Bureau of Indian Affairs Internal Affairs Division from Albuquerque, New Mexico investigated the allegations. I have yet to receive a final report on the investigation. Therefore I am requesting any and all information pertaining to this particular matter under the Freedom of Information Act. Please respond to my request as all attempts to find out the status of this investigation have not been acted on.

Sincerely,

(b) (6)

(b) (6)



(b) (6)

Dear Ms. (b) (6):

This is a follow up and final response to your March 12, 2002, letter to the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), requesting the Internal Affairs Division report on (b) (6) from the Fort Peck Law and Justice Department. We apologize for the delay in our response.

The Privacy Act generally requires the release of records contained in a system of records about an individual to that individual when he or she requests them. See 5 U.S.C. § 552 a(d)(1). Correspondingly, the Privacy Act, subject to 12 exceptions, prohibits disclosure of protected records to third parties without the consent of the individual to whom the records pertain. One of the exceptions provides that documents may not be withheld pursuant to the Privacy Act if the Freedom Of Information Act (FOIA) requires their disclosure. 5 U.S.C. § 552 a(b)(2). Notwithstanding the fact that the records are exempt from disclosure under the Privacy Act, we have also evaluated your right to access the records under the FOIA. See 5 U.S.C. § 552 a(b)(2).

We are enclosing 73 pages of the incident report maintained by the BIA, OJS, related to this issue. We have withheld 261 pages of the incident report related to this issue because the FOIA, 5 U.S.C. § 552, generally provides for the protection of law enforcement records under 5 U.S.C. § 552 (b)(7). The personal information related to law enforcement officers and witnesses, was withheld pursuant to Title 5, United States Code § 552 (b)(6) and (b)(7)(C).

In this instance, the Department of the Interior maintains that an individual has a personal privacy interest in this information. Further, the FOIA is intended to grant citizens access to official information that sheds light on an agency's performance of its statutory duties United States Dept of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773 (1989). We do not perceive, nor have you enunciated, any public interest that would outweigh the privacy interest of the subject individuals or that would shed light on the agency's performance of its statutory duties. Therefore, pursuant to 43 CFR § 2.21, we are withholding the information, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Christopher B. Chaney, Deputy Bureau Director, OJS was the official responsible for the decision to withhold the above information. The decision was reviewed by Jessica Roff, Attorney Advisor, Office of the Solicitor, Division of Indian Affairs.

Under 43 C.F.R. § 2.28, you may appeal our response by writing to the Freedom of Information Act Appeals Officer, Office of the Solicitor, U. S. Department of the Interior, 1849 C St., NW, MS 6556-MIB, Washington, D.C. 20240. Your appeal must be received no later than 30 workdays after the date of this letter (43 C.F.R. 2.29(a)). Your appeal must be accompanied by copies of the original request and this letter. The appeal should contain a brief statement of the reasons why you believe this initial response is in error. To expedite the processing, both the envelope containing the notice of appeal and the face of the notice should bear the legend "FREEDOM OF INFORMATION ACT APPEAL."

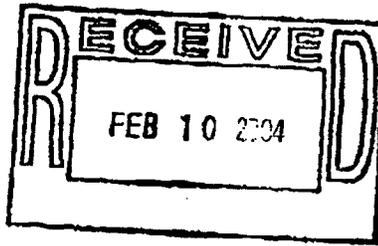
Sincerely,

Christopher B. Chaney  
Deputy Bureau Director  
Office of Justice Services

Enclosures

140Surname/Chron;SOL-IA;100F;600;LMerriam,9/25/06;FILE:03.03071.wpd

B



Perkins  
Coe

607 Fourteenth Street N.W.  
Washington, D.C. 20005-2011  
PHONE: 202.628.6600  
FAX: 202.434.1690  
www.perkinscoie.com

February 4, 2004

Sue Ellen Sloca  
Office of the Secretary  
FOIA Officer  
1849 C Street, NW - MS 1413 MIB  
Washington, D.C. 20240

Willie Chism  
FOIA Officer  
Bureau of Indian Affairs  
1849 C Street, NW - MS 4140 MIB  
Washington, D.C. 20240

**Re: Freedom of Information Act Request**

Dear Ms. Sloca and Ms. Chism:

On behalf of Scott County, Minnesota, we are writing to request documents pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, and pursuant to the Department of the Interior FOIA regulations, 43 C.F.R. § 2.11-2.20, regarding the trust land application of the Shakopee Mdewakanton Sioux Community. The purpose of this request is to assist the City and County in responding to this trust land application.

We hereby request any and all documents reflecting communication between the Office of the Secretary, the Office of the Assistant Secretary for Indian Affairs, the Office of the Solicitor, or the Bureau of Indian Affairs and the Shakopee Mdewakanton Sioux Community or its representatives. This request includes, but is not limited to, telephone log entries, notations of conversations, meeting notes, letters, memoranda, electronic mail messages, facsimile cover sheets and transmitted documents, calendar entries, etc.

This request covers the period from and including January 9, 2001 through the date of this letter, and covers all communications between these Offices at the Department and BIA and the Community during this time period, not just documents related to the trust request. It also covers all other documents in the possession of these Offices and BIA from January 9, 2001, to the present and in which the Community's current, or past, trust land requests are mentioned.

(32763-0001/DA040390006) BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · HONG KONG · LOS ANGELES  
MENLO PARK · OLYMPIA · PORTLAND · SAN FRANCISCO · SEATTLE · SPOKANE · WASHINGTON, D.C.

Perkins Coie LLP (Perkins Coie LLC in Illinois)

February 4, 2004

Page 2

In the event any of the requested documents are not disclosable in their entirety, we request that you release any material that may be separated and released. For any documents or portions thereof that are determined to be exempt from disclosure, we request that you state with specificity the legal and factual grounds for withholding documents or portions of documents.

We are willing to pay all reasonable costs (up to \$500) incurred in responding to this request. We are also willing to provide staff assistance to photocopy the documents.

We would greatly appreciate your attention these requests, to see that they are responded to in a timely manner, and look forward to your response within ten days after the receipt of this request, as required by 43 C.F.R. § 2.17.

Thank you for your assistance.

Very truly yours,



Donald C. Baur

cc: Lisa Kohner  
Dave Unmacht



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



February 18, 2004

Mr. Donald C. Baur  
Perkins Coie LLP  
607 Fourteenth Street N.W.  
Washington, DC 20005-2011

Dear Mr. Baur:

On February 4, 2004, you filed a Freedom of Information Act (FOIA) request, addressed to both the Office of the Secretary and the Bureau of Indian Affairs, seeking

“Any and all documents reflecting communication between the Office of the Secretary, the Office of the Assistant Secretary for Indian Affairs, the Office of the Solicitor, or the Bureau of Indian Affairs and the Shakopee Mdewakanton Sioux Community or its representatives. This request includes, but is not limited to, telephone log entries, notations of conversations, meeting notes, letters, memoranda, electronic mail messages, facsimile cover sheets and transmitted documents, calendar entries, etc.

This request covers the period from and including January 9, 2001 through the date of this letter, and covers all communications between these Offices at the Department and BIA and the Community during this time period, not just documents related to the trust request. It also covers all other documents in the possession of these Offices and BIA from January 9, 2001, to the present and in which the Community’s current, or past, trust land requests are mentioned.”

Your request was received in the Office of the Secretary FOIA office on February 10, 2004, and assigned control number OS-2004-00195. Please cite this number in any future communications or correspondence with the Department of the Interior regarding your request.

With respect to your request:

- (1) We have classed your request as a commercial-use request. As a "commercial-use requester," you are expected to pay for the cost of searching for responsive records, the cost of reviewing responsive records found for a release determination, and the cost of duplication of responsive records released. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$30.00 because the cost of collection would be greater than the fee collected. (See 43 CFR 2.18(a))

You have provided us with an upper limit of what we are to incur, on your behalf, in processing your request: \$500.00. Should it appear that the actual cost of processing your request will exceed this limit, the office or bureau responding to your request will contact you before proceeding to incur any additional costs, on your behalf, provide you with an estimate of the total cost of completing your request, and ask you for authorization to proceed before completing the processing of your request.

- (2) You have asked for documents maintained by the Office of the Secretary, the Office of the Assistant Secretary for Indian Affairs, the Office of the Solicitor, and the Bureau of Indian Affairs. Given the subject of your request, we are referring your request to the Office of the Solicitor and the Bureau of Indian Affairs for a search of their respective files and direct response to you. The Office of the Secretary FOIA office will be responding to your request for documents maintained by the Office of the Secretary and the Office of the Assistant Secretary for Indian Affairs.

Accordingly, you may expect to receive three separate responses to your request: one, covering Office of the Solicitor documents, another, Bureau of Indian Affairs documents, and another, Office of the Secretary and Office of the Assistant Secretary for Indian Affairs documents. You may expect to hear from me shortly with respect to the outcome of the file searches of the Office of the Secretary and the Office of the Assistant Secretary for Indian Affairs. You may expect to hear from the Office of the Solicitor and the Bureau of Indian Affairs within approximately 30 working days. If you do not, you may write or call the respective FOIA Officer listed on the attached directory, printed from the Department's website at [doi.gov](http://doi.gov), or file an appeal for non-response with the Department's Freedom of Information Act Appeals Officer.<sup>1</sup>

<sup>1</sup> You may file an appeal for non-response by writing to the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C Street, NW, Mail Stop 5312, MIB, Washington, D.C. 20240. Your appeal letter must be marked, both on its

In the interim, if you have any questions regarding the status of your request, you may contact me by phone at 202-208-6045, by fax at 202-219-2374, by e-mail at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, MS 1413 MIB, 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,



Sue Ellen Sloca  
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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envelope and at the top of its first page, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal letter should be accompanied by a copy of this letter, along with a statement attesting to the fact that you have not yet received a response from the agency component to which the documents were referred. Please allow this party ample time to process this referral before filing an appeal: a minimum of 20 working days plus a reasonable allowance for postal mail delivery.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

MAR 20 2008

IN REPLY REFER TO:

Office of Trust Services  
FOIA Control (FC 05015)

Mr. Donald C. Baur, Esq.  
Perkins Cole  
607 Fourteenth Stree, NW  
Washington, D. C. 20005-2011

Dear Mr. Baur:

This is in response to your Freedom of Information Act (FOIA) request, dated February 4, 2004, you requested the land application of the Shakopee Mdewakanton Sioux Community. We apologize for the delay in responding to your request.

Due to the length of time that has passed since your request was received, we would like to know if you are still interested in the information. If you are still interested in the information and would like the Bureau of Indian Affairs to process your request, please advise us accordingly within three weeks from the date of this letter. Please provide your comments to:

FOIA Officer  
Division of Logistics Support Services  
Office of Deputy Assistant Secretary for Management  
1849 C Street, NW, MS-3071-MIB  
Washington, D. C. 20240

If we do not hear from you within the specified timeframe, we will assume you are no longer interested in the information and close our file on your request.

Should you have any questions, please contact our office at (202) 208-4542.

Sincerely,

**sgd/ Vicki Forrest**

Vicki L. Forrest  
Deputy Bureau Director, Trust Services

LARRY ECHOHAWK  
PAUL C. ECHOHAWK  
MARK A. ECHOHAWK  
NATHAN R. LONG  
ATTORNEYS AT LAW

SALLY A. BEITIA  
PARALEGAL



151 N. 4TH AVENUE, SUITE A  
P.O. BOX 6119  
POCATELLO, ID 83205-6119  
208.478.1624  
FAX 208.478.1670  
WWW.ECHOHAWK.COM

L A W O F F I C E S

200

February 18, 2004

Willie Chism  
Office of Information Policy  
625 Herndon Parkway  
Herndon, VA 20170

**Re: Freedom of Information Act Request to Bureau of Indian Affairs**

Dear Mr. Chism:

This is a request to the Bureau of Indian Affairs under the Freedom of Information Act. I request that a copy of the documents containing the following information be provided to me by the Bureau of Indian Affairs: Information related to consideration, proposal, passage, administration, modification, and status of Utah and Northern Railway Company and/or Union Pacific Railroad rights of way on lands within the Fort Hall Indian Reservation or within Bannock County, Bingham County, and/or Power County, Idaho.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I act as Special Counsel for the Shoshone-Bannock Tribes of the Fort Hall Reservation and have been directed by the Fort Hall Business Council to obtain the requested information. The information is not requested for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. The information is requested for purposes of determining land ownership and possession interests of the Shoshone-Bannock Tribes, and is necessary for the Fort Hall Business Council, as the representative and governing body of the Tribes, to make legal and policy decisions.

I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk or a CD-ROM. If the information is not available in this format, I request that it be provided in hard copy form.

2004-A-329  
3/17/04



*FOIA Coordinator/Bureau of Indian Affairs  
Page 2 of 2  
February 18, 2004*

I also include a telephone number on this letterhead at which I can be contacted during normal business hours, if necessary, to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,



Paul C. EchoHawk, Esq.

PCE:sab  
cc: Fort Hall Business Council  
Tribal Attorney's Office

HAWDOX\CLIENTS\0001\0103\00007106.DOC



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

MAR 20 2008

IN REPLY REFER TO:

Office of Trust Services  
FOIA Control (FC 05064)

Mr. Paul C. EchoHawk  
151 N. 4<sup>th</sup> Avenue, Suite A  
P. O. Box 6119  
Pocatello, Idaho 83205

Dear Mr. EchoHawk:

This is in response to your Freedom of Information Act (FOIA) request, dated February 18, 2004, you requested a copy of documents containing the following information be provided to you by the Bureau of Indian Affairs: Information related to consideration, proposal, passage, administration, modification, and status of Utah and Northern Railway Company and/or Union Pacific Railroad rights of way on lands within the Fort Hall Indian Reservation or within Bannock County, Bingham County and/or Power County Idaho. We apologize for the delay in responding to your request.

Due to the length of time that has passed since your request was received, we would like to know if you are still interested in the information. If you are still interested in the information and would like the Bureau of Indian Affairs to process your request, please advise us accordingly within three weeks from the date of this letter. Please provide your comments to:

FOIA Officer  
Division of Logistics Support Services  
Office of Deputy Assistant Secretary for Management  
1849 C Street, NW, MS-3071-MIB  
Washington, D. C. 20240

If we do not hear from you within the specified timeframe, we will assume you are no longer interested in the information and close our file on your request.

Should you have any questions, please contact our office at (202) 208-4542.

Sincerely,

**sgd/ Vicki Forrest**

Vicki L. Forrest  
Deputy Bureau Director, Trust Services



# LEGEND LAKE

Property Owners Association  
N1024 Old South Branch Rd.  
**KESHENA, WISCONSIN 54135**  
(715) 799-3317

200

February 24, 2004

Willie Chism  
Bureau of Indian Affairs  
625 Herndon Parkway  
Herndon VA 20170

Re: Lot 57 Big Sky Addition to Legend Lake, Town of Menominee, Menominee  
County, Wisconsin

Dear Mr. Chism,

This is a F.O.I.A. REQUEST

I am specifically requesting a copy of the application, which led to the Fee to Trust  
transfer of Lot 57 Big Sky Addition to Legend Lake within the Menominee Indian  
Reservation of Wisconsin.

Enclosed you will find a copy of the deed, which confirms the transfer and provides  
legal description of the property.

Respectfully,

*George Cobb*

George Cobb  
Chairperson  
Legal Committee

2004-A-550  
3/17/04



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

MAR 20 2008

IN REPLY REFER TO:

Office of Trust Services  
FOIA Control (FC 05065)

Mr. George Cobb  
Chairperson, Legal Committee  
Legend Lake  
N10224 Old South Branch Road  
Keshena, Wisconsin 54135

Dear Mr. Cobb:

This is in response to your Freedom of Information Act (FOIA) request, dated February 24, 2004, you requested a copy of the application, which led to the Fee to Trust transfer of Lot 57 Big Sky Addition to Legend Lake within the Menominee Indian Reservation of Wisconsin. We apologize for the delay in responding to your request.

Due to the length of time that has passed since your request was received, we would like to know if you are still interested in the information. If you are still interested in the information and would like the Bureau of Indian Affairs to process your request, please advise us accordingly within three weeks from the date of this letter. Please provide your comments to:

FOIA Officer  
Division of Logistics Support Services  
Office of Deputy Assistant Secretary for Management  
1849 C Street, NW, MS-3071-MIB  
Washington, D. C. 20240

If we do not hear from you within the specified timeframe, we will assume you are no longer interested in the information and close our file on your request.

Should you have any questions, please contact our office at (202) 208-4542.

Sincerely,

**sgd/ Vicki Forrest**

Vicki L. Forrest  
Deputy Bureau Director, Trust Services



**Department of Energy**

Official File

200

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

CORPORATE

May 19, 2004

In reply refer to: KDP-7

Ms. Thelma Hargo for Willy Chism  
Bureau of Indian Affairs  
Freedom of Information Act Office  
625 Herndon Pkwy.  
Herndon, VA 20170  
(703) 735-4417

RE: Bonneville Power Administration (BPA) FOIA Request #04-036

Dear Ms. Hargo:

Per our conversation this morning, enclosed is a copy of the second Freedom of Information Act request we received from the law firm of Nelson Lovinger Norling Kaufmann LLP, specifically Mr. Thomas Nelson. Mr. Nelson requested information about easements and rights of way between BPA and Native American tribes for BPA transmission lines. We have designated this request as FOIA 04-036 in our files.

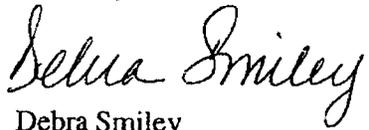
Also enclosed are a number of documents responsive to this request. We have discovered that the majority of responsive documents contained in our records were originated with the Bureau of Indian Affairs. Before we release these responsive documents to Mr. Nelson, we request that someone in your FOIA office review these documents and advise us on whether they can be released in their entirety.

Lastly, we have enclosed a copy of the letter we have sent to Mr. Nelson, advising him of the status of his request.

Upon your review of the documents, please advise me by email ([dlsmiley@bpa.gov](mailto:dlsmiley@bpa.gov)), or by fax (503) 230-4576, if these documents can be released. Your prompt attention to this matter is greatly appreciated and if you have any questions regarding this matter, do not hesitate to contact me at (503) 230- 3084.

2004-A-498  
6-10-04

Sincerely,

A handwritten signature in cursive script that reads "Debra Smiley". The signature is written in black ink and is positioned above the printed name and title.

Debra Smiley  
Freedom of Information Act Office



## Department of Energy

Official File

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

CORPORATE

April 12, 2004

In reply refer to: KDP-4

Mr. Thomas H. Nelson  
Nelson Lovinger Norling Kaufmann LLP  
825 NE Multomah, Suite 925  
Portland, OR 97232  
(503) 230-8311

RE: FOIA Request #04-036

Dear Mr. Nelson:

Thank you for your letter of March 25, 2004, requesting information under the Freedom of Information Act. In your letter you request Bonneville Power Administration (BPA) provide you with copies of all easement and rights of way for transmission line purposes dated from January 1, 1950 to the present between Native Americans and BPA that purport to grant BPA the right to cross lands owned by the United States and held in trust for Native Americans. Specifically you are asking for copies of easements or rights of way that allow BPA to construct, operate, and maintain the McNary-Big Eddy line, the McNary-Ross line, and any other BPA transmission facilities located within Townships 2,3, and 4, Ranges 14, 15, and 16, East of Willamette Meridian, all located in Klickitat County, Washington.

Your request was received by our office on April 12, 2004 and has been logged in as FOIA #04-036. You have agreed to pay fees associated with the processing of your request.

John Cowger, Realty Officer, has been designated as Authorizing Official for your request. Mr. Cowger has 20 working days, until May 10, 2004, to provide a response. Should you have any questions he may be reached at Mail Stop TRT-TPP-4 or by calling 360-619-6476.

Sincerely,

A handwritten signature in cursive script that reads "Annie Eissler".

Annie Eissler  
Freedom of Information Officer

March 25, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Ms. Annie Eissler  
FOIA Officer  
Mail Stop CIR-1  
Bonneville Power Administration  
P.O. Box 3621  
Portland, OR 97208

RECEIVED BY BPA FOIA OFFICE THIS DATE: 4/12/04
DUE DATE: 5/10/04
LOG # 04-036

**Re: FOIA REQUEST: TRANSMISSION EASEMENTS IN KLICKITAT COUNTY**

Dear Ms. Eissler:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552 (2003). On behalf of several of our clients, we respectfully request that the Bonneville Power Administration ("BPA") provide us with copies of all easements and rights of way for transmission line purposes dated from January 1, 1950 to the present between Native Americans (often commonly referred to as "American Indians") on the one hand and BPA on the other that purport to grant to BPA the right to cross lands owned by the United States and held in trust for such Native Americans. The specific easements or rights of way requested include all such documents purporting to convey property rights to allow BPA to construct, operate, and maintain the McNary-Big Eddy line, the McNary-Ross line, and any other BPA transmission facilities located within Townships 2, 3, and 4, Ranges 14, 15, and 16, East of Willamette Meridian, all located in Klickitat County, Washington.

We are willing to pay the fees associated with this request. My contact information is as follows:

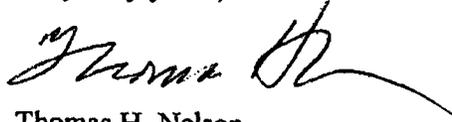
Thomas H. Nelson  
Nelson Lovinger Norling Kaufmann LLP  
825 NE Multnomah, Suite 925  
Portland, Oregon 97232  
Phone: (503) 230-8311  
Fax: (503) 230-8313  
E-Mail: nelson@nlnk.com

2004-07-10-2004  
HSP

Ms. Annie Eissler  
March 25, 2004  
Page 2

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Nelson", with a long, sweeping horizontal line extending to the right.

Thomas H. Nelson

cc: Mr. Leo Aleck  
Mr. Stanley Speaks, BIA Portland





IN REPLY REFER TO:

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Northwest Regional Office  
911 N.E. 11th Avenue  
Portland, Oregon 97232-4169



OCT - 5 2004

Mr. Thomas H. Nelson  
Thomas H. Nelson & Associates  
8250NE Multnomah, Suite 925  
Portland, OR 97232

Mr. Nelson:

Per your request dated March 25, 2004, Freedom of Information Act (FOIA) request, files with the U.S. Department of Energy, Portland, OR for "copies of all easements and rights of way for transmission line purposes dated from January 1, 1998 to the present and for a period of greater than fifty (50) years between Native Americans (often commonly referred to as American Indians) on the one hand and BPA on the other that purport to grant to BPA the right to cross lands owned by the United States and held in trust for such Native Americans. Such easements or rights of way may or may not be within reservations established by the President or the Congress of the United States." This particular request has been referenced as FOIA #05P-0004. Please refer to this number when addressing this request in the future.

In your follow-up request to the Bureau of Indian Affairs of September 16, 2004, you stated that with "the documents already identified, I am not authorizing any additional charges for this request." However, in our review of the documents, which were provided to the Bureau from the BPA, these documents were not responsive to what you specifically asked for in your original request. In order to fulfill your request, we would be starting the process anew and would therefore, request your willingness to pay fees for searches, reviews and duplication and identify your fee category.

There are 3 types of fee categories in the FOIA process. They are as follows: 1) A commercial use request is a use or purpose that furthers the commercial, trade or profit interest of the requester or the person on whose behalf the request is being made, which can include furthering those interests through litigation. 2) An educational or non-commercial scientific institution, whose purpose is scholarly or scientific research or a representative of the news media, and 3) All requesters who do not fall within either of the preceding fee levels.

Charges for these fee categories are varied, but do include search, review and duplication. The search portion includes all the time spent looking for relevant material, including page-by-page or line-by-line identification of the material within the documents. Review

time consists of the direct costs incurred during the initial examination of a document for the purposes of determining whether the document must be disclosed under the FOIA. Charges will also be incurred for the reasonable direct cost of duplication of the documents requested.

You may also request that the fees be waived. However, under this category you must be able to exhibit two basic requirements: that your request is "in the public interest because furnishing the information would benefit the general public" and that it "is not primarily in the commercial interest of the requester."

In accordance with our regulations 43 CFR §2.17 (b) we will not proceed further with your request until we hear from you. If we do not receive a response from you within 20 business days from the date of this letter, we will close the file on your request. We hope that this proves not to be necessary.

If you feel this response is in error, you may appeal in writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1848 C Street NW, MS-5312 MIB, Washington D.C. 20240. A copy of the initial request and this letter should accompany the appeal. The appeal should be marked "Freedom of Information Appeal" on both the envelope and the face of the letter and must be received no later than 20 working days after the date of this letter. Your letter should also contain a brief statement of the reasons why you believe this response to be in error.

If you have any questions, please contact Twyla Stange, Northwest Regional FOIA Coordinator at (503) 231-6727.

Sincerely,

**G. D. Ben**

**ACTING**

Northwest Regional Director

Chrony/Surname

Tlstance:6727:10/4/2004:FOIA#05P-0004A

200

**THE DENVER POST**  
Mike Soraghan  
Washington Bureau  
1255 National Press Building  
529 14<sup>th</sup> St. N.W.  
Washington, D.C. 20045  
(202) 662-8730  
Fax (202) 662-8996  
[msoraghan@denverpost.com](mailto:msoraghan@denverpost.com)

Sept. 10, 2004 *Faxed at 4:45 pm*

Willie Chism  
Office of Information Policy  
625 Herndon Parkway  
Herndon, Va. 20170  
703-735-4415, Fax 703-735-4416

**FOIA REQUEST**

Ms. Chism:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I request access to and copies of all information concerning the land claim filed by or on behalf of the Cheyenne-Arapaho Tribe of Oklahoma in April 2004.

This includes, but is not limited to, the land claim settlement packet submitted, correspondence (electronic or otherwise), internal and external e-mail, notes, reports, memorandums and memorandums for the record and written correspondence.

Upon information and belief, the name of the project the tribe is pursuing is "The Homecoming Project." It may have been filed on the tribe's behalf by a company called Council Tree Communications, or Native American Land Group.

This request is to expand the Freedom of Information request I filed Aug. 10 by fax. I am expanding it because of the recent decision announced by the Solicitor of the Department of Interior, and I want my request to cover the documents during the intervening period.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50. However, please notify me prior to your incurring any expenses in excess of that amount. As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. This information is being sought on behalf of The Denver Post for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information. As I am making this request as a journalist and this

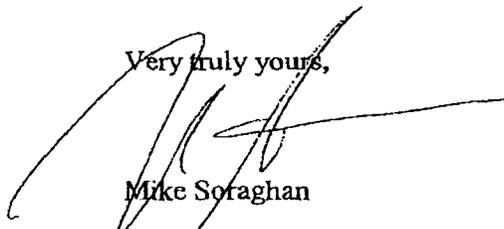
*2004-9-7-20  
9/15/04  
HJ/EL/b*

(Soraghan, Cheyenne-Arapaho FOIA, page 2)

information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Mike Soraghan', written over the typed name.

Mike Soraghan

Cc: counsel



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

MAR 20 2008

IN REPLY REFER TO:

Office of Trust Services  
FOIA Control (FC 05449)

Mr. Mike Soraghan  
The Denver Post  
1255 National Press Building  
529 14<sup>th</sup> Street, N. W.  
Washington, D. C. 20045

Dear Mr. Soraghan:

This is in response to your Freedom of Information Act (FOIA) request, dated September 10, 2004, requesting access to and copies of all information concerning the land claim filed by or on behalf of the Cheyenne-Arapaho Tribe of Oklahoma in April 2004. We apologize for the delay in responding to your request.

Due to the length of time that has passed since your request was received, we would like to know if you are still interested in the information. In accordance with our regulations (43 CFR 2.17(b)), we will not proceed further with your request until we hear from you. If we do not receive a response from you within 20 workdays of the date of this letter, we will close the file on your request. Please send your reply or any questions you may have regarding this matter to the following address:

FOIA Officer  
Division of Logistics Support Services  
Office of Deputy Assistant Secretary for Management  
1849 C Street, NW, MS-3071-MIB  
Washington, D. C. 20240

Sincerely,

**sgd/ Vicki Forrest**

Vicki L. Forrest  
Deputy Bureau Director, Trust Services

LAW OFFICES

**SNOW, CHRISTENSEN & MARTINEAU**

A PROFESSIONAL CORPORATION

10 EXCHANGE PLACE, ELEVENTH FLOOR

POST OFFICE BOX 45000

SALT LAKE CITY, UTAH 84145-5000

TELEPHONE (801) 521-9000

FACSIMILE (801) 363-0400

HTTP://WWW.SCMLAW.COM

THURMAN & SUTHERLAND	1886
THURMAN, SUTHERLAND & KING	1888
THURMAN, WEDGWOOD & IRVINE	1906
IRVINE, SKEEN & THURMAN	1923
SKEEN, THURMAN, WORSLEY & SNOW	1952
WORSLEY, SNOW & CHRISTENSEN	1967

JOHN H. SNOW 1917-1980

DEED L. MARTINEAU	JULIANNE BLANCH
DAVID W. SLAGLE	BRIAN P. MILLER
A. DENNIS MORTON	JUDITH D. WOLFERTS
ALLAN L. LARSON	KEITH A. CALL
JOHN E. GATES	KARA L. PETTIT
R. BRENT STEPHENS	ELIZABETH L. WILLEY
KIM R. WILSON	HEATHER S. WHITE
MICHAEL R. CARLSTON	ROBERT R. HARRISON
DAVID G. WILLIAMS	ROBERT W. THOMPSON
REX E. MADSEN	JILL L. DUNYON
MAX D. WHEELER	SCOTT H. MARTIN
DAVID W. SLAUGHTER	ROBERT J. SHELBY
STANLEY J. PRESTON	TRYSTAN B. SMITH
SHAWN E. DRANCY	MARALYN M. REGER
JOHN R. LUND	KENNETH L. REICH
RODNEY R. PARKER	JOSEPH P. BARRETT
RICHARD A. VAN WAGONER	D. JASON HAWKINS
ANDREW M. MORSE	RICHARD A. VAZQUEZ
CAMILLE N. JOHNSON	BRADLEY R. BLACKHAM
DENNIS V. DAHLE	BRYAN M. SCOTT
KOREY D. RASHUSSEN	SAM HARKNESS
DAVID L. PINKSTON	P. MATTHEW COX

June 16, 2004

OF COUNSEL	
HAROLD S. CHRISTENSEN	
WRO'S CONTROLLED CORRESPONDENCE NO.: <i>2nd notice - Original is H00-04-03</i>	
WRITER'S DIRECT NUMBER:	
<input checked="" type="checkbox"/> FOIA: <i>H00-04-03A</i>	<input type="checkbox"/> BCCO:
<input type="checkbox"/> Privacy Act	<input type="checkbox"/> Congressional
<input type="checkbox"/>	<input type="checkbox"/> Other
DUE DATE: <i>July 6, 2004</i> (801) 322-9228	

Office of the Western Regional Director  
Bureau of Indian Affairs  
ATTN: FOIA Officer  
P.O. Box 10  
Phoenix, Arizona 85001

Re: Freedom of Information Act - Request for Copies  
*Ute Indian Tribe, et al v. Western Regional Director*  
IBIA Docket Number: IBIA 03-45-A

Dear FOIA Officer:

On November 6<sup>th</sup>, 2003, this office made a request for a copy of the above identified file. A copy of that letter is enclosed for your reference. In January, I received a call from your offices and was told that the file was being researched. I have not heard anything since that time.

I would appreciate a response to my November FOIA request to your offices, either with the requested file or a time frame in which I can expect the requested copies.

I will look forward to hearing from you at your earliest convenience. Thank you.

Sincerely,

SNOW, CHRISTENSEN & MARTINEAU

Deborah M. Wharff  
Paralegal

dmw

N:\1430\1\1\foia follow up to west reg dir 6-16-04.wpd

RECEIVED-B  
2004 JUN 21 F  
AREA DIREI

Branch of Real Estate Services  
(602) 379-6781

JUN 29 2004

Ms. Deborah M. Wharff, Paralegal  
Snow, Christensen & Martineau  
10 Exchange Place, Eleventh Floor  
P.O. Box 45000  
Salt Lake City, Utah 84145-5000

Dear Ms. Wharff:

This is in reply to your letters of November 6, 2003, and June 16, 2004, in which you have requested a copy of an appeal file, *Ute Indian Tribe, et al v. Western Regional Director*, IBIA Docket Number: IBIA 03-45-A, pursuant to the Freedom of Information Act. We apologize for the delay.

We would like point out that the appeal of the decision of January 10, 2003, was docketed under *Ute Indian Tribe of the Uintah & Ouray Indian Reservation, et al. v. Western Regional Director*, Docket No. IBIA 03-64-A, in which jurisdiction was later assumed by the Assistant Secretary-Indian Affairs. Docket Number IBIA 03-45-A refers to an appeal of inaction in the matter. With the issuance of the January 10, 2003 decision, the IBIA dismissed that appeal.

We will provide you a further response by July 30, 2004. If you have any questions, please contact Mike Johnson, Realty Specialist, or Stan Webb, Realty Officer, at the above listed telephone number.

Sincerely,

**Wayne Nordwall**

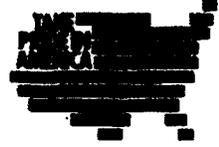
Regional Director

cc: John Ashley, WRO/OIO FOIA Coordinator  
Azurene Azure, Property Management  
**CONTROL NO. H00-04-03-A**  
mjohanson\*mj\*6/25/04\*Appeals\NOSR-2 FOIA ltr



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
PHOENIX AREA OFFICE  
P.O. BOX 10  
PHOENIX, ARIZONA 85001



IN REPLY  
REFER TO:

Branch of Real Estate Services  
(602) 379-6781

DEC 27 2005

Ms. Deborah M. Wharff, Paralegal  
Snow, Christensen & Martineau  
10 Exchange Place, Eleventh Floor  
P.O. Box 45000  
Salt Lake City, Utah 84145-5000

DEC 2005  
Received  
Phoenix Area Office  
Branch of  
Forestry

Dear Ms. Wharff:

This is in response to your recent discussion with Mike Johnson of our Real Estate Services branch, in regard to your Freedom of Information Act (FOIA) request for appeal documentation in *Ute Indian Tribe of the Uintah & Ouray Indian Reservation, et al v. Western Regional Director*, Docket No. IBIA 03-64-A. Mr. Johnson advised you that the administrative record was recently returned by the Interior Board of Indian Appeals, and that we could forward you a copy of that record.

Upon further review of the record, we find that it is a partial version of the record we submitted to the Solicitor's Office within the Department of the Interior, after that office began to represent us on appeal. We also provided a copy of our record to the Salt Lake City Field Solicitor's Office, since that office had provided a response brief in support of our January 10, 2003, decision. Rather than provide a partial response to your request, we are (by copy of this letter) referring the request to the Salt Lake City Field Solicitor's Office for a copy of our administrative record.

If you have any questions, please contact Stan Webb, Realty Officer, or Mike Johnson, Realty Specialist, at the telephone number shown above.

Sincerely,

/s/ Catherine E. Wilson

Acting Western Regional Director

cc: Field Solicitor, Salt Lake City Field Office  
(w/cy of FOIA request)

FOIA Coordinator, RES

✓ FOIA Coordinator, WRO

**Control No. H00-04-03-A**



# FOIA LOG FY - 06 and earlier



[Return to Main Switchboard](#)

Due Date                     

## PART 1 - GENERAL INFORMATION

<b>ID #Na</b>	<b>FOIA/PA Number</b>	<b>OS Log #</b>	<b>Action Office</b>	<b>Type of Request FOIA/PA</b>
	05910		Trust Services	FOIA
<b>Requester First Name</b>		<b>Requester Last Name</b>		<b>Affiliation</b>
A. Grant		Gerber		A. Grant Gerber & Associates
<b>Description of Request [max 255 characters including spac]</b>				
Requests copy of file regarding an estate of an individual				
<b>Redactable Information</b>				

## PART 2 - DATE MM/DD/YYYY

<b>Date of Letter</b>	<b>Request Received</b>	<b>Perfected Date</b>	<b>Interim Response</b>	<b>Final Response</b>	<b>Complexity</b>
5/13/2004	5/15/2004			1/24/2008	Normal

## PART 3 - DISPOSITION OF REQUEST

<b>Disposition</b>	<b>Other Disposition</b>	<b>Expedite</b>
Other		<input type="checkbox"/>

## PART 4 - FEE CATEGORY

<b>Commercial</b>	<b>Education, Science, Media</b>	<b>Other</b>	<b>Waiver Request</b>	<b>Waiver Granted</b>	<b>Fees Collected</b>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## PART 5 - PROCESSING TIME

<b>Clerical Search</b>	<b>Professionals Search</b>	<b>Manager Search</b>	<b>Sum of Search</b>
0	0	0	\$0.00
<b>Clerical Review</b>	<b>Professional Review</b>	<b>Manager Review</b>	<b>Sum of Review</b>
0	0	0	\$0.00

## PART 5B - OTHER COSTS

<b>Computer Search</b>	<b>Number of Standard Copies</b>	<b>Number of Certification</b>	<b>Additional Mail Cost</b>	<b>Non Standard Copies</b>	<b>Other Expenses</b>
\$0.00	0	0	\$0.00	0	\$0.00
<b>Sum of costs</b>					\$0.00

## PART 6 - FOIA EXEMPTIONS

<b>1. National Security</b>	<b>2. Internal Personnel Rules and Practices</b>	<b>3. Statutory exemption other than FOIA/PA</b>	<b>4. Trade secrets, commercial or financial</b>	<b>5. Deliberative process; Attorney/Client privileges</b>	<b>6. Invasion of Personal Privacy</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. Law Enforcement records that would -</b>					
<b>A. Interfere with law enforcement proceedings</b>	<b>B. Deprive person of the right to fair trial</b>	<b>C. Constitute invasion of personal privacy</b>	<b>D. Disclose confidential source</b>	<b>E. Disclose law enforcement techniques</b>	<b>F. Endanger physical safety of person</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. Supervision of financial institutions</b>	<b>9. Geological and geophysical information</b>				
<input type="checkbox"/>	<input type="checkbox"/>				

## PART 7 - OTHER STATUTORY EXEMPTIONS

<b>Name of Law</b>	<b>US Code Citation</b>

**PART 8 - PRIVACY ACT EXEMPTIONS**

1. Civil Action	2. Criminal Enforcement	3. National Security	4. Investigations	5. Secret Services	6. Statistical Records	7. Background Checks	8. Testing material	9. Military source; identification, evaluations
<input type="checkbox"/>								

**PART 9 - OTHER REASONS FOR NON DISCLOSURE**

a. No Records	b. Referral outside BIA	c. Request withdrawn	d. Fee-related reason	e. Not reasonably described	f. Not a proper request	g. Not a BIA record	h. Duplicate request
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

i. Other (specify)  Western Region

**PART 10 - APPEALS**

Appealed?	Appeal Number
<input type="checkbox"/>	<input type="text"/>

---

## Comments

### Comments

Administratively Closed. Could not locate documents and no file folder was created or lost.

**MOUND, COTTON, WOLLAN & GREENGRASS**

COUNSELLORS AT LAW

ONE BATTERY PARK PLAZA  
NEW YORK, NY 10004-1486

(212) 804-4200

FAX: (212) 344-8066

WWW.MOUNDCOTTON.COM

ONE RIVERFRONT PLAZA  
NEWARK, NJ 07102-8497  
(973) 242-2050

1700 CALIFORNIA STREET  
SAN FRANCISCO, CA 94109-4890  
(415) 434-4301

LONGBOW HOUSE  
14-20 CHISWELL STREET  
LONDON EC1Y 4TY  
(207) 638-3688

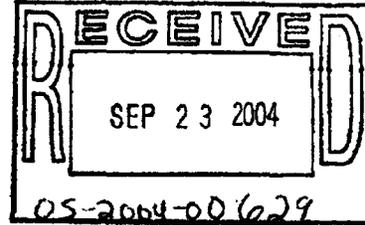
MICHAEL R. KOBLENZ

(212) 804-4247

MKOBLENZ@MOUNDCOTTON.COM

September 9, 2004

Honorable Gale Norton  
Secretary of the Interior  
1849 C Street, NW  
Washington, D.C. 20240



Dear Honorable Norton:

Pursuant to the Freedom of Information Act, please send us diskette copies of any and all agreements, leases, financial statements etc. with any Wyoming or Oklahoma Indian reservations regarding the sale of oil or natural gas and/or royalty payments associated with such matters. In addition, please send us any and all permits required by the Department of the Interior to conduct business with such Indian reservations.

Because the information obtained through this request is likely to contribute significantly to public understanding of the operations or activities of the government, we also request that any fees normally incurred in association with a FOIA request be waived.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael R. Koblenz".

MRK:lfe  
Encl.

815014

OFFICE OF THE  
EXECUTIVE SECRETARIAT

04 SEP 16 AM 7:47

RECEIVED



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

September 28, 2004

Michael R. Koblenz  
Mound, Cotton, Wollan & Greengrass  
One Battery Park Plaza  
New York  
NY 10004-1486

Dear Mr. Koblenz:

On September 9, 2004, you filed a Freedom of Information Act (FOIA) request, seeking:

"Diskette copies of any and all agreements, leases, financial statements, etc. with any Wyoming or Oklahoma Indian reservations regarding sale of oil or natural gas and/or royalty payments associated with such matters. In addition, please send us any and all permits required by the Department of the Interior to conduct business with such Indian reservations."

Your request was received by the Office of the Secretary FOIA office on September 23, 2004, and assigned control number **OS-2004-00629**. Please cite this number in any future correspondence or communications with the Department.

With respect to your request:

(1) **Scope of Request**

In response to your request:

Due to the broadness of your request and the lack of clarity in your letter to us, we are unable to process your request. You had requested the "diskette copies of any and all agreements, leases, financial statements, etc. with any Wyoming or Oklahoma Indian reservations regarding sale of oil or natural gas and/or royalty payments associated with such matters". These headings are too broad. In order to make your request searchable you will need to narrow down your request to include the names of the tribe or tribes, the periods and dates of the agreements and financial statements which you are requesting. Additionally, you had requested "any and all permits required by the Department of the Interior to conduct business with such Indian reservations." Also, this part of your request is too vague. You will need to describe the type of permits or forms you are requesting and the tribe or tribes you intend to conduct business with.

Under our regulations (43 C.F.R. 2.8 (a)(1)), a requester must describe the records he or she is seeking in sufficient detail, and with sufficient clarity, that an employee familiar with the subject of the request can locate them with a reasonable amount of effort.<sup>1</sup>

If you need assistance to formulate your request to comply with the FOIA, please contact us in writing within 20 working days of the date of this letter. Enclosed is a copy of your original FOIA request which is enclosed with our response, for your convenience. Our regulations state that if we do not hear from you, with respect to the scope of your request within 20 workdays of this letter, we will assume that you are no longer interested in the processing of your request, as per (43 CFR § 2.8(a)(3)) and will close the file on your request.

(2) **Cost of Request**

You have asked for a waiver of all FOIA processing fees. The Department of the Interior's FOIA regulations state that it will waive fees if "disclosure of all or part of the information is in the public interest because its release—(1) Is likely to contribute significantly to public understanding of the operations and activities of the government; and (2) Is not primarily in the commercial interest of the requester." 43 C.F.R. § 2.19(b).

We have conducted a *preliminary* analysis of your request to determine whether they qualify for a fee waiver. Based on this analysis, we have determined that since you are a commercial entity and nothing in your request indicates that your request is for any use other than for commercial purposes, your request does not qualify for a full fee waiver.

Therefore, we have classed your request as a commercial-use request. As a "commercial-use requester," you are expected to pay for the cost of searching for responsive records, the cost of reviewing responsive records found for a release determination, and the cost of duplication of responsive records released. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$30.00 because the cost of collection would be greater than the fee collected.

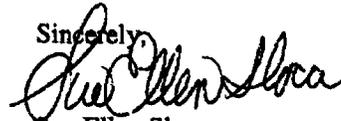
In the interim, if you have any questions regarding any of the issues discussed in this letter, you may contact me by phone at 202-208-6045, by fax at 202-219-2374, by e-mail at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, MS 1413 MIB, Washington, D.C. 20240. Alternatively, you can provide us with a phone number at which you can be reached, along with the time of day that you prefer to be contacted, and we can attempt to

---

<sup>1</sup> The FOIA specifies that a request for records must "reasonably describe" the records sought. 5 U.S.C. § 552(a)(3)(A). A description "would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." *Marks v. United States Department of Justice*, 578 F.2d 261, 263 (9th Cir. 1978), quoting the legislative history of the 1974 FOIA amendments, H.R. Rep. No. 93-876, at 6 (1974), reprinted in 1974 U.S.C.C.A.N. 6267, 6271. In other words, the critical inquiry in determining whether a description is reasonable is "whether the agency is able to determine precisely what records [are] being requested." *Yeager v. DEA*, 678 F.2d 315, 322, 326 (D.C. Cir. 1982)

contact you, at our expense, to answer any questions that you might have, regarding your request.

Sincerely,



Sue Ellen Sloca  
Office of the Secretary  
FOIA Officer

Enclosure

# MOUND COTTON WOLLAN & GREENGRASS

COUNSELLORS AT LAW  
ONE BATTERY PARK PLAZA  
NEW YORK, NY 10004-1486

NEW YORK, NY  
NEWARK, NJ  
GARDEN CITY, NY  
SAN FRANCISCO, CA  
LONDON, UK

(212) 804-4200  
FAX: (212) 344-8066  
WWW.MOUNDCOTTON.COM

MICHAEL R. KOBLENZ  
(212) 804-4247  
MKOBLENZ@MOUNDCOTTON.COM

200

October 20, 2004

Sue Ellen Sloca, FOIA Officer  
Office of the Secretary  
U.S. Department of the Interior  
MS 1413 MIB  
Washington, DC 20240

**RE: CONTROL NUMBER OS-2004-00629**

Dear Ms. Sloca:

Thank you for your correspondence of September 28, 2004 regarding my FOIA request of September 9, 2004 (control number OS-2004-00629). I am writing to revise my request in accordance with your specifications so that you are able to process it.

**Scope of Request**

Please be so kind as to send me diskette copies of:

- 1) Indian (Tribal and allotted) oil and gas leases and
- 2) Royalty agreements for those leases currently in effect

for the period 2002 to 2004 regarding the following Indian Tribes in Oklahoma and Wyoming:

1) Alabama-Coushatta	8) Creek
2) Arapahoe	9) Delaware
3) Caddo	10) Jicarilla Apache
4) Cherokee	11) Pawnee
5) Cheyenne-Arapaho	12) Ponca
6) Chickasaw	13) Seminole
7) Choctaw	14) Wichita

2005-02-168  
2/4/05

**MOUND COTTON WOLLAN & GREENGRASS**

October 20, 2004

Page 2

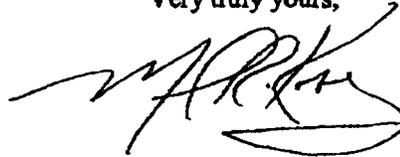
1) Arapahoe	4) Shoshone
2) Cheyenne-Arapaho	5) Ute
3) Pawnee	6) Ute Mountain Ute

**Cost of Request**

I am satisfied with your preliminary analysis of my request regarding full fee waiver qualification.

Thank you for your assistance with this matter.

Very truly yours,





## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

October 29, 2004

Michael R. Koblenz  
Mound, Cotton, Wollan & Greengrass  
One Battery Park Plaza  
New York  
New York 10004-1486

Dear Mr. Koblenz:

On September 9, 2004, you filed a Freedom of Information Act (FOIA) request, seeking:

"Diskette copies of any and all agreements, leases, financial statements, etc. with any Wyoming or Oklahoma Indian reservations regarding sale of oil or natural gas and/or royalty payments associated with such matters. In addition, please send us any and all permits required by the Department of the Interior to conduct business with such Indian reservations."

On September 28, 2004, we acknowledged your request, advised you as to your fee status under FOIA. We had also stated that your request was too broad and lacked clarity.

On October 20, 2004, you submitted a revised version of your request.

We are writing to you today to provide you with a response to your request.

Given the subject of your request, we are forwarding your request to the Minerals Management Service for a search of its files. The Minerals Management Service will be responding to your request on behalf of the Department and will be issuing a determination on all fees associated with your request.

Please note that there exists the likelihood that the documents you have requested are not within the Department of Interior and its Offices.

In the interim, if you have any questions regarding the status of 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](mailto:osfoia@nbc.gov), or by mail at U.S. Department of the Interior, MS 1413 MIB, 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,



Sue Ellen Sloca  
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 you 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 use 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 order 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.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:

Real Estate Services  
FOIA 05500

FEB 17 2005

Mr. Michael R. Koblenz  
Mound, Cotton, Wollan & Greengrass  
Counsellors at Law  
One Battery Park Plaza  
New York, New York 10004-1486

Dear Mr. Koblenz:

This is in response to your Freedom of Information Act (FOIA) request, dated September 9, 2004, for "diskette copies of any and all agreements, leases, financial statements, etc., with any Wyoming or Oklahoma Indian reservation regarding the sale of oil or natural gas and/or royalty payments associated with such matters, as well as any and all permits required by the Department of the Interior to conduct business with such Indian reservations". Your request has been referred to this office for a response in behalf of the Assistant Secretary - Indian Affairs.

The Bureau of Indian Affairs, Central Office, in Washington, D.C., does not maintain records as described. In addition, the Bureau of Indian Affairs (BIA) has a decentralized FOIA program, which means that each regional office is responsible for responding to FOIA requests for records under its purview. The BIA Eastern Oklahoma Region and Southern Plains Region have administrative jurisdiction for Indian lands in the State of Oklahoma and the BIA Rocky Mountain Region has administrative jurisdiction for Indian lands located in the State of Wyoming. Therefore, by copy of this letter, we are referring your request to those offices for a direct response. Should you need to contact any or all of those offices, their addresses are as follows:

Eastern Oklahoma Region	Southern Plains Region	Rocky Mountain Region
Bureau of Indian Affairs	Bureau of Indian Affairs	Bureau of Indian Affairs
3100 W. Peak Boulevard	WCD Office Complex	316 N. 26 <sup>th</sup> Street
Muskogee, Oklahoma 74401	P. O. Box 368	Billings, Montana 59101
	Anadarko, Oklahoma 73005	

If you have any additional questions, please do not hesitate to contact the Division of Real Estate Services at (202) 208-7737.

Sincerely,

sgd / Ben Burshia

Acting Deputy Director - Trust Services

cc: FOIA Coordinator - EORO Region w/ incoming for direct reply  
FOIA Coordinator - SPRO Region w/cpy incoming for direct reply  
FOIA Coordinator - Rocky Mountain Region w/cpy incoming for direct reply  
Alex Mallus, Sue Ellen Sloca - OS FOIA Officer



**United States Department of the Interior**  
**BUREAU OF INDIAN AFFAIRS**  
Eastern Oklahoma Regional Office  
P.O. Box 8002  
Muskogee, OK 74402-8002

IN REPLY REFER TO:

Real Estate Services  
Subsurface Leasing

MAR 31 2005

Mound Cotton Wollan and Greengrass  
Attention: Michael R. Koblenz  
One Battery Park Plaza  
New York, New York 10004-1486

Dear Mr. Koblenz:

This is in response to your Freedom of Information Act (FOIA) request dated February 9, 2004, revised October 20, 2004 and received by fax to the Bureau of Indian Affairs, Eastern Oklahoma Regional Office on March 3, 2005.

A complete and thorough review of the records of the Eastern Oklahoma Regional Office, Real Estate Services, has been conducted and records were located responsive to your request and are herewith transmitted as follows:

1. Oil and Gas Mining Lease No. 503-8462, approved February 26, 2002 (4 pages).
2. Oil and Gas Mining Lease No. 503-8463 approved March 14, 2002 (6 pages).
3. Oil and Gas Mining Lease No. 503-8464 approved April 16, 2002 (4 pages).
4. Oil and Gas Mining Lease No. 503-8465 approved June 18, 2002 (5 pages).
5. Oil and Gas Mining Lease No. 503-8466 approved October 28, 2002 (5 pages).
6. Oil and Gas Mining Lease No. 503-8467 approved November 18, 2002 (5 pages).
7. Oil and Gas Mining Lease No. 503-8468 approved February 3, 2003 (5 pages).
8. Oil and Gas Mining Lease No. 503-8469 approved April 3, 2003 (4 pages).
9. Oil and Gas Mining Lease No. 503-8470 approved April 3, 2003 (4 pages).
10. Oil and Gas Mining Lease No. 503-8471 approved May 10, 2003 (9 pages).

**COPY**  
**COPY**

11. Oil and Gas Mining Lease No. 503-8472 approved December 12, 2003 (5 pages).
12. Oil and Gas Mining Lease No. 503-8474 approved December 24, 2003 (5 pages).
13. Oil and Gas Mining Lease No. 503-8475 approved February 17, 2004 (5 pages).
14. Oil and Gas Mining Lease No. 503-8476 approved March 26, 2004 (4 pages).
15. Oil and Gas Mining Lease No. 503-8478 approved June 3, 2004 (8 pages).
16. Oil and Gas Mining Lease No. 503-8480 approved August 2, 2004 (4 pages).
17. Oil and Gas Mining Lease No. 503-8481 approved September 8, 2004 (6 pages).
18. Oil and Gas Mining Lease No. 503-8482 approved September 21, 2004 (5 pages).
19. Oil and Gas Mining Lease No. 503-8483 approved September 21, 2004 (5 pages).
20. Oil and Gas Mining Lease No. 503-8484 approved September 21, 2004 (5 pages).
21. Oil and Gas Mining Lease No. 503-8485 approved November 2, 2004 (4 pages).
22. Oil and Gas Mining Lease No. 503-8486 approved November 5, 2004 (4 pages).
23. Oil and Gas Mining Lease No. 503-8487 approved November 15, 2004 (4 pages).

The Office of the Field Solicitor has been consulted in this matter and concurs in the release of information. Should you have any questions, please contact Ms. Annette Jenkins, Realty Officer, Eastern Oklahoma Regional Office, Division of Real Estate Services, at (918) 781-4658.

Respectfully,

(Sgd.) Mary L. Downing

~~Acting~~ Regional Director

Enclosures

cc: FOIA for EORO  
Acting Deputy Director-Trust Services-Headquarters

**COPY**  
**COPY**



-2-

If you have any questions concerning your request, you may call the Regional Realty Officer or the Regional FOIA Coordinator. The telephone numbers are 405-247-1559 or 405-247-5059, respectively.

Sincerely,



Acting Regional Director



United States Department of the Interior

Bureau of Indian Affairs  
Anadarko Agency  
P. O. Box 309  
Anadarko, Oklahoma 73005

June 1, 2005

Mr. Michael R. Koblenz  
Counselors at Law  
One Battery Park Plaza  
New York, NY 10004-1486

Dear Mr. Koblenz:

In response to your Freedom of Information Act request of April 11, 2005, enclosed please find copies of oil and gas leases for the period 2002 to 2004 for the Wichita, Caddo and Delaware Tribes served by the Anadarko Agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty B. Zipp".

Superintendent for  
Agency FOIA/PA Coordinator



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:

Real Estate Services  
FOIA 05500

FEB 17 2005

Mr. Michael R. Koblenz  
Mound, Cotton, Wollan & Greengrass  
Counsellors at Law  
One Battery Park Plaza  
New York, New York 10004-1486

Dear Mr. Koblenz:

This is in response to your Freedom of Information Act (FOIA) request, dated September 9, 2004, for "diskette copies of any and all agreements, leases, financial statements, etc., with any Wyoming or Oklahoma Indian reservation regarding the sale of oil or natural gas and/or royalty payments associated with such matters, as well as any and all permits required by the Department of the Interior to conduct business with such Indian reservations". Your request has been referred to this office for a response in behalf of the Assistant Secretary - Indian Affairs.

The Bureau of Indian Affairs, Central Office, in Washington, D.C., does not maintain records as described. In addition, the Bureau of Indian Affairs (BIA) has a decentralized FOIA program, which means that each regional office is responsible for responding to FOIA requests for records under its purview. The BIA Eastern Oklahoma Region and Southern Plains Region have administrative jurisdiction for Indian lands in the State of Oklahoma and the BIA Rocky Mountain Region has administrative jurisdiction for Indian lands located in the State of Wyoming. Therefore, by copy of this letter, we are referring your request to those offices for a direct response. Should you need to contact any or all of those offices, their addresses are as follows:

Eastern Oklahoma Region  
Bureau of Indian Affairs  
3100 W. Peak Boulevard  
Muskogee, Oklahoma 74401

Southern Plains Region  
Bureau of Indian Affairs  
WCD Office Complex  
P. O. Box 368  
Anadarko, Oklahoma 73005

Rocky Mountain Region  
Bureau of Indian Affairs  
316 N. 26<sup>th</sup> Street  
Billings, Montana 59101

Did not  
locate  
copy of  
final  
response.

If you have any additional questions, please do not hesitate to contact the Division of Real Estate Services at (202) 208-7737.

Sincerely,

sgd / Ben Burshia

Acting Deputy Director - Trust Services

LAW OFFICES OF  
**CLEMENT, FITZPATRICK & KENWORTHY**

INCORPORATED  
3333 MENDOCINO AVENUE, SUITE 200  
SANTA ROSA, CALIFORNIA 95403  
FAX: 707 540-1205

TELEPHONE: (707) 523-1181

Anthony Cohen  
acohen@cfk.com

May 24, 2005

**VIA FACSIMILE ONLY**

Willie Chism  
Office of Information Policy  
625 Hearndon Parkway  
Hearndon, VA 20170  
Fax: 703 735-4416

Terrie Musgrove  
Department of the Interior  
Office of the Solicitor  
MIB, MS-2328  
1849 C Street  
Washington, DC 20240.  
Fax: 202 208-5206

Re: **FREEDOM OF INFORMATION ACT REQUEST**  
**Shingle Springs Band of Miwok Indians**

On behalf of the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), a federally recognized Indian tribe ("the Tribe"), I hereby request copies of the records identified below pursuant to the Freedom of Information Act. For the purposes of this request, "YOU" and "YOUR" refers to the Bureau of Indian Affairs. "DOCUMENTS" includes all forms of recorded information, including computer data. The "2002 DIRECTIVE" means the directive dated February 5, 2002 from the Deputy Assistant Secretary, Indian Affairs, to Bureau of Indian Affairs Regional Directors, regarding central office policy review of off-reservation fee-to-trust applications, a copy of which is attached for your convenience.

This request is in the fee category "other" because requestor is an Indian tribe. 43 CFR section 2.16(f). The Tribe asks that the Department of the Interior waive the fees for this request pursuant to section 2.20(a)(6). If the waiver is denied, the Tribe is willing to pay up to \$250 to obtain the requested information. If the anticipated fees are greater than that amount, please notify me at once by telephone; the Tribe may, under those circumstances, authorize by telephone the expenditure of a greater amount.

Willie Chism  
Terrie Musgrove  
May 24, 2005  
Page 2

*This request is made as part of an effort by the Tribe to obtain a final ruling on an off-reservation fee-to-trust application for the purpose of construction of a tribal health clinic pursuant to an existing HUD grant. The unanticipated one-year delay in obtaining final fee-to-trust approval has put the Tribe's HUD grant compliance at risk. Time is therefore of the essence.*

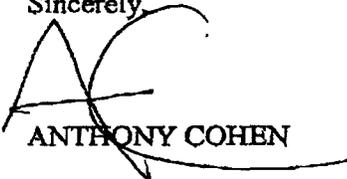
#### Documents Requested

1. All fee-to-trust applications that YOU have received for "overview" from YOUR Regional offices pursuant to the 2002 DIRECTIVE. This request is for the *applications* only, and supporting documentation, such as exhibits, maps, environmental analyses, and graphics need not be included.
2. All Draft Notices of Decision (whether or not so designated) that you have received for "overview" from YOUR Regional offices pursuant to the 2002 DIRECTIVE.
3. All correspondence, documents and other communications you have received from or sent to Indian tribes or YOUR Regional offices in connection with the fee-to-trust applications you have received for "overview" from YOUR Regional offices pursuant to the 2002 DIRECTIVE.
4. All correspondence, documents and other communications in which any of YOUR Regional offices was "advised to proceed" with, or given any other direction in connection with, processing of an off-reservation fee-to-trust application, as that phrase is used in the 2002 DIRECTIVE.
5. All correspondence, documents and other communications dated on or after February 5, 2002, including but not limited to 25 CFR Part 2 appeals from inaction, that allege that YOU have unreasonably or unlawfully delayed the processing of off-reservation fee-to-trust applications, or that respond to such allegations.
6. All correspondence, documents and other communications that YOU have received from or sent to Indian tribes or YOUR Regional offices in connection with the 2002 DIRECTIVE.

Willie Chism  
Terric Musgrove  
May 24, 2005  
Page 3

7. All correspondence, documents and other communications that constitute clarifications, further directions, interpretations, inquiries, or answers to inquiries in connection with the 2002 DIRECTIVE.

Please call me if you would like to discuss any aspect of this request. Thank you very much for your anticipated prompt assistance.

Sincerely,  
  
ANTHONY COHEN

AC/cl  
Enclosure

c: Thomas Blazer, Office of the Solicitor  
Nicholas Fonseca, Tribal Chair

DEC 16 2005

Real Estate Services  
FOIA 06173

Mr. Anthony Cohen  
Clement, Fitzpatrick & Kenworthy  
3333 Mendocino Avenue, Suite 200  
Santa Rosa, California 95403

Dear Mr. Cohen:

This responds to your Freedom of Information Act (FOIA) request dated May 24, 2005, and received in this office on June 20, 2005, on behalf of the Shingle Springs Band of Miwok Indians (Tribe), requesting copies of all forms with recorded information including computer generated data on fee-to-trust (FTT) applications. The Tribe's request is being made through your office to obtain a final ruling on their off-reservation fee-to-trust application currently pending with the Bureau of Indian Affairs (BIA).

You have also requested:

- All FTT applications and supporting documentation received from the regional offices;
- All draft notice of decisions from the regional offices;
- All correspondence sent to Indian tribes in connection with the FTT applications;
- All correspondence sent to regional offices advising them to proceed with or given other direction in connection with off-reservation FTT applications;
- All correspondence dated on or after February 2, 2002, including any appeals or inactions in connection with processing off-reservation FTT applications;
- All correspondence received from or sent to Indian tribes in connection with the 2002 directive; and
- All correspondence that constitute clarifications, further directions, interpretations, inquiries, or answers to inquiries in connection with the 2002 directive.

You have also requested a fee waiver. However, you did not provide sufficient justification to qualify for a fee waiver under the Department of the Interior's (Department) FOIA regulations (43 CFR Part 2, Appendix D). The statutory requirement for granting a fee waiver is that release of the information must be in the public interest because it:

- (1) is likely to contribute significantly to public understanding of the operations and activities of the Government; and
- (2) is not primarily in your commercial interest.

To assist us in making a decision on your request for a fee waiver, we ask that you address the following criteria. You must be specific in addressing the Department's fee waiver criteria for each request you submit, regardless of whether you may have been granted a fee waiver previously.

- (1) Explain how the records you are seeking will be meaningfully informative with respect to the BIA's operations and activities. Your identity, vocation, qualifications, and expertise regarding the requested information may be relevant factors.
- (2) Explain how disclosure of the records will contribute to the understanding of the public at large or a reasonably broad audience as opposed to only enhancing your knowledge.
- (3) Explain how and to whom you intend to disseminate the information and how you intend to use the information to contribute to public understanding.
- (4) Explain how the release of the requested records will contribute significantly to public understanding. For example, is the information being disclosed new information, does the information confirm or clarify data released previously, and is the information publicly available? Explain how disclosure will increase the level of public understanding that existed prior to disclosure of this information.
- (5) Explain whether you have a commercial interest that would be furthered by disclosure of the information and if so, whether the public interest in disclosure would be greater than any commercial interest you or your organization would have in the documents.

If you are still interested in obtaining these documents, please provide additional information to justify your fee waiver request or written assurance of your willingness to pay all fees or specify the maximum amount that you are willing to pay for the bureau to process your request. This will allow us to begin processing your request for records while considering your fee waiver request. If the bureau grants your fee waiver request, we will not charge fees to the extent that it grants the waiver. If you have agreed to pay fees up to that particular amount, we will contact you when we have processed your request up to that amount before proceeding further. If we do not hear from you within 10 workdays from the date of this letter, we will deny your fee waiver request since it does not meet DOI's fee waiver criteria. We will then close the file on your FOIA request.

If you have any questions concerning this matter, please contact the Bureau's FOIA Coordinator at (703) 735-4415.

Sincerely,

**sgd/ Arch H. Wells**

ACTING Deputy Bureau Director - Trust Services

cc: Department FOIA Appeals Officer (2007-007)  
Willie Chism, FOIA, OCIO  
SOL-IA

bcc: BIA 220 Surname, 220 Chron, 200 RF: 100F:SOL-IA  
VPeevey: x 06-22-05 K:\Realty\Foia\FOIA 06173 - Cohen REV-11-29-2005.doc  
Rewritten by Ruth Smith \11\25\2005\changed 12/7/2005 per BBurshia/WSChism

FY 2008

10 Oldest FOIA Requests

	REQUEST NUMBER	LAST NAME	FIRST NAME	DATE OF REQUEST	DATE RECEIVED
1	07306	Taylor	Ami L.	9/5/2006	11/30/2006
2	07371	Lundgren	Daniel E.	12/15/2006	1/4/2007
3	07374	(b) (6)		12/11/2006	1/10/2007
4	07412	Christoffersen	Janet P.	12/27/2006	1/16/2007
5	07415	Ottley	Samuel J. (III)	1/16/2007	1/17/2007
6	07426	Zephier	Robin L.	1/14/2006	1/22/2007
7	07452	(b) (6)		1/9/2007	2/7/2007
8	07538	(b) (6)		3/15/2007	3/30/2007
9	07553	Herman	Joseph W., Jr.	1/29/2007	4/12/2007
10	07555	Dennison	Andrew	2/27/2007	4/16/2007

**WALBERG, DAGNER & TUCKER, P.C.**

WENDELYN K. WALBERG  
DEANA R. DAGNER  
BRADLEY D. TUCKER  
MATTHEW A. HOLMES

ATTORNEYS & COUNSELORS AT LAW  
QUEBEC CENTRE II, SUITE 300  
7400 EAST CALEY AVENUE  
CENTENNIAL, COLORADO 80111-8714

Telephone: (303) 694-9300  
Fax: (303) 694-9370  
e-mail: wdt@wdflaw.com  
www.wdflaw.com

JEFFREY S. WITTEBORT  
ANDREW A. SCOTT  
FREDERICK W. LONG  
MICHAEL T. SABIN  
CRUZ FRESQUEZ  
MEGAN W. SMITH  
KRISTIN A. BRENNER  
THOMAS J. EIGNER

September 5, 2006

**FAX COVER SHEET**

**TO:** Lt. Martin Trottier c/o Brian Crissler  
**FAX NUMBER:** (701) 477-3641  
**FROM:** Ami L. Taylor, Paralegal to Andrew A. Scott, Esq,  
**RE:** (b) (6)  
D/O/L: 1/28/06  
(b) (6)

**Number of pages, including this page:** 2

**MESSAGE:** Gentlemen,

In follow up to my on-going communications with Lt. Trottier since approximately the end of July 2006, attached is a copy of the Consent to Release Information to a Third Party [FOIA request] executed by our client's claimant, (b) (6) which requests a copy of Report No. (b) (6) regarding Mr. (b) (6)'s vehicle (VIN (b) (6)). It is my understanding that while Mr. (b) (6) forwarded the original Release to the Belcourt Police Department, that document has not been located; accordingly, this copy is attached. Furthermore, it was my last understanding through conversation with Lt. Trottier that he was able to locate a copy of the report requested in the attached Release. Please contact me at your earliest possible convenience to advise regarding the status of producing this report to our office. I can be reached during normal business hours at (303) 694-9300. Thank you for your continued assistance and cooperation.

**CONFIDENTIALITY NOTICE**

**PLEASE NOTE:** The information contained in this facsimile message is confidential and intended for the sole use of the individual named above. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying or distribution of this communication is prohibited. If you have received this communication in error, or if problems occur with transmission, please notify us by telephone: (303) 694-9300. Thank you.







# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Office of Justice Services  
Turtle Mountain Law Enforcement  
PO Box 1436  
Belcourt, ND 58316



Reply to:  
Office of Justice Services  
701-477-6136

October 16, 2008

Ms. Ami L Taylor  
Attorneys & Counselors at Law  
Quebec Centr II, Suite 300  
7400 East Caley Avenue  
Centennial, CO 8011-8714

Dear Ami,

Our agency has been assisting the BIA in the completion of a backlog of FOIA requests. This responds to your Freedom of Information Act (FOIA) requests dated September 5, 2006, received in my office October 16, 2008. Control Number 07306 has been assigned to this request. You specifically requested "A copy of the Bureau of Indian Affairs (BIA), Turtle Mountain Agency's Incident Report No. [REDACTED] pertaining to your client (b) (6) [REDACTED] as stated in your letter. The agency has completed a search and review, and has identified one document, totaling 3 pages, which is responsive to your request.

Exemption 7(c) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Exemption 7(c) similarly protects personal information of third parties. Examples of personal information generally protected from release are: the individual's personal home address, date of birth, driver's license number, and social security number as such release would constitute an unwarranted invasion of personal privacy. Exemption 6 also protects the disclosure of personal information which would result in an unwarranted invasion of privacy.

However, our Privacy Act System of Records routine use disclosures, BIA-18, allows disclosure of documents as identified below:

*Disclosures outside the Department "for the purpose of providing information on traffic accidents; personal injuries, or the loss or damage of property may be made to: (a) individuals involved in such incidents; (b) persons injured in such incidents; (c) owners of property damaged, lost or stolen in such incidents; and/or (d) these individuals' duly verified insurance companies, personal representatives, and/or attorneys. The release of information under these circumstances should only occur when it will not: (a) interfere with ongoing law enforcement proceedings, (b) risk the health or safety of an individual, or (c)*

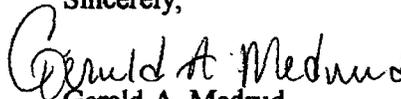
*reveal the identity of an informant or witness that has received an explicit assurance of confidentiality. Social Security numbers should not be released under these circumstances unless the social security number belongs to the individual requester."*

70 Fed. Reg. No. 4, pages 1264-1266. As such, we are releasing the copy of the police report identified above. Pursuant to the routine use disclosure the police report is being released in its entirety.

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact Renee L Parisien, Law Enforcement Assistant, Turtle Mountain Law Enforcement, Office of Justice Services at (701) 477-6136 ext. 10.

The fee incurred in responding to your request is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Sincerely,

  
Gerald A. Medrud  
Chief of Police

Enclosure

Attachment

*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 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 may want to send by postal mail instead.*

DANIEL E. LUNGREN  
3RD DISTRICT, CALIFORNIA

COMMITTEE ON  
HOMELAND SECURITY  
CHAIRMAN  
SUBCOMMITTEE ON ECONOMIC SECURITY,  
INFRASTRUCTURE PROTECTION,  
AND CYBERSECURITY

COMMITTEE ON  
THE JUDICIARY

COMMITTEE ON  
THE BUDGET

Congress of the United States  
Washington, DC 20515

1371

WASHINGTON OFFICE:  
2448 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5716  
FAX: (202) 226-1298

RECEIVED  
2007  
DISTRICT OFFICE  
1246 GOLDEN GATE AVENUE, SUITE 101  
GOLDEN GATE, CA 94067  
(415) 859-9906  
FAX: (415) 859-9975  
MAIL: VISIT OUR WEBSITE  
www.house.gov/lungren

December 15, 2006

Director, Office of Administration  
Bureau of Indian Affairs  
US Department of the Interior  
Washington, DC 20240

Attention: Freedom of Information Officer

Re: Freedom of Information Request  
Ione Band of Miwok Indians  
Wilton Band of Miwok Indians

RECEIVED  
NOV 23 11 35 AM '07  
OFFICE OF  
FREEDOM INFORMATION ACT  
INDIAN AFFAIRS

Dear Sir:

Pursuant to the Freedom of Information Act, I hereby request copies of the following documents pertaining to the Ione Band of Miwok Indians and the Wilton Band of Miwok Indians:

1. All files, records and documents of, and/or containing in the records of, the Department of the Interior ("DOI") and/or the Bureau of Indian Affairs ("BIA"), constituting, relating or pertaining to the termination of the Wilton Band of Miwok Indians ("Wilton Band") and the distribution of assets to the Wilton Band, including but not limited to the list of enrolled members of the Wilton Band at the time of its termination;
2. All files, records and documents of, and/or contained in the records of, the DOI and/or the BIA, constituting, relating or pertaining to the identification, as an "Indian of California," of any person currently enrolled as a member of the Ione Band of Miwok Indians ("Ione Band"), and the ancestors of any such person or persons, pursuant to any and all proceedings, rolls, identifications and/or listings of Indians of California, conducted at any time pursuant to the Act of May 18, 1928, 45 Stat. 602., as amended, including but not limited to the rolls referenced in 25 USC, 657 and 659;
3. All files, records and documents of, and/or contained in the records of, the DOI and/or the BIA, constituting, relating or pertaining to the identification, as an "Indian of California," of any person currently enrolled as a member of the Ione Band of Miwok Indians ("Ione Band"), and the ancestors of any such person or persons, pursuant to any and all proceedings, rolls, identifications and/or listings of Indians of California, conducted at any time pursuant to the Act of August 13, 1946, 60 Stat. 1049 et seq., as amended;

RECEIVED  
NOV 23 11 35 AM '07

4. All files, records and documents of, and/or contained in the records of, the DOI and/or the BIA, constituting, relating or pertaining to proceedings before the Interior Board of Indian Appeals ("IBIA"), including but not limited to IBIA Docket Nos. 92-189-A, 97-104-A, 91-111-A, 98-71-A and 98-72-A, involving the Ione Band and/or any person or persons claiming to be a member or members of the Ione Band, and/or the ancestors of any such person or persons;
5. The listing of Indian groups with petitions for recognition pending at the time the Federal Acknowledgement Regulations went into effect, published at 44 Federal Register 116 (January 2, 1979)
6. The 1915 Census of Ione Indians, on the basis of which persons and their descendants are deemed to be eligible for enrolled status in the Ione Band;
7. All files, records and documents of, and/or contained in the records of, the DOI and/or the BIA, constituting, relating or pertaining to disputes and/or other social and/or political and/or tribal interaction between the Ione Band and the Wilton Band.

As to any files, records or documents which you decline to completely and fully produce or provide to me on the basis of a claim of exemption under FOIA, or otherwise, I request and demand (i) that you provide such portions of any such files, records or documents, in a redacted form, as do not fall within any such exemption, and (ii) that as to any files, records or documents which you decline to produce at all, you provide to me a "Vaughn Index" or other listing of such files, records or documents so withheld, of sufficient specificity to enable me to identify those files, records or documents in any action seeking judicial relief to compel the production thereof, if appropriate.

Please direct all responses and questions to Peter Tateishi of my staff. His contact information is:

Peter Tateishi  
Intergovernmental Affairs  
Office of Congressman Daniel E. Lungren (CA-03)  
11246 Gold Express Drive, Suite 101  
Gold River, CA 95670  
(916) 859-9906  
[Peter.Tateishi@mail.house.gov](mailto:Peter.Tateishi@mail.house.gov)

Sincerely,



Daniel E. Lungren  
Member of Congress



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



JAN 04 2007

Mr. Peter Tateishi  
Intergovernmental Affairs  
Office of Congressman Daniel E. Lungren (CA-03)  
11246 Gold Express Drive, Suite 101  
Gold River, California 95670

FOIA Control (FC 07371)

Dear Mr. Tateishi:

This acknowledges the receipt of your Freedom of Information Act (FOIA) request, dated December 15, 2006, and received in our office on January 4, 2007. Your request has been assigned Control No. FC 07371. Please reference this number on all your correspondence concerning this request.

The program office will advise you of the status of our response within 20 workdays upon receiving the request. If this office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary - Management  
Division of Logistics Support Services  
1849 C Street, NW - MS 3071-MIB  
Washington, DC 20240  
Telephone: (202) 208-4542  
Fax (202) 208-6597

Sincerely,

  
for Laura Cloud  
FOIA Officer

07374  
C10

DEC 11 2006

(b) (6)

Laura Cloud  
MS-3071, MIB  
1849 C Street, NW  
Washington, DC 20240  
Subject: Freedom of Information Act/Privacy Act Request

Dear Ms. Cloud:

Under the Freedom of Information Act and the Privacy Act I am requesting access to the all electronic records identified during an electronic search of the BIA email account assigned to me from approximately July 2002 to October 2006.

If there are any fees for searching for or copying the records please supply the records without informing me of the cost if the fees do not exceed \$50.00, which I agree to pay. Please provide applicable records on a Compact Disk or Digital Video Disk.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may telephone me at (b) (6) or email at (b) (6)

Sincerely,

(b) (6)

RECEIVED  
2007 JAN 10 PM 3:46  
OFFICE OF  
FREEDOM INFORMATION ACT  
ADMINISTRATIVE SERVICES



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



(b) (6)

JAN 10 2007

Re: FOIA Control (FC) 07374

Dear Mr. (b) (6)

This acknowledges the receipt of your Freedom of Information Act (FOIA) request, dated December 11, 2006, and received in our office on January 10, 2007. Your request has been assigned Control No. FC 07374. Please reference this number on all your correspondence concerning this request.

The program office will advise you of the status of your response within 20 workdays upon receiving the request in their office. If that office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary - Management  
Division of Logistics Support Services  
1849 C Street, NW - MS 3071-MIB  
Washington, DC 20240  
Telephone: (202) 208-4542  
Fax (202) 208-6597

Sincerely,

*Laura Cloud*  
for Laura Cloud  
FOIA Officer



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



August 12, 2009

(b) (6)

Dear Mr. (b) (6):

Some time ago you filed a Freedom of Information Act (FOIA) request with the Indian Affairs FOIA Office. A copy of your request is enclosed for reference. The IA FOIA number for this request is 07374.

Unfortunately, we were unable to complete the processing of your request in a timely manner. Staff resources were insufficient to cope with the flood of requests received. We have, however, taken steps to deal with this problem and hope to be able to provide you with the level of service that you expect in the near future. In the meantime, we are trying to eliminate a backlog of FOIA requests that have not yet been closed.

Because the FOIA is not free, and expenditure of additional staff time on your request may result in financial obligations that you may not wish to incur at this time, we are contacting you today to determine if you still want us to complete our work on your request. Towards that end, if you are still interested in us completing our response to your request, please contact us in writing within the next 20 working days. When doing so:

- (1) Please reference the control number written on the copy of your request.
- (2) Please indicate, in your letter, if there are any portions of your request that you no longer wish us to process.
- (3) Please restate your willingness to pay any applicable FOIA fees. In your request you provided us with an upper limit (of \$50) of what we are to incur for the processing of your request. However, in view of what you are seeking, the likely number of pages responsive to your request will far exceed the amount you have promised to pay. Further, it will require several hours of review time to remove the information that cannot be released under FOIA.

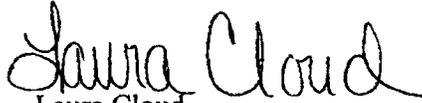
Please note that if you ask for any additional documents in your letter, we will process this portion of your letter as a new request, which will be subject to the current schedule of FOIA fees:

Managerial search time \$14.75 per 1/4 hour (\$59.00 per hour)  
Professional search time \$10.20 per 1/4 hour (\$40.80 per hour)  
Clerical search time \$5.85 per 1/4 hour (\$23.40 per hour)  
Photocopying \$0.13 per page

Please note, additionally, that if we do not hear from you in 20 working days from the date of this letter, we will assume that you are no longer interested in our completing the processing of your request, and we will close our files on it.

If you have any questions regarding any of the issues discussed in this letter, you may contact this office by telephone at 202-208-4542, by fax at 202-208-6597, by e-mail at foia@bia.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, Mail Stop 3071-MIB, Washington, D.C. 20240.

Sincerely,

A handwritten signature in black ink that reads "Laura Cloud". The signature is written in a cursive, flowing style.

Laura Cloud  
Indian Affairs FOIA Officer

Enclosure

BILLINGS  
CENTRAL OFFICE  
CHRISTOFFERSEN LAW OFFICE

2007 JAN 16 AM 8:50

JANET P. CHRISTOFFERSEN  
302 WEST MAIN STREET  
SIDNEY, MT 59270  
TELEPHONE: (406) 433-2623  
FAX: (406) 433-2624  
EMAIL: jplaw@midrivers.com

December 27, 2006

FOIA Officer  
Bureau of Indian Affairs  
District V Office of Justice Services,  
TW2 - 490 N 31<sup>st</sup> Street  
Billings, MT 59101

Re: Tort claim of (b) (6) - Wrongful death of Brent Weston

Dear Sir or Madam:

Pursuant to the Freedom of Information Act "FOIA", codified at 5 USC § 552, I am requesting on behalf of my client (b) (6) next of kin and personal representative of the Estate of Brent Weston, a copy of the following information:

1. Video recordings for the time period in January 2006 in which Brent Weston was incarcerated at the Fort Peck Adult Detention Center.
2. Autopsy report and results of Brent Weston.
3. Any and all investigative reports and witness statements concerning the death of Brent Weston.

It is my belief and opinion that this request falls under the fee category of "Other requests." My client is willing to pay a maximum of \$100 in fees. If the fees exceed this amount, please contact my office with an estimate of the amount by which those fees may exceed this amount.

Sincerely,

CHRISTOFFERSEN LAW OFFICE

Janet P. Christoffersen

cc: (b) (6)

CHRISTOFFERSEN LAW OFFICE

JANET P. CHRISTOFFERSEN  
302 WEST MAIN STREET  
SIDNEY, MT 59270  
TELEPHONE: (406) 433-2623  
FAX: (406) 433-2624  
EMAIL: jplaw@midrivers.com

November 21, 2007

Suzanne Torchiani, FOIA Officer  
BIA Office of Justice  
1849 C St. NW  
MIB of 4551  
Washington, DC 20240

FOIA Officer  
Bureau of Indian Affairs  
District V Office of Justice Services,  
TW2 - 490 N 31<sup>st</sup> Street  
Billings, MT 59101

FAX: 202-208-6170

2007 NOV 26 A 8:35  
RECEIVED  
DISTRICT V  
490 NORTH 31ST STREET  
BILLINGS, MT 59101

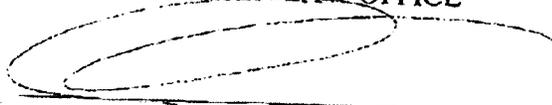
Re: FOIA request

To Whom It May Concern:

I made an initial FOIA request on December 27, 2006 regarding the death of Brent Weston in the Fort Peck Tribal Jail in Poplar, Montana. When I did not receive any response, I called the Billings office and spoke with a gentleman who told me to send a request to Ms. Torchiani. On April 24, 2007, I sent my original letter along with my new letter to Ms. Torchiani. I still have not received a response from anyone. It is my understanding that there are serious repercussions and penalties for a failure to address a FOIA request. That is our next step.

Sincerely,

CHRISTOFFERSEN LAW OFFICE



RECEIVED  
DISTRICT V - CORRECTIONS  
490 NORTH 31ST STREET  
BILLINGS, MT 59101  
Janet P. Christoffersen

cc: (b) (6)

2007 DEC - 3 P 1:20



Keith  
Kathryn  
Deirdre  
Fris



United States Department of the Interior



BUREAU OF INDIAN AFFAIRS  
Office of Law Enforcement & Security  
Division of Corrections - District V  
Transwestern II - 490 N. 31<sup>st</sup> Street, Suite 206  
P.O. Box 30757 Billings, MT 59107

IN REPLY - REFER TO:  
District V Corrections

December 3, 2007

Janet P. Christoffersen  
Christoffersen Law Office  
302 West Main Street  
Sidney, MT 59270

2007 DEC 21 AM 9:16

CENTRAL RECORDS  
WASHINGTON, D.C.

Dear Ms. Christoffersen,

This letter is to acknowledge the receipt of your letter dated 11/21/07 regarding your initial FOIA request on December 27, 2006 regarding the death in the Fort Peck Tribal Jail in Poplar, Montana. This office has forwarded your letter to our office in Washington, DC in accordance with the Indian Affairs policy and procedures governing FOIA requests.

Please be advised that your issues and information request will be addressed through the proper channels. Thank you for your understanding in this matter.

Sincerely,

Acting Supervisory Correctional Specialist  
District V

cc: ~~FOIA Coordinator OIS/BLA (w/addressee letter dated 11/21/07)~~  
Associate Director of Corrections (w/addressee letter dated 11/21/07)  
Chief of Corrections (w/addressee letter dated 11/21/07)  
Supervisory Correctional Specialist, DV - 638 Oversight (w/addressee letter dated 11/21/07)



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE-WEST  
1001 INDIAN SCHOOL ROAD N.W.  
ALBUQUERQUE, NM 87104



IN REPLY REFER TO:  
Division of Law Enforcement Services

August 14, 2009

Janet P. Christoffersen, Attorney  
302 West Main Street  
Sidney, MT 59270

Dear Ms. Christoffersen:

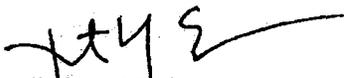
This letter is a follow up to your earlier request for documents relating to the death of Brent Weston in the Fort Peck Tribal Jail. Your requests were assigned control numbers 7412 and 08166. I am inquiring as to whether you still desire the documents previously requested. If so please advise me so I can continue with your request. If a response is not received within 30 days I will consider the matters closed.

A review of the request file showed no privacy act release form on file and one will be needed if you are requesting the information for a client.

A Privacy Act Release Form is provide, however any standard release form will suffice.

We regret the delay and appreciate your assistance in this matter. Should you have any additional questions, please contact 505/563-3766.

Sincerely,

  
Robert M. Esquerra,  
FOIA Officer

Enclosure

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

**CONSENT TO RELEASE INFORMATION TO A THIRD PARTY**

The Privacy act generally requires the release of records contained in a system of records about an individual to that individual when he or she requests them. (See 5 U.S.C. § 552 a(d)(1). Correspondingly, the Privacy Act, prohibits disclosure of protected records to third parties without the consent of the individual to whom the records pertain. (5 U.S.C. § 552 a(b).

I, \_\_\_\_\_, understand that the Bureau of Indian Affairs (BIA),

Office of Justice Services (OJS), \_\_\_\_\_ Agency's

police records are exempt from disclosure under the Privacy Act without my consent.

I hereby authorize the BIA, OJS to release my \_\_\_\_\_ to

\_\_\_\_\_.

A photocopy of this release may be used in place of the original. This release shall remain in effect for 180 days from the date of my signature.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

**NOTARY PUBLIC**

State of

County of

This authorization to release was acknowledged before me on this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by



## White Mountain Apache Legal Services

a division of Southern Arizona Legal Aid, Inc.

P.O. BOX 1030 WHITERIVER, ARIZONA 85941

PHONE (928) 338-4845 FAX (928) 338-1436

TO: Laura Cloud  
FROM: Samuel J. Ottley III, White Mountain Apache Legal Aid Staff Attorney  
DATE: January 16, 2007  
RE: FOIA Request

Dear Laura Cloud,

I am making requests for the following information under the Freedom of Information Act:

1. Copies of the White Mountain Apache Tribe's 638 contracts for the police department, the courts and detention.
2. Copies of the completed Internal Affairs Division (IAD) investigation, and all IAD records and reports, and the investigation together with the tape recordings and or transcripts of all witness interviews regarding the careless performance of supervisory duty case against White Mountain Apache Police Department's (b) (6)
3. Copies of the completed IAD investigation, and all IAD records and reports, and the investigation together with the tape recordings and or transcripts of all witness interviews regarding the racial discrimination case against White Mountain Apache Police Department's (b) (6) brought by complainant, WRPD (b) (6)



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

JAN 17 2007

Mr. Samuel J. Ottley III, Esq.  
White Mountain Apache Legal Aid Staff Attorney  
P.O. Box 1030  
Whiteriver, Arizona 85941

Dear Mr. Ottley:

This acknowledges receipt of your Freedom of Information Act (FOIA) request dated January 16, 2007, in which you asked for:

- (1) Copies of the White Mountain Apache Tribe's 638 contracts for the police department, the courts and detention.
- (2) Copies of the completed Internal Affairs Division (IAD) investigation, and all IAD records and reports, and the investigation together with the tape recordings and/or transcripts of all witness interviews regarding the careless performance of supervisory duty case against White Mountain Apache Police Department's (b) (6)
- (3) Copies of the completed IAD investigation, and all IAD records and reports, and the investigation together with the tape recordings and/or transcripts of all witness interviews regarding the racial discrimination case against White Mountain Apache Police Department's (b) (6) brought by complainant, WRPD (b) (6)

This office tracks and issues FOIA Control (FC) Number(s) to all incoming FOIA requests received for offices of the Assistant Secretary for Indian Affairs (AS-IA), the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

Your request has been assigned FC Number 07415. Please reference the FC number on all inquires relating to your request when contacting this office. You should receive a response to your request within 20 workdays. However, offices can request a 10-day extension if they anticipate a delay because of unusual circumstances that may arise regarding your request.

If you have any questions concerning your request, you may contact me at: Office of the Deputy Assistant Secretary – Management, Division of Logistics Support Services, 1849 C Street, NW, Mail Stop 3071-MIB, Washington, DC 20240; Telephone: (202) 208-4542, Fax: (202) 208-6597.

Sincerely,

Laura Cloud  
FOIA Officer



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:

FEB 16 2012

FOIA 07415

Mr. Samuel J. Ottley III  
White Mountain Apache Legal Services  
P.O. Box 1030  
WhiteRiver, Arizona 85941

Dear Mr. Ottley:

This letter responds to your Freedom of Information Act request in which you seek a copy of the investigative reports completed by the Bureau of Indian Affairs, Office of Justice Services, Internal Affairs Section pertaining to (b) (6) of the White Mountain Apache Police Department.

It is the policy of the Department of the Interior to make the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act. The BIA considers this case to be an open and active investigation and therefore the documents you requested cannot, at this time, be released. The FOIA and Department of the Interior regulations exempt from release information or records compiled for law enforcement purposes to the extent that their production could reasonably be expected to interfere with enforcement proceedings or deprive a person of a right to a fair or impartial adjudication. Therefore, sound grounds exist for withholding the information pursuant to Title 5 U.S.C. § 552 (b)(7)(A) and (B) and 43 C.F.R. § 2.13 (c)(7)(i) and (ii).

The following officials were responsible for the decision to withhold the above information:

Christopher B. Chaney, Deputy Director, Office of Justice Services  
Patrick Ragsdale, Director Bureau of Indian Affairs  
Jessica Roff, Attorney Advisor, Office of the Solicitor

You have the right to appeal this response in accordance with 43 C.F.R. § 2.18, which states an appeal must be received within 20 working days of this denial. Your appeal must be accompanied by copies of the original request and the initial denial. The appeal should contain a brief statement of the reasons why you believe this initial response is in error. The appeal should be addressed to the Freedom of Information Act Appeals Officer, Office of the Assistant Secretary - Policy Budget and Administration, U. S. Department of the Interior, 1849 C St., NW,

**TAKE PRIDE<sup>®</sup>**  
**IN AMERICA** 

MS 5312-MIB, Washington, D.C. 20240. To expedite the processing, both the envelope containing the notice of appeal and the face of the notice should bear the legend "FREEDOM OF INFORMATION APPEAL."

Sincerely,

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

Deputy Director,  
Office of Justice Services

# ABOUREZK LAW FIRM

Charles Abourezk  
Robin L. Zephier

• Also licensed in Colorado

P.O. BOX 9460  
RAPID CITY, SD 57709-9460  
2020 W. OMAHA STREET  
TEL: (605) 342-0097  
FAX: (605) 342-5170

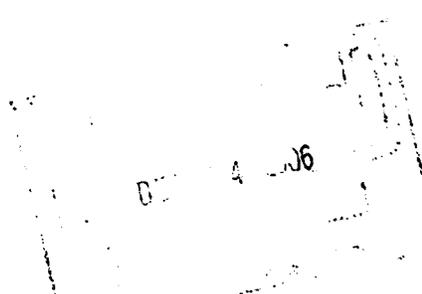
Mike Abourezk  
Alicia D. Garcia

\*\* Also licensed in California

December 14, 2006

VIA FACSIMILE ONLY: 605-867-2930

Martin Hunstord  
BIA  
P.O. Box 1203  
Pine Ridge, SD 57770



**RE: Investigation of the Death of Cyrus Olney**

Dear Mr. Hunstord:

We have been informed by Cecelia Parker that you have found the above referenced file.

Please send us copies of the entire investigation and all reports to include photos, accident reconstruction, measurements, and any statements taken.

Please feel free to contact me if you have any questions or concerns regarding this matter.  
Thank you.

Sincerely,

Robin L. Zephier, Esq.

Attorney for (b) (6) on behalf of (b) (6)  
(deceased)

RLZ/js/slm



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE-WEST  
1001 INDIAN SCHOOL ROAD N.W.  
ALBUQUERQUE, NM 87104



IN REPLY REFER TO:  
Deputy Bureau Director-Central Office West

September 1, 2009

Robin L. Zephier, Esq.  
Abrourezk Law Firm  
P. O. Box 9460  
Rapid City, SD 57709-9460

Dear Ms. Zephier:

This letter is a follow up to your earlier request for documents relating to the death of Cyrus Olney. Your request was assigned Freedom of Information Act (FOIA) control number OJS-2007-~~07426~~. Per our recent telephone conversation, you still want the documents previously requested.

A review of the request file showed no Privacy Act release form on file. A form will be needed, if you are requesting the information for a client. A Privacy Act release form is provided; however, any standard release form will suffice. I am closing our FOIA control number OJS-2007-07426 and will issue out a new FOIA number upon receipt of the consent form. If a response is not received within 20 working days, I will consider this matter closed.

We have classified your request as an "other-use" request. As an "other-use" requester, you are entitled to receive 2 hours of search time and 100 pages of duplication of responsive records without charge, before being asked to pay for document search and reproduction. Additionally, the Department of the Interior does not bill requesters for FOIA fees incurred in processing other-use requests when their fees do not exceed \$30.00, after the subtraction of their entitlements, because the cost of collection would be greater than the fee collected. (See 43 C.F.R. §2.18(a)). Please inform us in writing of your willingness to pay for any costs associated with processing your request.

We regret the delay and appreciate your assistance in this matter. Should you have any additional questions, please contact me at (505) 563-3419.

Sincerely,

Agatha Tsosie,  
FOIA Coordinator  
Assistant Director, Administration

Enclosure

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.



**United States Department of the Interior  
Bureau of Indian Affairs  
Office of Justice Services  
FOIA Request Form**

07452

**REQUEST NO.**

<b>DATE RECEIVED:</b> 01-09-2007	<b>AGENCY:</b> BIA-OJS Concho Agency
<b>NAME OR CLIENT REPRESENTING:</b> (b) (6)	
<b>LIST/DESCRIBE REQUESTED INFORMATION:</b> BIA-OJS report in reference to an altercation between Imogene Herndon, Yvonne Wilson and Robert Wilson. Copy of the BIA-OJS surveillance video evidence obtained from Lucky Star Casino, Concho.	
<b>DATE OF INCIDENT:</b> 01/04/2007	
<b>INCIDENT/CASE NO.</b>	(b) (6), (b) (7)(C)
<b>LOCATION OF INCIDENT:</b> Gaming Commission Building, Lucky Star Casino, Concho, Ok. 73022	
<b>REASON FOR REQUEST:</b> For review by personal attorney for civil lawsuit.	

<b>REQUESTOR'S ADDRESS:</b>	(b) (6)		
<b>REFERRED TO:</b>	Mike McCoy, ASAG BIA-OJS, District II Headquarters		
<b>BY:</b> Lt. John Journeycake	<b>DATE:</b> 01/09/07		
<b>TIME SPENT</b>	<b>MANAGERS</b>	<b>PROFESSIONALS</b>	<b>CLERICAL</b>
SEARCH			

Please indicate the search time by category (Calculate to the 1/4 hour).

**FOR OFFICE USE ONLY**

**SUBMITTED TO BIA-OJS WASHINGTON LIAISON OFFICE:**

Leonard Merriam  
Phone: (202) 208-5039  
Telefax: (202) 208-6170

**DATE SUBMITTED:** \_\_\_\_\_ **BY:** \_\_\_\_\_

**OFFICIAL AUTHORIZING RELEASE:** \_\_\_\_\_  
Signature Date

\_\_\_\_\_ **RELEASE** \_\_\_\_\_ **DO NOT RELEASE**



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
SOUTHERN PLAINS REGIONAL OFFICE  
P.O. BOX 368  
ANADARKO, OK 73005



IN REPLY REFER TO:  
Office of Justice Services

July 14, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

(b) (6)

Dear Ms. (b) (6)

On January 9, 2007, you submitted a Freedom of Information Act (FOIA) request with the BIA, Office of Justice Services, requesting a copy of an OJS incident report pertaining to yourself, date of incident is September 5, 2007. We apologize for the delay in our response.

The BIA, Office of Justice Services FOIA office received your request on February 7, 2007. We assigned your request control number 07452 for processing. Please cite 07452 in any correspondence or communications with the Department regarding this portion of your request.

We have completed our search and review, and have identified 1 document, totaling 18 pages, identified as incident report case number [REDACTED] which is responsive to your request.

Exemption 7(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Exemption 7(C) similarly protects personal information of third parties. Examples of personal information generally protected from release are: individual's personal home addresses and telephone numbers, dates of birth, driver's license numbers, and social security numbers; as such release would constitute an unwarranted invasion of personal privacy. Exemption 6 also protects the disclosure of personal information which would result in unwarranted invasion of privacy.

David Johnson, BIA, Office of Justice Services, Assistant Special Agent in Charge - FOIA Officer, is responsible for making this decision. Charles R. Babst, Jr., Attorney-Advisor with the Office of the Solicitor, was consulted in reaching this decision.

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 Street, N.W., MS: 5312-MIB, Washington, D.C. 20240. Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) from the date you receive the enclosed records. 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.

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact the Division of Law Enforcement Services by phone at 405/247-1665, or 918/781-4650, by fax at 405/247-2904, or by mail at address above. Within the BIA, Office of Justice Services, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



David Johnson  
Assistant Special Agent in Charge  
FOIA Officer  
Office of Justice Services, D-II

Enclosure

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

March 15, 2007

To: Keith Harviell Special Investigator  
Belcourt P.D.  
Belcourt, ND58316

From: (b) (6)

Ref: Case file # (b) (6), (b) (7)(C)

Dear Sir,

I (b) (6) is requesting to have all information release to me concerning case file # (b) (6) (b) (7)(C) and any other information concerning the alleged incident on or about November 27, 2006. It is very important that I receive the information as soon as possible for employment purpose. Your cooperation in this matter will be greatly appreciated.

(b) (6)



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Office of Justice Services  
Turtle Mountain Law Enforcement  
PO Box 1436  
Belcourt, ND 58316



Reply to:  
Office of Justice Services  
701-477-6136

January 21, 2009

(b) (6)

Dear Mr. (b) (6)

This responds to your Freedom of Information Act (FOIA) requests dated March 15, 2007 and received in my office August 20, 2008. Control Number 07538 has been assigned to this request. You specifically requested a copy of all information concerning the alleged incident on or about November 27, 2006, case file# (b) (6), (b) (7)(C) for your self and employment purposes. We have completed our search and review, and have identified 1 case report, totaling 45 pages, which is responsive to your request.

We are withholding in full all documents regarding case file# (b) (6), (b) (7)(C) under Exemption 7(c) of the Freedom of Information Act, (5 U.S.C. § 522(b)(7)(c)), amounting to a denial of a total 45 pages.

Exemption 7(c) provides protection for law enforcement information the disclosure of which "could reasonable be expected to constitute an unwarranted invasion of personal privacy." Exemption 7(c) also applies to the type of personal information of third parties. The release of the individual's personal home cell phone numbers would constitute an unwarranted invasion of their personal privacy.

These documents contain numerous examples of the [use of general information contained]. These documents were compiled for law enforcement purposes. Therefore, all of the elements necessary for withholding this information are present, and they are properly withheld.

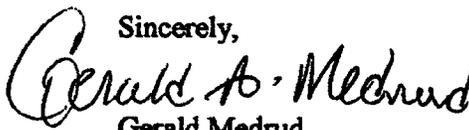
The file is also exempt from the disclosure provisions of the Privacy Act pursuant to 43 CFR § 2.79(a)(2). Teresa M Garrity, Attorney-Advisor with the Office of the Solicitor, Ft. Snelling, Mn. was consulted in reaching this decision.

Under law, we are required to advise you of your appeal rights in response to your FOIA request. You may file a FOIA appeal by writing to the FOIA Appeals Officer, US Department of Interior, 1849 C Street, N.W., Mail Stop 6556-MIB, Washington, DC.20240. 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 should be accompanied by a copy of your original FOIA request. Your appeal letter must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response.

The fee incurred in responding to your request is under \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2).

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact Renee L Parisien, Law Enforcement Assistant, Turtle Mountain Law Enforcement, Office of Justice Services at (701) 477-6136 ext. 10.

Sincerely,  
  
Gerald Medrud,  
Chief of Police

Enclosure

Attachment

*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 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 may want to send by postal mail instead.*



# CROCKER CLAIMS SERVICE

07553

J. W. Herman, Jr., CPCU, Manager

P O Box 13178

Albuquerque, NM 87192-3178

[crockerclaimsser@qwest.net](mailto:crockerclaimsser@qwest.net)

505/293-5251

FAX 505/293-0538

January 29, 2007  
CERTIFIED MAIL,  
Return Receipt Requested

Chief Michael Pettis  
**BIA / NPA/ OJS San Juan**  
P O Box 4269 Fairview Station  
Española, NM 87533-4269

Re: Your incident report # [REDACTED]  
TCS One #12284: ours CCS2860NM; DOL 12/15/06  
Insured: Mino's Towing; Deceased: Patricia Vigil-Booth

Dear Chief Pettis,

Thank you for talking with me on 1/18/07. Previous requests were made of your staff since 1/4/07 for your incident report # [REDACTED] concerning the number of people involved in accidents on NM 502 on 12/15/06 following the New Mexico Department of Transportation's use of a de-icer. As advised, this does not concern any internal department decisions or procedure, but only identification of the road conditions and persons involved as reported and investigated as a matter of public interest, not a federal matter. You have demanded that this requested be made under the Federal Freedom of Information Act.

**Crocker Claims Service** is administering this incident for **Larry D. Warren, Esq., TCS One TPA, Lincoln General Ins. Co.**, the liability insurance for **Mino's Towing** in reference to the death of **Patricia Vigil-Booth** on 12/15/06.

Therefore, since all previous requests have been denied, specific formal request as advised in this format, in accordance with the **Federal Freedom of Information Act**, is being made not only for this **Incident Report # [REDACTED]** but any and all other reports as investigated by your agency for any and all incidents on 12/15/06 involving accidents and/or the condition of **NM 502** in Santa Fe or Los Alamos Counties, by actions of the New Mexico Department of Transportation's decision, mixing or use of a de-icer in anticipation of a snow storm.

Thank you for your prompt compliance with this request for all concerned.

Sincerely,

Joseph W. Herman, Jr., CPCU, AIC  
Crocker Claims Service

New Mexico Manager

Enc:00

JWH:lrc

cc: Dan Bruenger, Dist. Mgr., BIA  
101 Indian School Rd. NE  
Albuquerque, NM 87104



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20245

IN REPLY REFER TO:  
Office of Justice Services  
FC: 7553

MAY 23 2007

## CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Mr. Joseph W. Herman Jr.  
Crocker Claims Service  
P.O. Box 13178  
Albuquerque, NM 87192-3178

Dear Mr. Herman:

Thank you for your January 29, 2007, Freedom of Information Act (FOIA) request in which you seek a copy of the Bureau of Indian Affairs (BIA), Northern Pueblos Agency's incident report pertaining to your insured Mino's Towing. We apologize for the delay in our response.

The Office of Justice Services (OJS), is unable to respond to your request because the records request are protected by the Privacy Act. The Privacy Act generally requires the release of records contained in a system of records about an individual to that individual when he or she requests them. See 5 U.S.C. § 552a(d)(1). The BIA Privacy Act System Notice for Law Enforcement Files limits the disclosure of these documents. Your request, falls within the routine use exceptions which would permit disclosure. However, the Privacy Act prohibits disclosure of protected records to third parties without the consent of the individual to whom the records pertain. See 5 U.S.C. § 552a(b).

Please provide our office with a consent form that authorizes the BIA, OJS to release your clients' records to you. The consent form must be signed by your client, and can be faxed to the Washington Office at (202) 208-6170. We will not proceed further with your request until we receive a signed consent form from your office. In accordance with our regulations (43 CFR 2.8(a)(3)), if we do not hear from you within 20 workdays of the date of this letter, we will assume you are no longer interested in this matter and will close the file on your request.

We regret the delay and appreciate your consideration in this matter. Should you have any additional questions, please contact the FOIA Coordinator at (202) 208-5787.

Sincerely,

Freedom of Information Act Coordinator  
Office of Justice Services

Enclosure

BIA:470:snd:04/23/07:202-208-4853:K:Drive:FOIA:ConsentLetter:Herman

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# THE TAOS NEWS

**Andy Dennison**  
Reporter

505-758-2241 ext. 121

226 All right • P.O. Box U • Taos, NM 87571

fax 505-751-3026 • [www.taosnews.com](http://www.taosnews.com) • email: [adennison@taosnews.com](mailto:adennison@taosnews.com)

Feb. 22, 2007

Special Agent Dan Breuninger, et al  
Law Enforcement: Bureau of Indian Affairs  
Eight Northern Pueblos  
San Juan Pueblo, NM

## Freedom of Information Act Request

This is an official request for the following records:

- All reports and or charges filed by Bureau of Indian Affairs agents and/or investigators involving Picuris Pueblo tribal members during the last year (Feb. 22, 2006 - Feb. 22, 2007).
- All reports related to any incidents on Jan. 27, 2007 involving (b) (6) [REDACTED] (b) (6) [REDACTED] and any other tribal members at Picuris Pueblo or in Penasco, NM.
- All reports related to any incidents on Picuris Pueblo or Penasco, NM, during July 2006 involving any of the following tribal members: (b) (6) [REDACTED] (b) (6) [REDACTED]

Your immediate attention to this request would be appreciated. Please send copies of these records to:

Andrew Dennison  
The Taos News  
P.O. Box U  
Taos, NM 87571  
(505) 758-2241; (505) 751-7585  
FAX: (505) 751-3026

Sincerely,

Andrew Dennison

758-2241  
FEB 23 2007

From:  
The Office Of The  
Picuris Pueblo Governor



Picuris Pueblo  
P.O. Box 127  
Penasco, New Mexico  
87553  
(505) 587-2519  
FAX (505) 587-1071

March 1, 2007

Dan Breuninger, Special Agent In Charge  
Bureau of Indian Affairs Law Enforcement  
Eight Northern Pueblos Agency  
P.O. Box 4269  
Española, NM 87533

Re: FOIA Request from The Taos News

Dear Special Agent Breuninger:

I am writing on behalf of the members of Pueblo of Picuris regarding a request pursuant to the federal Freedom of Information Act ("FOIA") from The Taos News, dated February 22, 2007, for certain BIA records involving a number of persons, most of whom are Pueblo of Picuris members. The Taos News specifically requested the following records:

1. All reports and/or charges filed by Bureau of Indian Affairs agents and/or investigators involving Picuris Pueblo tribal members during the last year (Feb. 22, 2006 – Feb. 22, 2007);
2. All reports related to any incidents on January 27, 2007, involving (b) (6) (b) (6) and any other tribal members at Picuris Pueblo or in Penasco, NM;
3. All reports related to any incidents on Picuris Pueblo or Penasco, NM, during July 2006 involving any of the following tribal members: (b) (6) (b) (6) (b) (6) [or] (b) (6).

We believe that all of the records requested are exempt from disclosure under FOIA under one or more exemptions and urge the BIA to refuse to disclose those records because of their exempt status.

FOIA exempts from disclosure records "compiled for law enforcement purposes" that, if disclosed, "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. §552(b)(7)(C). All of the records requested by The Taos News are of this nature. First, there is no question that such records (BIA law enforcement reports and charges) have been compiled for law enforcement purposes. Additionally, as the records are not freely available to the public, the information contained therein may be properly classified as private information. *U.S. Dept. of Justice v. Reporters Committee for Freedom of the Press, et al.*, 489 U.S. 749, 763-64 (1989). Further, a privacy interest exists even as to events that have been previously disclosed to the public, or are not wholly private, such as the incident involving tribal

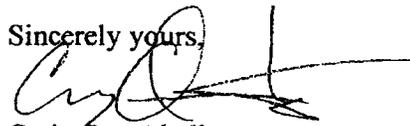
members on January 27, 2007. *Id.* at 762-63 and 770. Even public figures are entitled to protection of their privacy, particularly where the information sought is not related to their roles as public figures. See *Fund for Constitutional Government v. National Archives and Records Service, et al.*, 656 F.2d 856, 864-65 (D.C. Cir. 1981).

A request for law enforcement records about private citizens can reasonably be expected to invade that person's privacy. *Reporters Committee*, 489 U.S. at 780. Thus, in order for such records to be disclosed, the public interest in their disclosure must outweigh the privacy interest that the § 552(b)(7)(C) exemption is designed to protect. The U.S. Supreme Court has affirmed that an individual's interest in avoiding disclosure of personal matters is the type of personal privacy interest to be protected by this exemption. *Reporters Committee*, 489 U.S. at 762. Whether an invasion of privacy is warranted turns on "the nature of the requested document and its relationship to the 'basic purpose of the Freedom of Information Act 'to open agency action to the light of public scrutiny.'" *Id.* at 772 (internal citations omitted). Disclosure of records that contain information about private citizens, rather than information that "sheds light on an agency's performance of its statutory duties," *id.* at 773, "reveals little or nothing about an agency's own conduct," *id.*, and therefore does not further the purpose of FOIA. *Id.* Indeed, FOIA's purpose is to "ensure that government activities are subject to public scrutiny," not to "permit the disclosure of information about private citizens." *KTVY-TV v. U.S., et al.*, 919 F.2d 1465, 1470 (10 Cir. 1990).

The records may be exempt from disclosure on other grounds. To the extent that the release of the requested records "could reasonably be expected to interfere with enforcement proceedings," "would deprive a person of the right to a fair trial or an impartial adjudication," "could reasonably be expected to disclose the identity of a confidential source," "would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosures could reasonably be expected to risk circumvention of the law," or "could reasonably be expected to endanger the life or physical safety of any individual," the records may be classified as exempt. 5 U.S.C. 552(b)(7)(A),(B),(D),(E), and (F). The Pueblo cannot know whether the foregoing exemptions apply and expects the Bureau to assert each exemption that is warranted.

For all of the foregoing reasons, the Pueblo urges you to assert the exempt status of the records requested by The Taos News and to refuse their production.

Sincerely yours,



Craig Quanchello  
Governor

cc: Larry Morrin, BIA Regional Director  
Cameron Martinez, Superintendent, Northern Pueblos Agency

RECEIVED

MAR 09 2007



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE-WEST  
1001 INDIAN SCHOOL ROAD N.W.  
ALBUQUERQUE, NM 87104



IN REPLY REFER TO:  
Division of Law Enforcement Services  
BIA 2010-00918

January 13, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Andrew Dennison  
The Toas News  
P.O. Box U  
Taos, New Mexico 87571

Dear Mr. Dennison:

On February 22, 2007, you submitted a Freedom of Information Act (FOIA) request to the BIA, Office of Justice Services seeking:

\*All reports and/or charges filed by the Bureau of Indian Affairs agents and/or investigators involving Picuris Pueblo tribal members during the las year (February 22, 206 – February 22, 2007).

All reports related to any incidents on January 27, 2007 involving (b) (6) and any other tribal members at Picuris Pueblo or in Penasco, N.M.

All reports related to any incidents on Picuris Pueblo or Penasco, N.M. during July 2006 involving any of the following tribal members: (b) (6)

The BIA, Office of Justice Services, FOIA office received your request on April 16, 2007. It was assigned request FOIA Control Number BIA-2010-00918 for processing. Please cite this control number in any correspondence or communications with the Department regarding your request.

We are aware that there has been a considerable delay in our response to your request; and sincerely regret this delay. We have received an unprecedented number of FOIA requests. In addition, a number of unexpected events occurred, which affected our ability to respond promptly to FOIA requests. We have taken appropriate measures to address this and we believe that we will therefore be able to respond more promptly to future FOIA requests.

We have completed our search and review and have identified approximately (122) documents that are responsive to your request. The fee for providing these documents is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2) and 2.18(a).

**Portions of these documents have been withheld, pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552 (b)(6)) & Exemption 7(C) of the Freedom of Information Act, See (5 U.S.C. § 552(b)(7)(C))**

**Names of Other Parties and their:  
Identifying information  
Date of Birth  
Sex  
Age  
Home addresses  
City, County, State and Zip Code  
Telephone numbers  
Relationships  
Social Security Numbers  
Information revealing locations of residency  
Telephone and Cellular phone numbers**

Exemption 7(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Exemption 7(C) similarly protects personal information of third parties. Examples of personal information generally protected from release are: the individual's personal home address, date of birth, driver's license number, and social security numbers as such release would constitute an unwarranted invasion of personal privacy.

Exemption 6 protects the disclosure of personal information which would result in an unwarranted invasion of privacy.

Exemption 6 also provides protection when disclosure of information about particular individuals is requested. The courts have decided that it is necessary for us to determine whether release of the information would constitute a clearly unwarranted invasion of the individual's privacy.

To make this determination, we are required to perform a "balancing test." This means that we must weigh the individuals' right to privacy against the public's right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve "the public interest generally" (i.e., whether it would "shed light on the performance of the agency's statutory duties").
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual.

The information that we are withholding consists solely of the above categories of information pertaining to the individuals named in the records. The BIA, Office of

Justice Services has determined that the individuals to whom this information pertains have a substantial privacy interest. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties and on balance; the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question.

In short, we have determined that the release of the information we have withheld would constitute a clear unwarranted invasion of the privacy of these individuals, therefore, it may be withheld pursuant to Exemption 6. Similarly, the release of the information we have withheld could reasonably be expected to constitute an unwarranted invasion of personal privacy, therefore, it may be withheld pursuant to Exemption 7C.

The officials responsible for this partial denial are Agatha Tsosie, Stephanie Pretty Weasel, both with the Office of Justice Services and Laura Cloud, Indian Affairs FOIA Officer. This response to your FOIA request was also made in consultation with Scott Keep, Assistant Solicitor, Division of Indian Affairs, Office of the Solicitor.

In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial to the FOIA Appeals Officer. The Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

If you have any questions regarding any of the issues discussed in this letter, you may contact me at 505-563-3840, or by mail at the address above. The BIA, Office of Justice Services is committed to providing you with the highest quality of service possible.

Sincerely,



DuWayne W. Honahni Sr.  
Supervisory Special Agent  
FOIA Coordinator

## Enclosures

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

FY 2009

10 Oldest FOIA Requests

	REQUEST NUMBER	LAST NAME	FIRST NAME	DATE OF REQUEST	DATE RECEIVED BY BIA CENTRAL OFFICE
1	07580 (OS-2007-00392)	(b) (6)	(b) (6)	2/5/2007	4/30/2007
2	07607	Herringer	William I.	5/16/2007	5/22/2007
3	07609	Vettleson	Ryan O.	4/18/2007	5/22/2007
4	07612	Swenson	Shirley	3/23/2007	5/23/2007
5	07677	Power	James A.	3/26/2007	6/28/2007
6	07770	Wells	Daniel H.	9/12/2007	9/17/2007
7	07779	Dion-Karp	Emily	8/29/2007	9/26/2007
8	08232	(b) (6)	(b) (6)	8/27/2007	2/12/2008
9	08327	(b) (6)	(b) (6)	6/18/2007	3/6/2008
10	08444	(b) (6)	(b) (6)	4/9/2007	4/22/2008

Requesters Name: (b) (6)  
Requested Number: (b) (6)  
Institutional Address: (b) (6)  
(b) (6)

Date: 2-5-07

RE: FREEDOM OF INFORMATION/PRIVACY ACT, Request:

This is an Freedom of Information/Privacy Act request, pursuant to Title 5, Section 522 and other relevant provisions of your agency's regulations. This is a request for any and all information in your files, concerning any investigation of the requester by your department. The District of Columbia, Court of Appeals, has held, pro-se litigants request should be taken liberally. LaCreda v. EOUSA, 317 F.3d 345 (D.C. Cir. 2003).

I'm seeking documents and information from: \_\_\_\_\_  
The Federal Bureau of Investigation (FBI)

which is a government agency and subject to the FOIA. I would also like copies of all applicable regulations of your agency in relation to its statutory duties, pursuant to FOI/PA.

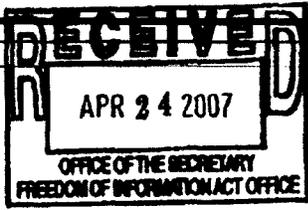
If for any reason it is determined that portions of the materials requested have been redacted or exempt, I expect the agency to identify on the release what information is being withheld and to what exemption applies to the redaction. My Criminal Case Number is: (b) (6), (b) (7)(C) and my case occurred in: \_\_\_\_\_

St Francis, South Dakota

I also seek documents and information on Third Parties in your files that was involved in some way with my case, and/or served as a government witness or informant, the parties are: FBI Agent David Dunn / Agent - Dunn's investigative report dated 12-14-1995. Court documents indicate that Agent - Dunn interviewed Ms. (b) (6) on the above mentioned date. Therefore the requester is requesting a copy of Agent Dunn's investigative interview/report with Ms. (b) (6)

the requester is entitled to all public records that have entered the public domain. See: Davis v. Department of Justice, 968 F.2d 1276, 1279 (D.C. Cir. 1992).

I expect to hear from your office within the 10-working days, pursuant to the statute of limitations of FOIA.



05-2067-00392

Respectfully Submitted,

(b) (6)

See: Attached, Certification of identity



Privacy Act Statement. In accordance with 78 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> (b) (6)

Citizenship Status <sup>2</sup> (b) (6) Social Security Number <sup>3</sup> (b) (6)

Current Address (b) (6)

Date of Birth (b) (6) Place of Birth (b) (6)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> (b) (6) Date 2-5-2007

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to

Print or Type Name

<sup>1</sup> Name of individual who is the subject of the record sought.  
<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an Alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.  
<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.  
<sup>4</sup> Signature of individual who is the subject of the record sought



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



IN REPLY REFER TO:  
7202.4 OS-2007-00392

April 24, 2007

(b) (6)

Dear Mr. (b) (6):

On February 5, 2007, you filed a Freedom of Information Act (FOIA)/Privacy Act request with the Federal Bureau of Investigation, stating:

“This is a request for any and all information in your files, concerning any investigation of the requester by your department.”

On or about February 13, 2007, your request was received by the Federal Bureau of Investigation (FBI). In searching its files in response to your request, the FBI located six (6) responsive documents that originated with the Department of the Interior. On April 16, 2007, the FBI referred these six (6) documents to the Department of the Interior for a release determination and direct response to you.<sup>1</sup>

This document referral was received for action by the Office of the Secretary FOIA office on April 24, 2007, and assigned control number OS-2007-00392. Please cite this number in any future communications with the Office of the Secretary regarding its handling of this document referral.

Because this information originated with the Bureau of Indian Affairs (BIA), we are referring these six (6) documents to BIA for a release decision and direct response to you. You may expect to hear from it shortly. If you do not, you may write or call the FOIA Officer listed on the attached directory, printed from the Department's website at [www.doi.gov](http://www.doi.gov), or file an appeal for non-response with the Department's Freedom of Information Act Appeals Officer.<sup>2</sup>

<sup>1</sup> A copy of the letter referring these documents to the Department of the Interior is enclosed.

<sup>2</sup> You may file an appeal for non-response by writing to the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C Street, N.W., MS 6556 - MIB, Washington, D.C. 20240. 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 should be accompanied by a copy of this letter, along with a statement attesting to the fact that you have not yet received a response from the agency component to which the documents were referred. Please allow this party ample time to process this referral before filing an appeal: a minimum of 30 working days plus a reasonable allowance for postal mail delivery.

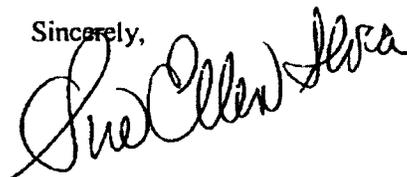
Mr. (b) (6)

2

This completes the Office of the Secretary's response to this document referral.

If you have any questions regarding our handling of this document referral, or any of the issues discussed in this letter, you may contact Ray McInerney by phone at 202-565-1076, by fax at 202-219-2374, by e-mail at [osfoia@nbc.gov](mailto:osfoia@nbc.gov), or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 120 - 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,



Sue Ellen Sloca  
Office of the Secretary  
FOIA Officer

#### Enclosures

**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.



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE WEST  
1001 Indian School Road, N.W.  
Albuquerque, New Mexico 87104



IN REPLY REFER TO:  
Office of Justice Services  
OJS-2007-07580

April 15, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

(b) (6)

Dear Mr. (b) (6):

On February 5, 2007, you filed a Freedom of Information Act (FOIA) request with the Federal Bureau of Investigation seeking an investigative report dated December 14, 1995. Your request was referred to the Bureau of Indian Affairs (BIA), Office of Justice Services FOIA office to respond to your request. Your request was assigned control number OJS-2007-07580.

Your request was located among a back log of FOIA request. I am sending this letter to inquire if you still desire the documents you requested in 2007. Please respond to this letter within 20 workdays. If the bureau does not hear from you within 20 workdays, it will assume that you are no longer interested in this matter and will close the file on your request. If you have any questions concerning your request, please contact Agatha Tsosie at 505-563-3419

Sincerely,

DuWayne W. Honahni Sr.  
Supervisory Special Agent  
FOIA Coordinator

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

071607

07 MAY 21 PM 2:23

# Greenberg, Herringer & Ward, LLC

484 Turner Drive, Suite F 201  
P. O. Box 2714  
Durango, Colorado 81302  
Telephone: (970) 259-4422  
Fax: (970) 259-5638

DAVID H. GREENBERG  
WILLIAM L. HERRINGER  
LISA A. WARD

EILEEN PAEZ  
AMBER HARRISON

May 16, 2007

*Via Facsimile: 505.563.3801*

Bureau of Indian Affairs  
Law Enforcement Services  
P.O. Box 66  
Albuquerque, NM 87103

Re: **FOIA REQUEST**

To Whom It May Concern:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of letters, forms or other documents concerning requests to review, or authorizing the release of, the investigation file regarding former BIA employee (b) (6). This investigation involved allegations of unlawful computer access and was assigned case number [redacted]. The investigation took place from approximately December, 2002 to April, 2003.

This request includes any forms, letters or electronic data (which may be converted to printed format) that documents or memorializes a request made to or by the Bureau for the investigative file of Ms. (b) (6) or some portion of the file, or the release and/or transmittal of the file, or some portion of the file. It is requested that the document indicate the identity of the agency or person requesting the investigative file, the date of the request and the action taken. The employee who is the subject of this request is:

(b) (6)

(b) (6)

Employed with Federal Government from 10/1991 to 12/2002 (placed on administrative leave) (dates are approximate).

I agree to pay reasonable duplication fees for the processing of this request.

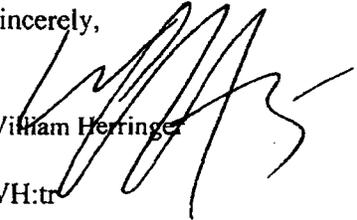
Bureau of Indian Affairs  
Law Enforcement Services  
May 16, 2007  
Page Two

If my request is denied either in whole, or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within twenty (20) business days, as the statute requires.

Thank you in advance for your prompt and courteous attention to this matter.

Sincerely,

  
William Herring

WH:tr



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

May 22, 2007

Mr. William I. Herringer  
Greenberg, Herringer & Ward, LLC  
484 Turner Drive, Suite F 201  
Durango, Colorado 81302

Re: FOIA Control No. FC-07607

Dear Mr. Herringer:

This acknowledges receipt of your Freedom of Information Act request dated May 16, 2007, and received in our office on May 22, 2007, for "access to and copies of letters, forms or other documents concerning requests to review, or authorizing the release of, the investigation file regarding former BIA employee (b) (6) [REDACTED]. This investigation involved allegations of unlawful computer access and was assigned case number (b) (6), (b) (7)(C) [REDACTED]. The investigation took place from approximately December, 2002 to April, 2003."

Your request has been assigned FOIA Control No. FC-07607. Please reference this number on all your correspondence concerning this request.

The program office will advise you of the status of your response within 20 workdays upon receiving the request in their office. If that office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary – Indian Affairs (Management)  
Division of Logistics Support Services  
Freedom of Information Act Office  
1849 C Street, NW – MS 3071-MIB  
Washington, DC 20240

Telephone: (202) 208-4542  
Fax (202) 208-6597

Sincerely,

*for*   
Laura Cloud  
FOIA Officer



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE-WEST  
1001 INDIAN SCHOOL ROAD N.W.  
ALBUQUERQUE, NM 87104



IN REPLY REFER TO:  
Division of Law Enforcement Services  
BIA 2007-00607

July 9, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. William Herringer  
484 Turner Drive, Suite F 201  
Durango, Colorado 81302

Dear Mr. Herringer:

On May 16, 2007, you submitted a Freedom of Information Act (FOIA) request to the BIA, Office of Justice Services seeking:

- 1) Copies of letters, forms or other documents concerning requests to review or authorizing the release of, the investigation file regarding former BIA employee (b) (6) (b) (6). This investigation involved allegations of unlawful computer access and was assigned case number (b) (6) (b) (7)(C). The investigation took place from approximately December 2002 to April 2003.

In response to your request, the Office of Justice Services has not received any request to review this case file, nor has anyone authorized release of any portion of this investigative file. This case file was brought out of the archives section and no documents were located indicating the release of any information from this file.

This response to your FOIA request was made in consultation with Frank R. Lupo, Attorney-Advisor, Office of the Solicitor, Southwest Region, U.S. Department of the Interior. If you believe this to be a denial to withhold this information, you may appeal this decision to the FOIA Appeals Officer. The Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

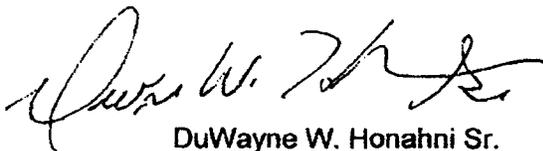
Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request

and this letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

If you have any questions regarding any of the issues discussed in this letter, you may please contact Agatha Tsosie at (505) 563-3419, or by mail at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "DuWayne W. Honahni Sr.", written in a cursive style.

DuWayne W. Honahni Sr.  
Supervisory Special Agent  
FOIA Coordinator

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

FLYNN|GASKINS|BENNETT, LLP

GEORGE W. FLYNN  
STEVE GASKINS  
ROBERT BENNETT  
BARBARA JEAN DAQUILA  
JEANNINE L. LEE  
TIMOTHY H. SCHUPP  
STEPHIE PAL

WILLIAM J. TIPPING  
THOMAS KLOSOWSKI  
BRADLEY J. AYERS  
PAUL A. SHILLINGSTAD  
SCOTT M. ROBERT  
JENNIFER E. ROSEMARK  
CYNTHIA A. BREMER

333 SOUTH 7TH STREET, SUITE 2900, MINNEAPOLIS, MN 55402  
TEL 612.333.9500 FAX 612.333.9579 TOLL 866.397.4497  
WWW.FLYNNGASKINS.COM

PATRICK R. MARTIN  
JOHN J. LABANUSO  
ERIC W. HAGEMAN  
JEFFREY SCHMIDT  
SONIA MILLER VAN DORP  
JONATHAN E. STRAUSS  
LORIE SEMKE  
WENDY M. SHADDEY

ANDREA KIEHL  
RYAN O. VETTESON  
ROBERT W. VACCARO  
ANDREW J. NOEL  
JUDY BURR GELTON  
KELLY A. MORRITT  
OLIVER E. NELSON III  
SARAH GORAJSKI

Direct Dial (612) 333-9548

April 18, 2007

Special Agent Elmer Four Dance  
BIA/OLES, District 1  
P.O. Box 150  
Aberdeen, SD 57402-0150

Re: (b) (6)

Dear Special Agent Four Dance:

I am writing to request all reports regarding any incidents which occurred on or about March 19, 2007, involving (b) (6). Upon information and belief, Mr. (b) (6) was involved in an incident with Nett Lake police officers. Chief Peter R. Drift indicated the records had been sent to you. I am enclosing an authorization allowing you to release this information. If you require additional information or require payment in advance, please feel free to contact me. Thank you in advance for your cooperation.

Very truly yours,

Ryan O. Vetteson  
rvetteson@flynnagaskins.com

ROV:sb  
Enclosure  
rov (b) (6) fourdance

2007 APR 24 PM 4 03  
RECEIVED  
ELMER FOUR DANCE  
DISTRICT 1

*Patti,  
Pls process  
For E4 Reg.  
Thank  
[Signature]*

**AUTHORIZATION FOR RELEASE OF POLICE REPORTS**

I, (b) (6) was involved in an incident occurring on or about the 19<sup>th</sup> day of March, 2007, near the City of Tower, State of Minnesota, do hereby authorize Flynn, Gaskins & Bennett, L.L.P., to procure a copy of all investigative reports, statements or other documents generated or obtained by the Bureau of Indian Affairs, local police, or any other law enforcement agency, in connection with this incident.

Dated this 24 day of March, 2007

(b) (6)

RECEIVED  
2007 APR 24 PM 4 03  
MINNAPOLIS DISTRICT  
POLICE DEPARTMENT



**Boys & Girls Club of the Turtle Mountains**

1208 West Main Avenue  
P.O. Box 669 • Rolla, ND 58367  
701-477-6181

*an affiliate of the Christian Children's Fund*

RECEIVED

2007 MAR 27 AM 11 52

BIA LAW ENFORCEMENT  
DISTRICT I

March 23, 2007

Mr. Elmer Four Dance  
Aberdeen Area Office  
115 4<sup>th</sup> Avenue SE  
Aberdeen, SD 57401

Dear Mr. Four Dance,

Following is a FOIA (Freedom of Information Act) request from this agency requesting any and all correspondence written and sent by the Bureau of Indian Affairs pertaining to the employment of tribal police officer (b) (6) Belcourt, North Dakota. Additionally, we request all found reasons as to why he did not pass a background check regarding his position as a tribal police officer along with notification of personnel action recommended by the Bureau of Indian Affairs. All information should be sent to the above address. We will assume the required costs for this request please notify this agency of such costs and to whom the costs should be sent. We thank you for your attention to this matter.

Sincerely,

Shirley Swenson  
Executive Director  
bcgctmss@utma.com

Cc: Mr. Reed Soderstrom, Attorney  
Pamela McCloud, Board President



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Office of Justice Services  
Professional Standards Division  
1001 Indian School Road NW Suite 251  
Albuquerque, New Mexico 87104



IN REPLY REFER TO:  
Professional Standards Division  
FC BIA-07612

APR 20 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shirley Swenson  
Executive Director  
Boys & Girls Club of Turtle Mountains  
PO Box 669  
Rolla, North Dakota 58367

Dear Ms. Swenson:

Upon review of several back logged FOIA requests, your request was discovered. Due to the time that has lapsed since your initial request dated March 23, 2007, the bureau is sending this letter to inquire if you still desire the information you requested.

If the bureau does not hear from you within 20 workdays, it will assume that you are no longer interested in this matter and will close the file on your request.

If you have any questions regarding any of the issues discussed in this letter, you may contact Veronica ToersBijns by phone at 505.563.3157, by fax at 505.563.3801, or by mail at address above. Within the BIA, Office of Justice Services, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,

Monty K. Gibson  
Associate Director  
Professional Standards Division

Enclosure

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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 request 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.



DISTRICT ONE  
CORRECTIONS

RECEIVED

2007 JUN 14 AM 8 49

2007 JUN 14 AM 9 06

James A. Power

[Jim.Power@woodsfuller.com](mailto:Jim.Power@woodsfuller.com)

March 26, 2007

Ms. Peggy Geffre  
FOIA Officer  
Bureau of Indian Affairs  
115 4<sup>th</sup> Avenue, SE, MC-100  
Aberdeen, SD 57401

Re: Freedom of Information Act Request Regarding [REDACTED]

Dear Ms Geffre:

This is a request under the Freedom of Information Act 5 U.S.C. § 552. Pursuant to this enactment, I hereby request copies of the following documents and/or materials:

Any and all documents, electronic information, memoranda, and other objects and things relating to the May 15, 2005 arrest, incarceration, and death of [REDACTED] on the Rosebud reservation, specifically including any investigation into the circumstances of his death.

If this request should be submitted to a different office, please let me know. As the FOIA requires, please release all reasonably segregable non-exempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

In order to help determine my status for purposes of assessing fees for this request, you should know that I am an attorney seeking the information for a noncommercial purpose. I am willing to pay fees for this request up to a maximum of \$200. If you estimate that the fees will exceed this limit, please inform me first.

---

LAWYERS • EST. 1887

Street Address: 300 S. Phillips Avenue, Suite 300, Sioux Falls, SD 57104-6322

Mailing Address: P.O. Box 5027, Sioux Falls, SD 57117-5027

Phone: (605) 336-3890 • Fax: (605) 339-3357

[www.woodsfuller.com](http://www.woodsfuller.com)

8/31/2012

016

WOODS, FULLER, SHULTZ & SMITH P.C.

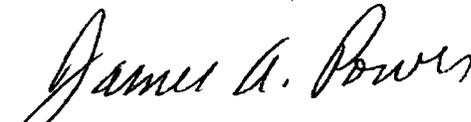
Ms. Peggy Geffre  
March 26, 2007  
Page 2

If you deny any part of this request, please cite each specific reason that you think justifies your refusal to release the information and notify me of appeal procedures available to me under the law.

To expedite the release of the requested documents and materials, please disclose them on an interim basis as they become available to you, without waiting until all the documents and materials have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please contact me at either the phone number or email address below. I look forward to receiving your response within the twenty-day statutory time period. Thank you.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

  
James A. Power



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



June 28, 2007

Mr. James A. Power  
Woods Fuller Shultz & Smith P.C.  
P. O. Box 5027  
Sioux Falls, South Dakota 57117-5027

Re: FOIA Control No. FC-07677

Dear Mr. Power:

This acknowledges receipt of your Freedom of Information Act request dated March 26, 2007, and received in our office on June 28, 2007. In your letter you requested all documents related to the arrest, incarceration and death of [REDACTED] on the Rosebud Reservation. Your request has been assigned FOIA Control No. FC-07677. Please reference this number on all your correspondence concerning this request.

The program office will advise you of the status of your response within 20 workdays upon receiving the request in their office. If that office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary – Indian Affairs (Management)  
Division of Logistics Support Services  
Freedom of Information Act Office  
1849 C Street, NW – MS 3071-MIB  
Washington, DC 20240

Telephone: (202) 208-4542  
Fax (202) 208-6597

Sincerely,

**For** Laura Cloud  
FOIA Officer



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Office of Justice Services  
Professional Standards Division  
1001 Indian School Road NW Suite 251  
Albuquerque, New Mexico 87104



IN REPLY REFER TO:  
Professional Standards Division  
PC BIA-07677

APR 21 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James A. Power  
Woods Fuller Shultz & Smith P.C  
PO Box 5027  
Sioux Falls, South Dakota 57117-5027

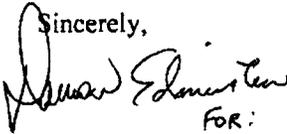
Dear Mr. Power:

Upon review of several back logged FOIA requests, your request was discovered. Due to the time that has lapsed since your initial request dated March 26, 2007, the bureau is sending this letter to inquire if you still desire the information you requested:

“Any and all documents, electronic information, memoranda, and other objects and things relating to the May 15, 2005 arrest, incarceration, and death of [REDACTED] on the Rosebud reservation, specifically including any investigation into the circumstances of his death.”

If the bureau does not hear from you within 20 workdays, it will assume that you are no longer interested in this matter and will close the file on your request.

If you have any questions regarding any of the issues discussed in this letter, you may contact Veronica ToersBijns by phone at 505.563.3157, by fax at 505.563.3801, or by mail at address above. Within the BIA, Office of Justice Services, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,  
  
FOR:  
Monty K. Gibson  
Associate Director  
Professional Standards Division

Enclosure

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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 request 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.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E.  
Aberdeen, South Dakota 57401



IN REPLY REFER TO:

Executive Direction  
MC-100

APR 17 2007

100  
P. Geffre  
4/16/07

James A. Power  
300 S. Phillips Ave  
Suite 300  
Sioux Falls, South Dakota 57104-6322

Dear Mr. Power:

This letter is in response to your Freedom of Information Act (FOIA) request dated March 26, 2007, and received in our office on March 28, 2007. In your request, you are seeking all documents related to the arrest, incarceration and death of [REDACTED] on the Rosebud Reservation.

The records are not within our possession and control. Therefore, we are unable to provide you with these records (43 CFR 2.7(d)(1)). It is possible that they may be in the possession of the Bureau of Indian Affairs, District I, Office of Justice Services, 115 4<sup>th</sup> Ave SE, Aberdeen, SD 57401. In accordance with the Department of the Interior's FOIA regulations (43 CFR 2.22(b)(2)), we are referring your FOIA request to their office for a direct response to you. If you wish to contact the Office of Justice Services concerning your request, you may contact them at (605) 226-7347.

If you consider this response to be a denial of your request, you may file an appeal by writing to the: Department of the Interior, Office of the Solicitor, 1849 C. Street, NW, Mail Stop 6556, Washington, D.C. 20240, Attn: FOIA Appeals Office.

Your appeal must be received no later than 30 workdays after the date of this letter. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and this letter, along with a brief statement of the reasons why you believe this initial decision to be in error.

Should you have further questions, please contact Peggy Geffre, FOIA Coordinator, at (605) 226-7343.

Sincerely

Alice A. Harwood  
ACTING Regional Director

cc: District I, Office of Justice Services  
bcc: subject/chrony  
100:PGEFFRE:pwg:4-16-07:X7343  
OIA Administration\FOIA\2007\025 by DOC

September 12, 2007

**FEDERAL EXPRESS**

Ms. Laura Cloud  
MS-3071, MIB  
1849 C Street, NW  
Washington, DC 20240

Re: **FOIA Request**

Dear Ms. Cloud:

Pursuant to the Federal Freedom Of Information Act (FOIA), 5 U.S.C. 552, I request from the Bureau of Indian Affairs (BIA) one copy of all communications of any kind including, but not limited to, correspondence, e-mail, reports, requests for information between federally recognized tribes within the states of Minnesota, Wisconsin, and Michigan and the BIA concerning mining issues in the states of Minnesota, Wisconsin, and Michigan. I am restricting this request to documents generated or dated on or after January 1, 2003.

Very truly yours,



Daniel H. Wells

DHW/dhw

1454801



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

September 18, 2007

Mr. Daniel H. Wells  
Warner Norcross & Judd LLP  
Attorneys At Law  
900 Fifth Third Center – 111 Lyon Street. N.W.  
Grand Rapids, Michigan 94503-2487

Re: FOIA Control No. FC-07770

Dear Mr. Wells:

This acknowledges receipt of your Freedom of Information Act request dated September 12, 2007, and received in our office on September 17, 2007, for a copy of all communications of any kind including, but not limited to, correspondence, e-mail, reports, requests for information between federally recognized tribes within the states of Minnesota, Wisconsin, and Michigan and the BIA concerning mining issues in the states of Minnesota, Wisconsin, and Michigan generated or dated on or after January 1, 2003. We have assigned your request FOIA Control No. FC-07770. Please reference this number in all your correspondence concerning this request.

The program office will advise you of the status of your response within 20 workdays upon receiving the request in their office. If that office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary – Indian Affairs (Management)  
Division of Logistics Support Services  
Freedom of Information Act Office  
1849 C Street, NW – MS 3071-MIB  
Washington, DC 20240

Telephone: (202) 208-4542  
Fax: (202) 208-6597

Sincerely,

For Laura Cloud  
FOIA Officer



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



DEC 29 2009

Mr. Daniel H. Wells  
Warner Norcross & Judd LLP  
Attorneys At Law  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 94503-2487

Dear Mr. Wells:

This is in response to your Freedom of Information Act (FOIA) request dated September 12, 2007, and received in this office on September 20, 2007. In your request you sought documentation (one copy) of all communications of any kind including, but not limited to, correspondence, emails, reports, requests for information between federally-recognized tribes within the states of Minnesota, Wisconsin, Michigan and the BIA concerning mining issues in the states of Minnesota, Wisconsin, and Michigan. Your request was restricted to documents generated or dated on or after January 1, 2003.

On September 18, 2007, we acknowledged your request and informed you that the responding office would notify you of the appropriate fee category and if the requests warrants and extension to respond. Your request was determined to be of a complex nature and was placed in the complex processing track which required consultation with other components of the agency.

We have completed the review and are responding to your request. Enclosed are 3 documents consisting of 67 pages.

**We withheld portions of some of these documents pursuant to Exemption 3 and Exemption 4. (5 U.S.C. § 552(b)(3) and (5 U.S.C. § 552(b)(4), respectively.**

Exemption 3 allows an agency to withhold "information specifically exempted from disclosure by another statute, other than the Privacy Act, such as: the Archaeological Protection Act of 1979, National Historic Preservation Act Amendments of 1978, the Federal Cave Resources Protection Act of 1988, and the Indian Mineral Development Act of 1982.

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). Generally, this exemption is construed to cover (1) trade secrets, and (2) commercial or financial information.

Stephen Simpson, Attorney-Advisor with the Office of the Solicitor, was consulted in reaching a decision. Laura Cloud, Bureau of Indian Affairs FOIA Officer, is responsible for making this decision.

If you believe that the decision to withhold this information is incorrect, you may file a FOIA appeal by writing the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C Street, NW, MS 6556-MIB, Washington, DC 20240. Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) from the date you receive the enclosed records. Your appeal letter must be marked, both on the 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 your 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.

We are aware that there has been a considerable delay in our response to your request and sincerely regret this delay. We have received an unprecedented number of FOIA requests during the past year. In addition, a number of unexpected staffing changes occurred in our office which affected our ability to respond promptly to FOIA requests. We have taken appropriate measures to address this. Consequently, we believe that we will be able to respond more promptly to future FOIA requests.

This concludes our response to your request within the Office of the Secretary.

If you have any questions concerning your request, please contact me by telephone at 202-208-4499, by fax at 202-208-4564, by email at [susan.stewart-flannagan@bia.gov](mailto:susan.stewart-flannagan@bia.gov), or by mail at U.S. Department of the Interior, Office of Indian Energy and Economic Development, 1951 Constitution Avenue, NW., Mailstop 20-SIB, Washington, DC 20245.

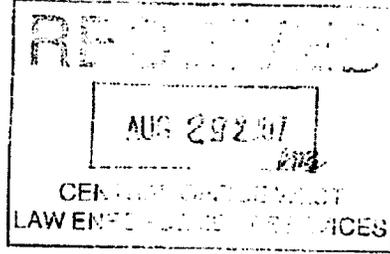
Within the Office of the Assistant Secretary for Indian Affairs, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Susan Stewart-Flannagan  
FOIA Coordinator

Enclosures



**Leemon  
+ Royer  
PLLC**

Civil Litigation

2505 Second Avenue  
Suite 610  
Seattle, WA 98121  
Phone 206 269-1100  
Fax 206 269-7424

Mark Leemon  
Attorney

Sidney S. Royer  
Attorney

Monte Gibson  
Bureau of Indian Affairs

Fax: 505-563-3089

RE: (b) (6)  
DOI: 5/12/2007  
Case No.: (b) (6) (Puyallup Tribal Police)

Dear Mr. Gibson:

To Whom It May Concern:

This letter constitutes a request for disclosure of information under authority of the Freedom of Information Act (1994 and Supp. II 1996), at 5 U.S.C. 552.

We are requesting a complete copy of the Bureau of Indian Affairs file concerning (b) (6) and the incident of May 12, 2007. Please be assured we will pay reasonable copying charges associated with this request.

While we do not want to limit our request in any way, we are particularly interested in obtaining copies of the following:

1. Police Report;
2. Investigation File;
3. Follow-up Reports;
4. Officer's Notes;
5. Photographs

Very truly yours,

*Emily Dion-Karp*  
Emily Dion-Karp  
Paralegal

August 27, 2007

Susan Zazueta  
Bureau of Indian Affairs  
Eastern Nevada Agency  
Elko, Nevada

**RE: FOLA Request**

Dear Mrs. Zazueta:

I am requesting information be released to me in regards to pay period 04 - 2007. I spoke with Mrs. Arnelia Thomas on Tuesday, August 21, 2007, Timekeeper/LEA for the Juvenile Services here in Owyhee, NV. Mrs. Thomas informed me I would have to make a request to you, in order for me to receive the information.

I am requesting a copy of my timesheet, leave slips (signed and approved by Mr. Vincente Anchondo), a copy of all information received from the Payroll Department and the Personnel Department noting the changes that were made to my timesheet for Pay Period 04 - 2007.

I am requesting this information to resolve a Salary Overpayment issue. Your immediate response to my request is greatly appreciated. If you have any questions, you may reach me at (b) (6) Thank you.

Sincerely,

(b) (6)

Xc: File



UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS  
EASTERN NEVADA AGENCY  
1555 SHOSHONE CIRCLE  
ELKO, NEVADA 89601



In reply refer to:  
Branch of Tribal Operations  
(775) 738-0586

August 27, 2007

(b) (6)

RE: Freedom of Information Request #H1640702

Dear Ms. (b) (6)

The Eastern Nevada Agency is in receipt of your Freedom of Information request for release of your timesheet, leave slips signed and approved by Vincente Anchondo and a copy of all information received from the Payroll Department and the Personnel Department noting the changes that were made to your timesheet for Pay Period 04-2007.

I regret to inform you that the Eastern Nevada Agency does not receive copies of your timesheet records.

Therefore I am requesting that Millie Thomas, Timekeeper, for the Juvenile Services Owyhee, Nevada, provide you with the documents you are requesting per copy of this letter and your initial request.

If you should have any questions, please contact Susan Zazueta, Tribal Operations Specialist/FOIA Coordinator at (775) 738-0586.

Sincerely,

/S/ Robert P. Marchio

Acting Superintendent

cc: Millie Thomas Timekeeper IDC  
Owyhee, NV w/copy  
FOIA File w/copies



**United States Department of the Interior**  
**BUREAU OF INDIAN AFFAIRS**  
**DISTRICT III - OFFICE OF JUSTICE SERVICES**  
400 North 5<sup>th</sup> Street  
Phoenix, Arizona 85004



**IN REPLY REFER TO:**  
Office of Justice Services

(602) 379-6958 ext. 234

January 31, 2008

**(b) (6)**

Dear Ms. **(b) (6)**

This letter is to inform you we are in receipt of your Freedom of Information Act request dated August 27, 2007, requesting a copy of all payroll documents for PP#4, FY 2007, during your employment with Office of Justice Services, Division of Corrections, Duck Valley Juvenile Services, Owyhee, Nevada.

As required by law, any person(s), organizations, including government agencies are required to submit a request to initiate the Freedom of Information Act process for government information.

We are, therefore, forwarding your request by FEDEX today, to our Freedom of Information Act Coordinator who is located in Washington D.C. The FOIA Coordinator will provide a official response to your inquiry.

Any further questions you may have can be directed to the Freedom of Information Act Coordinator, Office of Justice Services, Washington D.C., at telephone number (202) 208-5787/4853/6583.

Sincerely,

Vic. Vincente Anchondo  
Supervisory Correctional Specialist  
OJS Division of Corrections, District III

Cc: FOIA Coordinator, Washington D.C.  
Duck Valley Juvenile Services Center, Eastern Nevada Agency



IN REPLY REFER TO:  
Deputy Bureau Director's Office  
Central Office West

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Office of Justice Services  
Central Office West  
1001 Indian School Road NW Suite 251  
Albuquerque, New Mexico 87104



March 20, 2010

(b) (6)

Dear Ms. (b) (6)

On August 27, 2007, you filed a Freedom of Information Act (FOIA) request seeking:

"I am requesting a copy of my timesheet, leave slips (signed and approved by Mr. Vincente Anchondo), a copy of all information received from the Payroll Department and the Personnel Department noting the changes that were made to my timesheet for Pay Period 04-2007."

Your request was received in the Division of Corrections on February 12, 2008, and assigned control number BIA-2010-00336 for processing. Please cite this number in any future correspondence or communications with the Department regarding your request.

With respect to your request:

1. We have located seven (7) documents which we are providing to you in their entirety (see documents enclosed). The fee for providing you these documents is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2) and 2.18 (a).

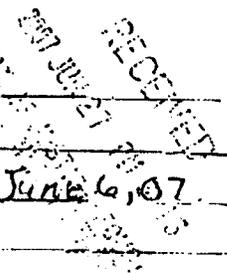
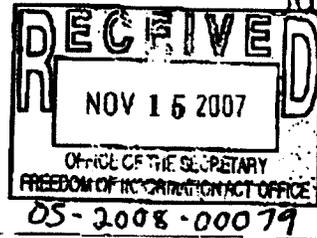
If you have any questions regarding the status of your request, or any of the issues discussed in this letter, you may contact Stephanie Pretty Weasel at 505-563-3786, by fax at 505-563-3801, by email at [Stephanie.prettyweasel@bia.gov](mailto:Stephanie.prettyweasel@bia.gov) or by mail at Office of Justice Services, Division of Law Enforcement Services, 1001 Indian School Road NW, Suite 251, Albuquerque, NM 87104.

Sincerely,

Agatha Tsosie  
Assistant Director (Administration)

Enclosures (7 pages)

June 18, 2007



Freedom of Information/Privacy Staff,

I am writing to you in reference to your letter dated June 6, 07 regarding my Request NO: 07-1786.

I am requesting copies of any and all results and reports, listed below, regarding my Case No. (b) (6), (b) (7)(C) from the U.S. Attorney's Office for the District of South Dakota in Rapid City, SD.

1. ~~Autopsy~~ results and reports (should be 2 reports)
2. ~~Forensic~~ Identification results and reports.
3. ~~Gun~~ residue test results and reports.
4. ~~Weapon~~ ballistics results and reports.
5. ~~Weapon~~ trajectory results and reports.
6. Clothing and scene, blood smear / blood spatter results and reports.
7. ~~Photography~~ results and reports and charts.
8. ~~Scene~~ drawings or blue prints of the crime scene.
9. FBI and BIA Criminal Investigator's arrest reports.
10. Send to: (b) (6)

Thank you for your time and I hope to hear from you in the very near future.

Signed,

(b) (6)



## U.S. Department of Justice

Executive Office for United States Attorneys  
 Freedom of Information & Privacy Staff  
 600 E Street, N.W., Suite 7300, Bicentennial Building  
 Washington, DC 20530-0001  
 (202) 616-6757 FAX: 616-6478 (www.usdoj.gov/eoao)

Requester: **(b) (6)** Request Number: **07-2705**

Subject of Request: **Self (Specific Records)/DSD**

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official recordkeeper for all records located in this office and the various United States Attorneys' offices. To provide the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

All of the records you seek are being made available to you. We have processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you.

- A review of the material revealed:
- 335 pages originated with another government component. These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request. These records will be referred to the component(s) listed for review and direct response to you: Federal Bureau of Investigation(FBI)/135 pages and U.S. Department of Interior/170 pages.
- There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.
- Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response: \_\_\_\_\_
- See additional information attached.

(Page 1 of 2)  
 No. 021A - no fee - 3/07

This is the final action on this above-numbered request. You may appeal this decision on this request by writing within 60 days from the date of this letter to the **Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,

William G. Stewart II  
Assistant Director

(Page 2 of 2)  
No. 021A - no fee - 3/07

05-2519  
RECEIVED  
2007 JUN 11 10:10 AM  
FBI  
ST. LOUIS  
RECEIVED  
RBY  
ST. LOUIS  
FBI

U.S. Department of Justice

Certification of Identity

Att: U.S. Attorney's Office Dist. of South Dakota

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester: (b) (6)

Citizenship Status: (b) (6) Social Security Number: (b) (6)

Current Address: (b) (6)

Date of Birth: (b) (6) Place of Birth: (b) (6)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature: (b) (6) Date: 05-21-07

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

(b) (6)

<sup>1</sup> Name of individual who is the subject of the record sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.



**U.S. Department of Justice**

*Executive Office for United States Attorneys  
Freedom of Information & Privacy Staff  
600 E Street, N.W., Suite 7300, Bicentennial Building  
Washington, DC 20530-0001  
(202) 616-6757 FAX: 616-6478 www.usdoj.gov/usao*

To Alexandra Mallus, Departmental FOIA Officer/Department of the Interior

Requester: (b) (6) Requester Number: 07-2705

Subject of Request: Self (Specific records)/DSD

OCT 25 2007

Dear FOIA/PA Contact Person:

The enclosed Freedom of Information Act/Privacy Act request was received by this office. The paragraphs checked below apply:

- 1.  As your office may have records responsive to this request, we are referring it to you for a direct response to the requester.
- 2.  While processing this request, we located the enclosed records which originated in your office. These records were found in the U.S. Attorney's Office files and may or may not be responsive to the request. We are referring 170 page(s) of material and a copy of the request to you for a direct response to the requester.
- 3.  This office is also providing 5 page(s) of documents under a cover page titled "Background Information". The attached records are provided to your agency to assist in processing your records. These are not part of the referred records and should be kept as administrative records in this referral.

A copy of our final determination letter is also enclosed for your reference. Please note we have charged the requester \$\_\_\_\_\_ for search/duplication costs incurred in the processing of this request.

We have notified the requester of this referral.

If you have any questions about this matter, please contact the FOIA/PA processor named below.

Sincerely,

William G. Stewart II  
Assistant Director

Name: Janet Harper  
Phone: (202) 514-4359  
Enclosure(s)

Form No. 007 - 3/07



United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



IN REPLY REFER TO:  
702.4-OS-2008-00079

November 16, 2007

(b) (6)

Dear Mr. (b) (6)

On June 18, 2007, you filed a Freedom of Information Act (FOIA)/Privacy Act request with the Department of Justice (DOJ), stating:

"I am writing to you in reference to your letter dated June 6, 07 regarding my Request No.: 07-1786.

I am requesting copies of any and all results and reports, listed below, regarding my Case No. (b) (6), (b) (7)(C) from the U.S. Attorney's Office for the District of South Dakota in Rapid City, S.D.

1. Autopsy results and reports (should be 2 reports)
2. Fingerprint Identification results and reports.
3. Gunpowder residue test results and reports.
4. Weapon ballistics results and reports.
5. Weapon tr[a]jectory results and reports.
6. Clothing and scene, blood smear/blood splatter results and reports.
7. Polygraph test results and reports and charts.
8. Scale drawings or blueprints of the crime scene.
9. FBI and BIA Criminal Investigator's arrest reports."

Mr. (b) (6)

2

The DOJ searched for records to your request, and located potentially responsive records which had originated with the Bureau of Indian Affairs, a part of the Department of the Interior. DOJ referred these records to the Department of the Interior for a release decision and direct response to you by letter of October 25, 2007. A copy of the referral letter is enclosed for your reference. The Office of the Secretary FOIA office received this request on November 15, 2007, and assigned it control number OS-2008-00079 for processing. Please cite this number in any future communications or correspondence with the Office of the Secretary concerning this document referral.

With regard to this document referral:

1. We have categorized your request as an "other-use" request, entitling you to up to 2 hours of search time and 100 pages of responsive records before being charged for the processing of your request. Also, as a matter of policy, the Department of the Interior does not charge requesters FOIA processing fees when the amount is below \$30.00, because the cost of collection exceeds the amount received. You have been silent on fees. However, since this is a document referral, there is no search time involved in your request. Based on the number of pages referred, your entitlements in addition to the Departmental threshold for charging will be sufficient to cover all costs associated with the processing of this document referral.

2. The records are all associated with matters handled by the Bureau of Indian Affairs. Therefore, we are assigning this FOIA to that Bureau for their direct response to you. You do not need to contact them at this time. However, for your future reference, the contact information for follow up is:

Department of the Interior  
Laura Cloud, BIA FOIA Officer  
1849 C Street, N.W.  
MS 3071-MIB  
Washington, D.C. 20240

The telephone number is 202-208-4542; the fax number is 202-208-6597. You may expect to hear from the Bureau of Indian Affairs shortly.

This concludes our response to your document referral on behalf of the Office of the Secretary.

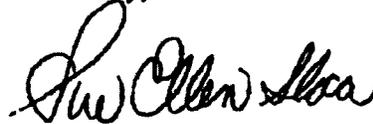
If you have any questions regarding any of the issues discussed in this letter, you may contact Linda S. Thomas by phone at 202-208-7294, by fax at 202-219-2374, by email at [osfoia@nbc.gov](mailto:osfoia@nbc.gov), or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116-S1B, Washington, D.C. 20240.

Mr. (b) (6)

3

Within the Office of the Secretary, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Sue Ellen Sloca  
Office of the Secretary  
FOIA Officer

Enclosure

*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 log 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.*



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Office of Justice Services

District I Office

115 4<sup>th</sup> Avenue, SE MC-302

Aberdeen, South Dakota 57401



Reply to  
Office of Justice Services  
605-226-7347

October 28, 2009

(b) (6)

Dear Mr. (b) (6)

Your Freedom of Information Act (FOIA) request dated August 27, 2007, was received in my office May 15, 2008, and was referred to me by the Federal Bureau of Investigation for direct response to you. Control Number OJS-2008-08327 has been assigned to this request.

You specifically requested copies of any and all results and reports, listed below, regarding Case No: (b) (6), (b) (7)(C) from the U.S. Attorney's Office for the District of South Dakota, Rapid City, SD; to include:

- Autopsy results and reports
- Fingerprint Identification results and reports
- Gun powder residue test results and reports
- Weapon ballistics results and reports
- Weapon trajectory results and reports
- Clothing and scene, blood smear/blood splatter results and reports
- Polygraph test results and reports and charts
- Scale drawings or blueprints of the crime scene
- FBI and BIA Criminal Investigator's arrest reports

The United States Attorney's Office provided us with 170 pages of documents maintained in their files but which originated from Bureau of Indian Affairs reports. We have reviewed these pages and redacted information on those pages pursuant to Exemption 7(c).

Exemption 7(c) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Exemption 7(c) similarly protects personal information of third parties. The records you requested are being disclosed with only personal and private information such as individual home addresses, dates of birth, driver's license numbers, and social security numbers being redacted as such release would constitute an unwarranted invasion of personal privacy.

Exemption 6 also protects the disclosure of personal information which would result in an unwarranted invasion of privacy.

When disclosure of information about a particular individual is requested, the courts have decided that it is necessary for us to determine whether release of the information would constitute a clearly unwarranted invasion of the individual's privacy. To make this determination, we are required to perform a "balancing test." This means we must weigh the individual's right to privacy against the public's right to disclosure.

- (1) First, we must determine whether the individual's family, has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve "the public interest generally" (i.e., whether it would "shed light on the performance of the agency's statutory duties").
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information we are withholding consists solely of the above categories of information pertaining to the individuals named in the records. The Office of the Secretary has determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties and that, on balance; the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it.

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. Street, N.W., MS-6556-MIB, Washington, DC 20240. Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) from the date you receive the enclosed records. Your appeal letter must be marked, both on its envelope and at the top of the first page, with the legend "FREEDOM OF INFORMATION ACT APPEAL." Your appeal letter must be accompanied by a copy of your original FOIA request and a copy of this letter, along with a brief explanation of why you believe this decision is in error.

Patricia A. Bosch, Program Specialist and Freedom of Information Act Coordinator, BIA, Office of Justice Services, is responsible for making this decision. Teresa Garrity, Attorney-Advisor with the Office of the Solicitor, was consulted in reaching this decision.

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact Patricia A. Bosch, Program Specialist, District I Office of Justice Services at (605) 226-7347.

The fee incurred in responding to your request is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Sincerely,

**ELMER FOUR DANCE**

Elmer Four Dance  
Special Agent in Charge, D-1

Enclosure

*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 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*

19E177802

1014001035663BLD-P

45.278

## FREEDOM OF INFORMATION ACT REQUEST

Date of Request 9/9/07

Re

Date of Incident: 1/27/07

Location of Incident: FORT THOMPSONS DAKOTAMART

Victim

(b) (6)

Subject

Investigating Officer

Police Report Number

Name of Person Requesting Report: (b) (6) /CHOICEPOINT

Relationship to Person Involved: REPRESENT INSURANCE COMPANY

Address P.O. BOX 740167

ATLANTA, GA 30374 0167

Telephone Number: (b) (6)

Reason for Request: INSURANCE PURPOSES



United States  
Department of the Interior  
Bureau of Indian Affairs, Office of Justice Services  
Standing Rock Agency  
Bldg. 51 Proposal Ave., P.O. Box E  
Ft. Yates, ND 58538



IN REPLY REFER TO:  
Uniform

(701) 854-7241

Fax: (701) 854-7543

November 13, 2009

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**7009-0080-0001-5473-8312**

(b) (6)

Choicepoint

(b) (6)

Dear Mr. (b) (6):

This responds to your Freedom of Information Act (FOIA) request dated March 27, 2007, and received in this office on May 12, 2008. Control Number **OJS-2008-08444** has been assigned to this request. Please cite Control Number **OJS-2008-08444** on any future correspondence or communication regarding this request. You specifically requested a copy of an incident report which occurred on March 27, 2007. The incident concerns a broken window at Lynn's Dakotamart. We have completed our search and review, and have identified one document, totaling 5 pages which are responsive to your request.

Exemption 7(c) provides protection for law enforcement information, the disclosure of which "*could reasonably be expected to constitute an unwarranted invasion of personal privacy.*" Exemption 7(c) similarly protects personal information of third parties. Examples of personal information generally protected from release are:

individual's personal home address;  
date of birth;  
driver's license number; and,  
social security number

as such release would constitute an unwarranted invasion of personal privacy.

Exemption 6 protects the disclosure of personal information which would result in an unwarranted invasion of privacy.

(b) (6)

November 13, 2009

Page 2

However, our Privacy Act System of Records Routine Use disclosures, BIA-18 allows disclosure of documents as identified below:

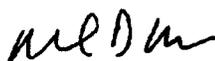
*Disclosures outside the Department "for the purpose of providing information on traffic accidents; personal injuries, or the loss or damage of property may be made to: (a) individuals involved in such incidents; (b) persons injured in such incidents; (c) owners of property damaged, lost or stolen in such incidents; and/or (d) these individuals' duly verified insurance companies, personal representatives, and/or attorneys. The release of information under these circumstances should only occur when it will not: (a) interfere with ongoing law enforcement proceedings, (b) risk the health or safety of an individual, or (c) reveal the identity of an informant or witness that has received an explicit assurance of confidentiality. Social Security numbers should not be released under these circumstances unless the social security number belongs to the individual requester."*

70 Fed. Reg. No. 4, pages 1264-1266. As such, we are releasing a copy of the accident report identified above. Pursuant to the Routine Use disclosure the report is being released, with redaction of social security number.

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact Brigette Little Owl, Law Enforcement Assistant, BIA, Office of Justice Services at (701) 854-7241.

The fee incurred in responding to your request is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Sincerely,



Michael D. Hayes  
(Acting) Chief of Police  
Standing Rock Agency

Attachment

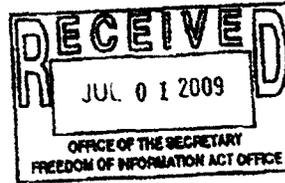
*PRIVACY ACT notice: Before you choose to contact us, electronically, there are a few things you should know. The information you submit, including your electronic address, may be seen by various people. We will scan a copy of your request into our electronic OS FOIA administrative/image file. We will key the information that you provide 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, credit card number, or social security number, you may want to send by postal mail instead.*

FY 2010

10 Oldest FOIA Requests

	REQUEST NUMBER	LAST NAME	FIRST NAME	DATE OF REQUEST	DATE RECEIVED BY BIA CENTRAL OFFICE
1	2009-09647	Ramstad	Rick L.	6/30/2009	7/2/2009
2	2010-00057	(b) (6)		10/12/2009	10/13/2009
3	2010-00149	Ferguson	Patty	10/14/2009	10/20/2009
4	2010-00219	Richard	Glen	10/26/2009	11/10/2009
5	2010-00220	Houser	Jeff	11/11/2009	11/12/2009
6	2010-00292	Cheremie	Steve	11/15/2009	12/2/2009
7	2010-00340	Bowers _____ Moore	Amy _____ Steven	4/10/2008	5/2/2008
8	2010-00341	(b) (6)		5/5/2008	12/13/2010
9	2010-00391	Kelly	Lawrence C.	12/4/2009	12/15/2010
10	2010-00413	(b) (6)		12/14/2009	12/23/2009

FOIA Request from www.doi.gov/foia  
rick  
to:  
Melissa Allen, Alexandra Mallus, OSFOIA  
06/30/2009 12:32 PM  
Show Details



1. Bureau or office to receive request: OS
2. Description of records being sought: **This is a request filed under the Freedom of Information Act. We are seeking all documentation and media pertaining the conditions and reasons for closing the BIA Pine Ridge Jail in Pine Ridge, South Dakota on or about August, 2008. Our client, (b) (6) was incarcerated there prior to its closing and is a party to legal action. Thank you.**
3. Expedite process of request? Yes  
If yes, why: **This matter is the subject of a Federal Tort Claim.**
4. Filing a request on behalf of another party? Yes  
If yes, which party? **(b) (6)**

FEE WAIVERS

1. Requestor:
  - o An individual seeking information for personal use and not for commercial use
  - o Affiliation:
2. Willing to pay for FOIA request processing? No  
If yes, how much?
3. Requesting a statutory fee waiver? Yes  
If yes, justify: **The party to the Federal Tort Claim incurred significant medical expenses due to the conditions of the facility**

NAME AND CONTACT INFORMATION

Name: Mr. Rick L. Ramstad  
Street: 141 N. Main Ave. Ste 706  
City: Sioux Falls  
State: SD  
Zip: 57104  
Country: USA  
Home or business address? Business  
E-mail address: rick@crewandcrew.com  
Organization: Crew and Crew, Attorneys at Law  
Phone: 605-335-5561  
FAX: 605-335-7621

file:///C:/Documents and Settings/rmcinmey/Local Settings/Temp/notesFFF6921~web745... 6/30/2009



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



IN REPLY REFER TO:  
7202.4-OS-2009-00386

July 6, 2009

Mr. Rick L. Ramstad  
141 N. Main Ave. Ste 706  
Sioux Falls, South Dakota 57104

Dear Mr. Ramstad:

On June 30, 2009, you filed a Freedom of Information Act (FOIA) request, **OS-2009-00386**, seeking:

“All documentation and media pertaining the conditions and reasons for closing the BIA Pine Ridge Jail in Pine Ridge, South Dakota on or about August 2008.”

We are writing today to advise you that we have referred your request to the Bureau of Indian Affairs (BIA) for direct response. You do not have to contact BIA at this time, but should you need to do so in the future, you may do so at the numbers and address provided below:

Bureau of Indian Affairs (BIA)  
MS-3071, MIB  
Laura Cloud  
1849 C Street, NW  
Washington, DC 20240

(202) 208-4542-Office  
(202) 208-6597-Facsimile

This completes the Office of the Secretary's response to your request.

If you have any questions regarding our response to your request, you may contact, Jay Wiggs by phone at 202-513-0806, by fax at 202-219-2374, by e-mail at [osfoia@nbc.gov](mailto: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.

Mr. Rick L. Ramstad

2

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.*



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
CENTRAL OFFICE-WEST  
1001 INDIAN SCHOOL ROAD N.W.  
ALBUQUERQUE, NM 87104



IN REPLY REFER TO:  
Division of Law Enforcement Services  
BIA 2010-00647

February 11, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Rick L. Ramstad  
Crew and Crew, Attorneys at Law  
141 N. Main Ave. Ste 706  
Sioux Falls, South Dakota 57104

Dear Mr. Ramstad:

On July 2, 2009, you submitted a Freedom of Information Act (FOIA) request to the BIA, Office of Justice Services seeking, "All documentation and media pertaining to the conditions and reasons for closing the BIA Pine Ridge Jail in Pine Ridge, South Dakota on or about August, 2008."

The Department of the Interior, Office of the Secretary received your emailed request on July 1, 2009. The Bureau of Indian Affairs, Office of Justice Services, received your request on July 2, 2009. It was assigned request FOIA Control Number BIA-2010-00647 for processing. Please cite this control number in any correspondence or communications with the Department regarding this portion of your request.

We are aware that there has been a considerable delay in our response to your request and sincerely regret this delay. We have received an unprecedented number of FOIA requests. In addition, a number of unexpected events occurred, which affected our ability to respond promptly to FOIA requests. We have taken appropriate measures to address this and we believe that we will therefore be able to respond more promptly to future FOIA requests.

With regard to your request:

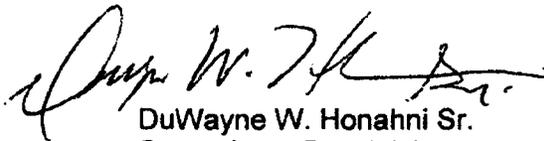
1. We have classified your request as an "other-use" request. As an "other-use" requester, you are entitled to receive up to 2 hours of search time and 100 pages of duplication of responsive records without charge, before being asked to pay for document search and reproduction. Additionally, the Department of the Interior does not bill requesters for FOIA fees incurred in processing other-use requests when their fees do not exceed \$30.00, after the subtraction of their entitlements, because the cost of collection would be greater than the fee collected. (See 43 CFR § 2.18(a)).

2. You have asked for copies of agency records. According to our regulations, you may choose the form or format of disclosure for records that you request under the FOIA (43 C.F.R. § 2.9). Please be advised that, unless you specify otherwise or the number of responsive records is less than 50 pages, the BIA, Office of Justice Services may provide copies of responsive records in electronic format, as scanned images in pdf. format on a CD ROM disk.

In response to your request we have completed our search and review and have identified (5) responsive documents consisting of approximately (108) pages to your request, which we are providing to you in its entirety. The fee for providing these documents is less than \$30.00 and is not being charged in accordance with 43 CFR 2.16(b) (2) and 2.18(a).

If you have any questions regarding any of the issues discussed in this letter, you may contact me at 505-563-3840, by fax 505-563-3087, or by mail at the address above. The BIA, Office of Justice Services is committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



DuWayne W. Honahni Sr.  
Supervisory Special Agent  
FOIA Coordinator

Enclosures

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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.

## Department of the Interior Electronic FOIA Tracking System Comment Viewer



Received an email from requester stating he withdrew his request back in August 2010. However, he only notified the Pacific Region of this withdrawal and not the other regional offices who all were working on his request. His request covered documents which affected the Western, Pacific, Navajo, and Southwest Regions. The requester was notified of this situation. Email was received by the Southwest FOIA Coordinator on 03/01/2011 of this withdrawal notice. However, the Southwest Region had been working with Bryan Potts in the requester's office, who also did not inform the region of this withdrawal.

Print Close

**POINTE-AU-CHIEN INDIAN TRIBE**  
P.O. Box 416  
Montegut, LA 70377

RECEIVED  
OCT 20 2009  
FOIA-09-1

October 14, 2009

Office of Federal Acknowledgment  
Office of the Assistant Secretary – Indian Affairs  
MS 34B-SIB  
1951 Constitution Avenue, NW  
Washington, DC 20240

Re: FOIA Request

Dear Assistant Secretary – Indian Affairs:

Pursuant to the Freedom of Information Act, the Pointe-au-Chien Indian Tribe is requesting copies of the documents reviewed and flagged for copies by PACIT through our attorney Patty Ferguson and researcher Steve Austin during the week of August 17-21, 2009. It is our understanding that most of these documents can be produced in pdf and/or tif format. We prefer pdf format, though we would also like maps and oversized documents in tif format if possible.

The flagged items include documents reviewed in the PACIT, UHN, BCCM, and Tunica-Biloxi administrative files, submission material files, third-party comment files and researcher files. This request includes copies of interviews identified for copying by the researchers and those interview transcripts, notes, and tape files for PACIT tribal members who provided interview waivers to your office. The request also includes documents copied from the Historic New Orleans Collection.

In addition to the flagged items, the Tribe also requests copies of the following transcripts from the UHN Administrative File: TA Meeting 1/27/95, TA Meeting 7/10/95, and TA Meeting 9/27/95.

Thank you for your attention to this request. Please advise if there are any costs associated with preparing this request. The Pointe-au-Chien Indian Tribe respectfully requests that any fees associated with this request be waived pursuant to 43 CFR Part 2.20. Furnishing these records to the Pointe-au-Chien Indian Tribe will assist the Tribe in working with the Department by allowing it to narrow the materials that it will provide the Department in response to the Amended Proposed Finding in its case. Fulfilling this request will benefit the Department by assuring that documents that are already in the Department's files will not be reproduced and will thereby reduce the amount of paperwork needed to be stored, scanned in, and reviewed by Department employees. The Pointe-au-Chien Indian Tribe will benefit by not wasting energy and resources by researching, copying and submitting information that is already in the Department's files.

Any questions regarding this request should be directed to our attorney, Patty Ferguson, at (480) 425-2637. If you need a detailed list of the documents reviewed, please contact Ms. Ferguson. Please mail the materials to:

Patty Ferguson  
Sacks Tierney P.A.  
4250 North Drinkwater Blvd., Fourth Floor  
Scottsdale, AZ 85251

Sincerely,

Earl Billiot  
Representative Earl Billiot, Sr.

Emory Billiot  
Representative Emory Billiot

Jake A. Billiot  
Representative Jake A. Billiot

Angele V. Black  
Representative Angele V. Black

Basile Dardar  
Representative Basile Dardar

Irene Soudelier  
Representative Irene Soudelier

Christine Verdin  
Representative Christine Verdin

Representative Kenneth Verdin



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



APR 21 2010

Ms. Patty A. Ferguson  
Sacks Tierney P.A. Attorneys  
4250 North Drinkwater Boulevard  
Fourth Floor  
Scottsdale, Arizona 85251-3693

Dear Ms. Ferguson:

This letter is in response to the Freedom of Information Act (FOIA) request submitted by the group known as the Pointe-au-Chien Indian Tribe (Petitioner #56B) dated October 14, 2009, and the follow-up letter dated March 15, 2010. These letters were received by the Department of the Interior (Department), Office of Federal Acknowledgment (OFA) on October 27, 2009, and March 25, 2010, respectively.

Petitioner #56B requested copies of all documents flagged by Dr. Steve Austin and yourself during your visits to the office in August and October of 2009. The documents reviewed relate to the petitions filed for Federal acknowledgment of the Tunica-Biloxi Indian Tribe of Louisiana (Petitioner #1) and the groups known as the United Houma Nation (Petitioner #56), the Biloxi, Chitimacha Confederation of Muskogees, Inc. (Petitioner #56A), and Petitioner #56B. Petitioner #56B also requested copies the following:

1. Interviews of members of Petitioner #56B conducted by the OFA anthropologist, Ms. Holly Reckord;
2. Records reproduced from the Historic New Orleans Collection;
3. Technical assistances (TA) meeting transcripts for Petitioner #56 of January 27, 1995, July 27, 1995, and September 27, 1995;
4. Video home system (VHS) cassettes submitted by Petitioner #56B; and
5. Work papers created by the OFA for the amended proposed findings for Petitioner #56A and Petitioner #56B.

Due to the extensive number of documents and pages encompassed by your request, the OFA will be fulfilling the request in installments. For this our first installment, of the documents flagged by Dr. Austin and you, we are providing copies of all the OFA researchers' files used for the amended proposed findings. These documents are being released in electronic image format ".pdf" on one compact disc (CD). In response to your request for the interviews conducted by the OFA anthropologist, enclosed is a digital versatile disc (DVD) of the interviews for which releases were obtained from members of Petitioner #56B. Please note that two of the releases that you provided were not for persons interviewed. Also included on the CD are ".pdf" copies of the records reproduced from the Historic New Orleans Collection. Finally, provided in paper

format is the response to request number 5, the OFA work papers for the amended proposed findings.

Future installments in response to your FOIA requests will include other documents that were flagged by Dr. Austin and you, and a response to items 3 and 4.

According to our records, there is only one interview, conducted by the OFA anthropologist, of a member of Petitioner #56B for whom we did not receive a release. If you desire, the OFA can have the interview transcribed, redacted and then released at full cost to you. The estimated cost to have the interview transcribed is \$162.50, calculated as follows: approximately 1 hour of audio x 50 pages per hour x \$3.25 per page. The actual cost for transcription may vary according to the quality of the recording and the number of people present. If you are interested in obtaining a copy of the transcribed redacted form of the interview, please furnish written assurance of your willingness to pay the actual cost for the transcription and duplication to:

Mr. R. Lee Fleming, Director  
Office of Federal Acknowledgment  
1951 Constitution Avenue, N.W.,  
MS-34B-SIB  
Washington, D.C. 20240

If we do not hear from you within 20 workdays of the date of this letter, we will assume you are no longer interested in the interview and will close this aspect of the request.

Out of 8,428 pages reviewed for this installment, we have withheld 1 page under Exemption 5 of the FOIA and 546 under Exemption 6. Of the 7,882 pages being released to you today, 4 pages include redactions under Exemption 5 and 1,600 pages under Exemption 6.

The nature of the record withheld and information redacted under Exemption 5 is deliberative and would not be routinely disclosed in civil litigation. A reasonable basis exists for withholding these records under Exemption 5 (5 USC § 552(b)(5)). It is the Department's policy to release all records, even those which are exempt from the mandatory release provisions of FOIA, unless there are grounds for invoking the exemption and withholding the documents. See 43 CFR § 2.21(b)(2). Disclosure of the documents in question would harm the basic institutional interests that underlie the deliberative process. Release would inhibit candid discussion necessary to informed and well-reasoned decision-making by Department officials.

Exemption 6 (5 USC § 552(b)(6)) allows an agency to withhold a private individual's name, address, birth date, spouse, children, and other genealogical information, ancestry and ancestry charts, "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." We do not perceive, nor have you enunciated, any public interest that would be served in disclosing this data that would outweigh the privacy interest of these living individuals.

In addition to myself, the officials responsible for this partial denial are: Ms. Jenna Andrews, Research Assistant, OFA, Ms. Nancy Hixon and Mr. Justin Guz, FOIA Specialists, OFA, and Ms. Laura Cloud, FOIA Officer. This decision was also made in consultation with Ms. Jane

Smith and Ms. Barbara Coen, Attorney Advisors, Office of the Solicitor. In accordance with 43 CFR § 2.28(a)(1), you have a right to treat this response as a denial of your request. You may appeal this matter by writing to:

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W., MS: 6556  
Washington, DC 20240  
Attn: FOIA Appeals Office

Your FOIA appeal must be received by the FOIA Appeals Officer no later than 30 workdays from the date of the final response (43 CFR § 2.29(a)). A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter.

Petitioner #56B sought a discretionary fee waiver under 43 CFR § 2.20(a)(5), "[f]urnishing records to individuals or private nonprofit organizations having an official, voluntary or cooperative relationship with the Department to assist the individual or organization in working with the Department." Petitioner #56B stated, "[f]ulfilling this request will benefit the Department by assuring that documents that are already in the Department's files will not be reproduced and will thereby reduce the amount of paperwork needed to be stored, scanned in, and reviewed by Department employees." This statement, pursuant to 43 CFR § 2.20(a)(5), did not contain sufficient evidence to support the Department in granting a discretionary fee waiver for the extensive number of documents and pages encompassed by your request and therefore all fees associated with fulfilling this request will not be waived.

Since you are considered an "other requestor," the cost is broken down as follows: less than 15 minutes of search time, at no cost to you; 114.25 hours of review time, at no cost to you; the duplication of one CD and one DVD at \$1.00 a disc; and the duplication of 425 pages at \$0.13 per page, with the first 100 pages at no cost to you is \$44.25 (325 x \$0.13 + 2). Please do not send payment at this time. Your total for this request will be added to your bill in your final installment.

The OFA will release the next installment of material to you as soon as it becomes available. Should you have any questions in the interim, please contact Mr. Justin Guz, FOIA Specialist, OFA, at (202) 513-7661.

Sincerely,

**(sgal) R. Lee Fleming**

Director, Office of Federal Acknowledgment

Enclosures

**FREEDOM OF INFORMATION ACT REQUEST**

Date: 10.26.09

Name of Agency: Bureau of Indian Affairs  
Pine Ridge Agency  
Address: Criminal Investigations Department - Attn: John Long  
P.O. Box 1984  
City/State/Zip: Pine Ridge, SD - 57770

Dear Sir or Madam:

This is a request under the Freedom of Information Act as amended (USC Title 5 §552) in conjunction with the Privacy Act (USC Title 5 §552a).

I am writing to request a copy of the following information: This request is for a copy of all records, notes, and/or investigation reports related or regarding the Auto accident on July 17th, 2009 in which my son John Allen Richard died (Dob: 9-13-94)

The FOIA also provides that if only portions of a file are exempted from release, the remainder must be released. I therefore request that I be provided with all nonexempt portions which are reasonably segregate. I, of course, reserve my right to appeal the withholding of deletion of any information.

If you have any questions regarding this request, please write me at the below caption address.

As provided in the Freedom of Information Act, I will expect to receive a reply within ten working days.

Sincerely Requested,

(b) (6) \_\_\_\_\_  
(Name)

(b) (6)

**RECEIVED**  
NOV - 2 2009  
BIA-OJS-CIU  
PINE RIDGE AGENCY



**United States Department of the Interior**  
**Bureau of Indian Affairs Office of Justice Services**  
**Pine Ridge Agency Criminal Investigations Unit**  
111 BIA Main Street, 2<sup>nd</sup> Floor, P.O. Box 1984  
Pine Ridge, SD. 57770  
Telephone: (605) 867-2934 Fax: (605) 867-2930



In reply to: Office of Justice Services  
Pine Ridge Agency CIU

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 24, 2011

**(b) (6)**

Dear Mr. **(b) (6)**:

On October 26, 2009, you submitted a Freedom of Information Act (FOIA) request to the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Criminal Investigations Unit, Pine Ridge Agency, request seeking:

“This request is for a copy of all records, notes, and/or investigation reports related or regarding the auto accident on July 17, 2009 in which m son John Glen Richard died (DOB: 9/13/1994.”

The BIA, OJS, FOIA Office, Criminal Investigations Unit, Pine Ridge Agency received your request on November 10, 2009. It was assigned FOIA Control Number BIA-02010-00219 for processing. Please cite this number in any correspondence or communication with the Department regarding your request. The BIA, Office of Justice Services, Criminal Investigations Unit, Pine Ridge Agency received your request and will be the FOIA processing office.

With respect to your request:

1. We have classified your request as an “other-use request”. As an “other-use requester,” you are entitled to receive 2 hours of search time and 100 pages of duplication of responsive records without charge, before being asked to pay for document search and reproduction. Additionally, the Department of Interior does not bill requesters for FOIA fees incurred in processing other-use requests when their fees do not exceed \$30.00, after the subtraction of their entitlements, because the cost of collection would be greater than the fee collected. (See 43 C.F.R. §2.18(a)).

We have completed the review and are responding to your request. This document is released to you herein, however, portions of this document are withheld/redacted pursuant to Exemption 6 of

the FOIA (5 U.S.C. §552 (b) (6)) & Exemption 7(c) of the Freedom of Information Act, See (5 U.S.C. §552 (b) 7(c)). Information withheld includes:

- **Names of Third Parties**
- **Dates of Birth**
- **Social Security Numbers**
- **Home Addresses**
- **Phone Numbers**
- **Employment Telephone Numbers**
- **Employment Address**
- **Employment Positions**

Exemption 6 of the FOIA requires an agency to withhold information regarding individuals contained in personnel, and medical and similar files when the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, (5 U.S.C. §552 (b) (6)). A privacy interest exists if disclosure of the information to the public would violate the privacy of the subject individual and/or could cause injury or embarrassment to that individual.

In determining whether to withhold Privacy Act covered information, the BIA-OJS performs a “balancing test”. This means that we must with the individuals’ right to privacy against the public’s right to disclosure:

- 1) First, the agency determines whether the individual has discernable privacy interest in the information that has been requested.
- 2) Next, the agency assesses whether release of this information would serve “the public interest generally” (i.e., whether it would “shed light on the performance of the agency’s statutory duties”)
- 3) Finally, the agency assesses whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

Likewise, Exemption 7(c) provides protection for law enforcement information when the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” Exemption 7(c) similarly protects personal information of third parties. Examples of personal information generally protected from release are: the individual’s personal home address, date of birth, driver’s license number, and social security numbers as such release would constitute an unwarranted invasion of personal privacy.

The BIA-OJS has determined that the individuals to whom the above-listed information pertains have a substantial privacy interest in protecting that information. Additionally, the BIA-OJS has determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance; the public interest to be served by disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Thus, the BIA-OJS has determined that release of the identified information would constitute clearly unwarranted invasion of privacy of these individuals, and it may be withheld pursuant to Exemption 6 and Exemption 7(c). This determination was made in consultation with Office of the Solicitor, 1 Federal Drive, Bishop Henry Whipple Federal Building, Ft. Snelling, MN 55111-4030.

If you believe that the decision to withhold this information is incorrect, you may appeal this full denial to the FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA request no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. EST, Monday through Friday, will be received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

This concludes our response within the Office of Justice Services, Criminal Investigations Unit, Pine Ridge Agency. We regret the delay and appreciate your patience in this matter. If you have any questions regarding any of the issues discussed in this letter, you may contact Mary Lacota, Law Enforcement Assistant, by phone at (605) 867-2931, by fax (605) 867-2930, or by mail at the address on the first page of this letter.

Sincerely,



John Long  
Supervisory Special Agent

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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, email 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.

*(Brent)*  
300  
360  
12  
2009  
Total



**FORT SILL - CHIRICAHUA - WARM SPRINGS - APACHE TRIBE**

PHONE: (580) 588-2298 / 2314 • FAX: (580) 588-3133  
TOLL FREE: 1-877-826-0726  
ROUTE 2, BOX 121 • APACHE, OKLAHOMA 73006

November 11, 2009

Regional Director  
U.S. Bureau of Indian Affairs  
Southwest Region  
P.O. Box 26567  
Albuquerque, New Mexico 87125-6567

Dear Sir:

I am writing in my capacity as the Chairman of the Fort Sill Apache Tribe. The Tribe has recently found out that the Pueblo of Jemez has resubmitted its fee-to trust acquisition for land in Dona Ana County, New Mexico. As you are aware, the proposed acquisition area is within the former reservation/aboriginal territory of the Fort Sill Apache Tribe. (See Fort Sill Apache Tribe et. al v. United States, 19 Ind. Cl. Comm. 212; 25 Ind. Cl. Comm. 382; 26 Ind. Cl. Comm. 198; and United States v. Fort Sill Apache et. al. 480 F.2d 819; and 533 F.2d 531)

The Tribe believes that it should have been notified by the BIA that the Jemez acquisition was moving forward. The Tribe has gone on record opposing that acquisition. The Tribe has also requested designation as a Cooperating Agency on the review of this project under the National Environmental Policy Act, as that term is defined at 40 C.F.R. Part 1508.5.

The Tribe is concerned with the BIA's lack of communication regarding this project. As such the Tribe is requesting the following information pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. Section 552):

1. All documents and records related to the Pueblo of Jemez fee-to-trust acquisition for land(s) in Dona Ana County, New Mexico.
2. All documents and records relating to communications with any and all parties regarding the Pueblo of Jemez fee-to-trust acquisition for land(s) in Dona Ana County, New Mexico.
3. Any direction provided by the Department of the Interior or Bureau of Indian Affairs regarding trust land acquisitions since January 20, 2009.

The Tribe is prepared to pay whatever costs associated with this FOIA request. We do not need all copies of draft Environmental Assessments for this proposed project, the latest draft will be sufficient for that task.

If you have any questions, please do not hesitate to contact our tribal attorney, Mr. Phillip E. Thompson at 301-535-0488.

Sincerely,

*(Signature)*  
Jeff Houser  
Tribal Chairman

RECEIVED  
BUREAU OF INDIAN AFFAIRS  
SOUTHWEST REGIONAL OFFICE

NOV 12 2009

cc: Fort Sill Apache Business Committee

REGIONAL DIRECTOR'S OFFICE

MOUNTAIN SPIRIT DANCER

Mountain Spirit Dancer represents the Mountain Spirit Ceremony which is used by the Chiricahua and Warm Springs Apache. It was given to the Apaches by the Mountain Spirits for blessing, protection, curing and warding off diseases. The Ceremony is still used today



 **COPY**

United States Department of the Interior  
**BUREAU OF INDIAN AFFAIRS**  
**SOUTHWEST REGION**

1001 Indian School Road N.W.  
Albuquerque, New Mexico 87104-2303



IN REPLY REFER TO:

360 – Tribal Government Services  
FOIA # BIA-2010-00220

**OCT 25 2010**

Jeff Houser, Tribal Chairman  
Fort Sill Apache Tribe  
Route 2, Box 121  
Apache, Oklahoma 73006

Dear Chairman Houser:

On November 12, 2009, this office received your November 11, 2009, Freedom of Information Act (FOIA) request for copies of the contents of the file(s) pertaining to the Jemez Pueblo Trust Application for use of a Casino in Doña Ana County, New Mexico.

In particular you requested:

1. All documents and records related to the Pueblo of Jemez fee-to-trust acquisition for land(s) in Dona Ana County, New Mexico
2. All documents and records relating to communications with any and all parties regarding the Pueblo of Jemez fee-to-trust acquisition for land(s) in Dona Ana County, New Mexico
3. Any direction provided by the Department of the Interior or Bureau of Indian Affairs regarding trust land acquisitions since January 20, 2009.

You also requested designation as a Cooperating Agency on the review of this project under the National Environmental Policy Act, as that term is defined at 40 CFR § 1508.5. A response was also provided to let you know that the draft EIS on this project is not available until it is announced through the Federal Register. This office responded to both requests on November 23, 2009 (copy enclosed).

In accordance with 43 CFR § 2.23, when this office receives a FOIA request for records containing commercial or financial information submitted by a person or entity outside the Federal Government, under Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, or superseding Executive Order, the Bureau must provide that submitter with prompt written notice of the request. We have been in contact with representatives of the Jemez Pueblo to determine which documents should be redacted in accordance with Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)). Many of the records submitted to this office contain commercial or financial information which the Pueblo believes are confidential.

Records related to Trust documents are not authorized for "view" by requestors. We must review documents requested and determine their availability for release to the public.

In response to #1 on your request, we now have completed our review of the Land In Trust Application submitted to the Southern Pueblos Agency by the Jemez Pueblo on December 23, 2004, and are providing the document requested, with redactions, identified as:

**Page 16** – amounts of agreed upon recurring payments have been redacted in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 20** – amount of the Purchase Agreement to sell the proper to the Pueblo has been redacted in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 21** – number of jobs expected to be provided within the verbage has been redacted in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 25-42** – the Jemez/Anthony Casino Project Business Plan has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 111-190** – the Development, Financial Services and Non-Gaming Facilities Agreement among the Pueblo of Jemez, the Pueblo of Jemez Tribal Gaming Enterprise and Circle P Investments of New Mexico, LLC has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 191-300** – the Market Study for a Proposed Casino, Anthony, New Mexico, has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 304-309** – GVA Marquette Advisors confidential letter(s) preparing a preliminary analysis of gaming potential that exists for a casino located on the Jemez Pueblo in New Mexico has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 311-325** – List of services currently provided by the Pueblo and the Pueblo's unmet needs has been redacted in full because it is privileged information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 330** – Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section A.* - the Heading and amount of funds to be provided for training for Dona Ana County residents and Pueblo members have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 331** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section C.* - the Heading and amount of increased costs have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 332** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 3.A.* – the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 333** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 3.B.* – the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 334** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 3.B.* – the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 335** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 3.B.* – the Heading, amounts, and description of purposes have been redacted in full because it is privileged information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 337** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.B.* – the amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 338** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.B.* – the amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4)); and Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.C.* – the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Page 339** - Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.C.* - the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4)); and Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.D.* - the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4)); and Within the Intergovernmental Service Agreement between the Pueblo of Jemez and Dona Ana County, *Section 4.E.* - the Heading, amounts, and description of purposes have been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 445-496** - The Purchase Agreement to buy acreage in Anthony, New Mexico has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

**Pages 499-506** - The Title Insurance information has been redacted in full because it is commercial information with financial information included in accordance with Exemption 4 (5 U.S.C. § 552(b)(4))

In response to #3 of your request: We are providing a copy of the Dear Tribal Leader letter dated August 24, 2010. It establishes scheduled consultation sessions with tribes throughout the country to review the "current guidance and regulatory standards" used to make decisions for two-part determinations under Section 20(b)(1)(A) of IGRA, 25 U.S.C. 2719(b)(1)(A).

We believe that we have responded to your request and identified all redactions. In accordance with 43 CFR § 2.21(d)(6), you may appeal this partial denial to the Freedom of Information Act (FOIA) Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the Bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL". Your letter should include in as much detail as possible any reason(s) why you believe the Bureau's response is in error.

The officials responsible for the partial denial of your request are William T. Walker, Regional Director, Southwest Region, and Gregory Mehojah, Attorney-Advisor, Southwest Regional Solicitor's Office, Department of the Interior.

Costs incurred for the review and copying of documents in response to your request have been documented as:

20 quarter hours @ \$14.75/qtr hour – GS-14	\$295.00
1 quarter hour @ \$5.85/qtr hour – Clerical	<u>\$ 5.85</u>
Total Cost	\$330.85
(less first \$30.00 Free)	<u>(30.00)</u>
Final Cost	\$300.85

However, this office did not meet the 20 day response time in responding to your request, therefore, you will not be required to pay the amount identified above.

If you have any questions regarding this decision letter, please contact Iris A. Drew, of my staff, at telephone number (505) 563-3530.

Sincerely,



Regional Director

Enclosures

cc: Gregory Mehojah, Attorney-Advisor, Southwest Regional Solicitor's Office

November 15, 2009

Laura Cloud, FOIA Officer  
Office of Federal Acknowledgement  
1849 "C" Street, N.W.  
Mail Stop 3071-MIB  
Washington, D.C. 20240

Dear Ms. Cloud:

Under the Freedom of Information Act, I would like to request OFA documents identified on the list attached with this letter, relating to the petitions of: the United Houma Nation (UHN), the Point Au Chenes Indian Tribe (PACIT) and the Biloxi-Chitimacha Confederation of Muscogees (BCCM). Also, please include the Volume-Based Inventory list. I agree to pay related charges for duplication of these materials with it not exceeding a monetary amount of \$350.00.

Respectfully,

  
Steve Cheramie

(b) (6)

# I. PRINT COPY LIST

## PACIT DOCUMENTS

1. Petition For Federal Recognition
  - Historical Overview (26pg)
  - Marie Gregoire (12pg + exhibits)
  - Tribal Organization Manual (27pg)
  - Supporting Documents (105 / 145pg)
  
2. Proposed Negative Finding for PACIT (148pg)

## BCEM DOCUMENTS

1. Petition For Federal Recognition
  - Historical Narrative (A. Westerman 300pg)
  - Isle Jean Charles
    - Historical & Governing Document (39pg)
    - Newspaper articles, etc. (172pg.)
  
2. Proposed Negative Finding For BCEM (164pg.)

## UHN DOCUMENTS

1. 1994 Who's Who Houma Document - Final Version  
(300pg Virginia DeMarce)
2. 1992 UHN Supplement (140pg)
3. 1997 UHN Response To Third Party Comments  
(300pg)

## II. ELECTRONIC COPY (PDF Please)

United Houma Nation 1985 Petition Exhibits  
Vol. 1 Historical  
Vol. 2 Anthropological and Sociological  
Vol. 3 Newspapers  
Vol. 4 Education and Religion  
Vol. 6 Tribal Minutes  
Vol. 7 Oral Histories

1990 Houma Recognition Act  
101 Congress, 2nd session on S. 2423 8/7/90

1934 Memorandum on Indian Groups in the Southern States  
Ryan, Director, April 3 10799-43-042

1940 Charles Billiot Indian Identification Form  
8/14/1940 General Services # 48363-31-260

1994 UHN Proposed Negative Finding

BIA-BAR Field Data

1978 Field Visit to Leanis Joseph Soley

1979 Field Visit to Dora Santiny

1991 Field Visit with Louis Melinere

1992 Field Visit with Louis Melinere

Bushnell, David I. Jr. (6 pp)  
1917 The Chitimacha of Bayou La Fourche, Louisiana

Curry, Janel  
1979 A History of the Houma Indian and their story  
of Federal Nonrecognition (20 pp)

1979 Culture Change And the Houma Indians: A  
Historical And Ecological Examination.

1982 Houma Blowguns and Baskets In the Mississippi  
River Delta. (Janel Curry-Roper) (9 pp)

Downs, Ernest C. and Jenna Whitehead, ed.  
1976 The Houma Indians: 2 TWO Decades In A History  
of Struggle

Drexsel Emmanuel J. and T. Hannoni M. Drexsel  
1982 An Ethnohistory of 19th Century Louisiana  
Indians

Duthu, Bruce N.  
1976 oral Histories / Fea Follet / We Are Here Forever  
Letters to BAR

Fischer, Ann  
1968 - History and Current Status of the Houma Indians  
(14pg)  
- Problems of Houma Indians  
- Research Notes from Montegut, Louisiana  
1960's (Letters) Correspondance

Gregory, H. R. "Pete"  
1985 A Promise From The Sun: The Folklike  
Traditions of Louisiana Indians

Harrington, Raymond, Mark  
1908 Among Louisiana Indians

Jenkins, Mary Lou  
1957 Indian Work

1906 Notes, NA Archives MS 4201

1907 Fieldnotes Southeastern Miscellany No. 4204

Underhill, Ruth

1938 Letter to Frank Speck

1938 Report on visit to Indian groups in Louisiana  
October 15-25, 1938. File No. 68776-1931-800

Nash, Roy

1931-1933 Nash Report File No. 25436-1931-150  
Indians of Louisiana in 1931

Brandon Report

1934 File No. 10179-43-042

David Billiot

1931 File No. 68726-1931-800

Charles Billiot

1927 File No. 43529-1927-114

1927 Indiana Limestone/Charles Billiot  
File No. 4849-77-260

Eldon Naguin

1930 File No. 43603-1930-053

Baatty Report

1942-1948 File No. 4834-42-800

Usner, Daniel H. Jr.

1985

American Indians On The Cotton Frontier:  
Changing Economic Relations With Citizens  
And Slaves In The Mississippi Territory



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240



December 7, 2009

Steve Cheramie

(b) (6)

Re: FOIA Control No. BIA-2010-00292

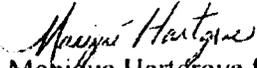
Dear Steve Cheramie:

This letter is in response to your November 15, 2009, Freedom of Information Act request addressed to the Bureau of Indian Affairs. Your request was received in this office for processing on December 2, 2009, and assigned FOIA Control NO. BIA-2010-00292. Please reference this number on all your correspondence concerning this request.

We have assigned your request to the Bureau of Indian Affairs Office of Federal Acknowledgment for a search of its files and direct response to you. The Office of Federal Acknowledgment is responsible for responding to FOIA requests for records in its purview. They will be communicating with you directly on any and all scope- and/or fee-related issues. You may expect to hear from their office shortly.

If you have any questions, feel free to contact this office <sup>1</sup>by fax at (202) 208-6597, or by e-mail at [foia@bia.gov](mailto:foia@bia.gov).

Sincerely,

  
Monique Hartgrove for  
Laura Cloud  
Indians Affairs FOIA Officer

<sup>1</sup>Indian Affairs FOIA Officer, Assistant Secretary - Indian Affairs, Office of Deputy Assistant Secretary - Indian Affairs (Management), 1849 C Street, NW, Mail Stop 3071-MIB, Washington, DC 20240

TAKE PRIDE<sup>®</sup>  
IN AMERICA 



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



**MAR 29 2010**

Mr. Steve Cheramie

(b) (6)

Dear Mr. Cheramie:

This letter is in response to your Freedom of Information Act (FOIA) request dated November 15, 2009, that the Office of Federal Acknowledgment (OFA) received on December 4, 2009. You requested copies of records related to the groups known as the United Houma Nation (Petitioner #56), the Biloxi, Chitimacha Confederation of Muskogees, Inc. (Petitioner #56A), and the Pointe-au-Chien Indian Tribe (Petitioner #56B). Thank you for providing a list of specific documents.

On March 23, 2010, you amended your FOIA request to include copies of additional documents. Please find the enclosed preliminary inventory of all documents requested. If you further wish to amend your FOIA request, please send your request in writing with the original signature. However, note that your request may be treated as a new and separate FOIA request.

Per your phone conversation with this office on January 22, 2010, you stated that you no longer had a preference for certain copies of documents to be provided to you in paper format over electronic format. The OFA will be providing this, our second installment, in ".pdf" digital image format.

In our first installment to you of December 14, 2009, the OFA released 598 copied pages as well as 37 files on one compact disc (CD). For this second installment we are releasing 164 files on one CD.

Since you are considered an "other requestor," the cost for this second installment is broken down as follows: no search time; 2.5 hours review time, at no cost to you; and \$1.00 for CD duplication. The total for your request is now \$24.88.

Please do not send payment at this time. Your total for this request will be added to your bill in your final installment. The OFA will release the next installment of material to you

as soon as it becomes available. Should you have any questions in the interim, please contact Mr. Justin Guz, FOIA Specialist, OFA, at (202) 513-7661.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lee Fleming". The signature is written in a cursive, flowing style.

Director, Office of Federal Acknowledgment

Enclosures



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

**NOV 23 2010**

Mr. Steve Cheramie

**(b) (6)**

Dear Mr. Cheramie:

This letter is in response to your Freedom of Information Act (FOIA) request dated November 15, 2009, that the Office of Federal Acknowledgment (OFA) received on December 4, 2009. You requested copies of records related to the groups known as the United Houma Nation (Petitioner #56), the Biloxi, Chitimacha Confederation of Muskogeas, Inc. (Petitioner #56A), and the Pointe-au-Chien Indian Tribe (Petitioner #56B). Thank you for providing a list of specific documents.

On March 23, 2010, you amended your FOIA request to include copies of additional documents. Please find enclosed a list of all the documents requested and released by installment date.

Per your phone conversation with this office on January 22, 2010, you stated that you no longer had a preference for certain copies of documents to be provided to you in paper format over electronic format. The OFA will be providing this, our final installment, in ".pdf" digital image format.

In our first installment to you of December 14, 2009, the OFA released 598 copied pages as well as copies of 37 files on one compact disc (CD). In our second installment to you on March 29, 2010, the OFA released copies of 164 files on one CD. For this final installment, the OFA has located the remaining documents and is releasing to you today, copies of 668 files on one CD. Of the documents reviewed for this installment, 330 pages have redactions under Exemption 6 of the FOIA.

The release of an individual's name, address, birth date, and ancestry would be a violation of the individual's privacy. Exemption 6 (5 USC § 552(b)(6)) allows an agency to withhold a private individual's name, address, telephone number, blood quantum, ancestry, Social Security number, and other information, "the disclosure of which would constitute a clearly unwarranted invasion of privacy." We neither perceive, nor have you enunciated, any public interest that would be served in disclosing this data that would outweigh the privacy interest of the living individuals.

In addition to myself, the officials responsible for this partial denial are: Mr. Justin Guz, FOIA Specialist, OFA, and Ms. Laura Cloud, FOIA Officer. This decision was also made in consultation with Ms. Jane M. Smith, Attorney Advisor, Office of the Solicitor. In accordance

with 43 CFR § 2.28(a)(1), you have a right to treat this response as a denial of your request. You may appeal this matter by writing to:

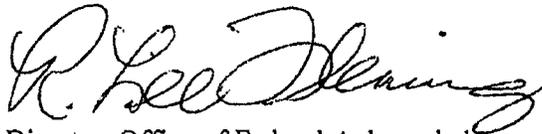
Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W., MS: 6556  
Washington, DC 20240  
Attn: FOIA Appeals Office

Your FOIA appeal must be received by the FOIA Appeals Officer no later than 30 workdays from the date of the final response (43 CFR 2.29(a)). A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter.

Since you are considered an "other requestor," the cost for this final installment is broken down as follows: 15 minutes of search time, with the first two hours at no cost to you; 67 hours review time, at no cost to you; and \$1.00 for CD duplication. The total for all three installments is \$25.88. The fee for providing copies of these documents is less than \$30 and is not being charged in accordance with 43 CFR § 2.16(b)(2).

This installment constitutes the OFA's final response and closes out your FOIA request. If you have any questions regarding this letter, please contact Mr. Justin Guz, FOIA Specialist, OFA, at (202) 513-7661.

Sincerely,



Director, Office of Federal Acknowledgment

Enclosures

**EXECUTIVE DIRECTOR**  
John E. Echohawk

**LITIGATION MANAGEMENT  
COMMITTEE**  
K. Jerome Gottschalk  
Melody L. McCoy  
Natalie A. Landreth

**ATTORNEYS**  
Walter R. Echo-Hawk  
David L. Gover  
Amy C. Bowers  
Steven C. Moore  
Mark C. Tilden  
Donald R. Wharton

**LAW OFFICE ADMINISTRATOR/ CHIEF  
FINANCIAL OFFICER**  
Clea A. Rorex

**DIRECTOR OF DEVELOPMENT**  
Donald M. Ragona

**GRANT WRITER/EDITOR**  
Ray Ramirez

# Native American Rights Fund

1506 Broadway, Boulder, Colorado 80302-6296 • (303) 447-8760 • FAX (303) 443-7776

**WASHINGTON OFFICE**  
1712 N Street, N.W.  
Washington, D.C. 20036-2976  
Ph. (202) 785-4166  
FAX (202) 822-0068

**ATTORNEYS**  
Richard A. Guest  
Dawn Sturdevant Baum

**ANCHORAGE OFFICE**  
420 L Street, Suite 505  
Anchorage, AK 99501  
Ph. (907) 276-0680  
FAX (907) 276-2466

**ATTORNEYS**  
Heather R. Kendall-Miller  
Natalie A. Landreth

Website: [www.narf.org](http://www.narf.org)

April 10, 2008

Ms. Laura Cloud  
FOIA Officer  
Bureau of Indian Affairs  
MS-3071, MIB  
1849 C Street, NW  
Washington, DC 20240

Re: Freedom of Information Act Request Regarding Bureau of Indian Affairs Appropriations  
for and Spending on Water Projects in Fiscal Years 1998 – 2008

Dear Ms. Cloud:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Interior FOIA regulations, 43 C.F.R. Part 2, please provide us with the following information within the statutory timeframe:

1. For each of fiscal years 1998 through 2008, inclusive, list total appropriations to the Bureau of Indian Affairs for all water projects, including projects associated with tribal water settlements.
2. For each of fiscal years 1998 through 2008, inclusive, list all Bureau of Indian Affairs spending on all water projects, including projects associated with tribal water settlements. Please identify each project by name and by amount expended.

We request that all of the foregoing information and documents be provided in electronic format, to the extent they are available in such format.

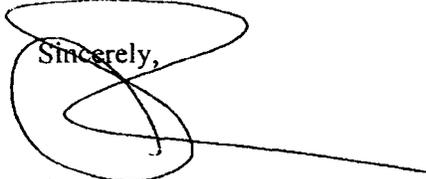
We further request that the fees chargeable for costs incurred in responding to this request, if any, be waived on the ground that furnishing the information will primarily benefit the public interest, as opposed to any pecuniary interest of the Native American Rights Fund ("NARF"). NARF is a non-profit 501c(3) organization that provides legal representation and technical assistance to Indian tribes, organizations and individuals nationwide. The information we request regarding the funding of water projects and water settlements is likely to contribute significantly to public understanding of the operations or activities of the Government, and is not in the commercial interest of NARF. 43 C.F.R. § 2.19.

If our request for a fee waiver is denied, in whole or in part, please notify us according to the procedures specified in the Department of Interior's FOIA regulations. 43 C.F.R. Part 2.

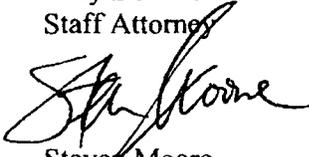
Finally, if you do not provide information in response to any part of this request, please notify us of each specific reason under FOIA that you have not released the information, and of all appeal procedures available to us under the law.

Thank you for your attention to this request, and please contact either of us if you have questions.

Sincerely,



Amy Bowers  
Staff Attorney



Steven Moore  
Senior Staff Attorney

Native American Rights Fund  
1506 Broadway  
Boulder, CO 80302-6296  
303-447-8760  
303-443-7776 (fax)  
[amyb@narf.org](mailto:amyb@narf.org)  
[smoore@narf.org](mailto:smoore@narf.org)



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240  
May 5, 2008



✓ Ms. Amy Bowers  
Staff Attorney  
Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302-6296

Mr. Steven Moore  
Senior Staff Attorney  
Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302-6296

**Re: FOIA Control No. 08491**

Dear Ms. Bowers and Mr. Moore:

This acknowledges the receipt of your Freedom of Information Act (FOIA) request dated April 10, 2008, and received in this office on May 2, 2008, regarding Bureau of Indian Affairs Appropriations for and Spending on Water Projects in Fiscal Years 1998 – 2008.

Your request has been assigned FOIA Control No. 08491. Please reference this number on all your correspondence concerning this request.

The program office will advise you of the status of your response within 20 workdays upon receiving the request in their office. If that office anticipates a delay because of unusual circumstances, it may warrant an additional 10-workday extension; however, this office will advise you if this is necessary.

If you have any questions, feel free to contact us at the following address:

Office of the Deputy Assistant Secretary – Indian Affairs (Management)  
Division of Logistics Support Services  
Freedom of Information Act Office  
1849 C Street, NW – MS 3071-MIB  
Washington, DC 20240  
Telephone: (202) 208-4542  
Fax: (202) 208-6597

Sincerely,

Laura Cloud  
FOIA Officer



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

NOV 17 2008



IN REPLY REFER TO:

Division of Natural Resources  
FOIA Control No. FC 08491

Mr. Steven Moore  
Senior Staff Attorney  
Native American Rights Fund  
1606 Broadway  
Boulder, Colorado 80302-6296

Dear Mr. Moore:

In response to the FOIA request filed on April 10, 2008 by the Native American Rights Fund (NARF), the Bureau of Indian Affairs (BIA), Office of Trust Services, is responding to item #1 of your request and advising you that the response to item #2 will be delayed.

1. *For each of fiscal years 1998 through 2008, inclusive, list total appropriations to the Bureau of Indian Affairs for all water projects, including projects associated with tribal water settlements.*

Enclosed is a copy of portions of documents identifying the funding appropriated for the Bureau of Indian Affairs' two water programs: Water Rights Negotiation/Litigation (R3120) and Water Management, Planning and Pre-development (N3420). The appropriated funds in these two programs are used for supporting successful competing proposals for Indian water rights litigation cases/negotiations and for tribal water management, planning and pre-development proposals.

2. *For each of fiscal years 1998 through 2008, inclusive, list all Bureau of Indian Affairs spending on all water projects, including projects associated with tribal water settlements. Please identify each project by name and by amount expended.*

The documents in Central Office that are responsive to this request are paper documents suballotting water programs funds to the regions for tribal and BIA funding proposals that received high enough scores in the evaluation process to be awarded some level of funding. The Regional Offices distribute the suballotted funds for winning tribal proposals through the P.L. 93-638 (Self Determination) process. Tribal funding awards to compact tribes are processed through the Office of Self Governance. Funds suballotted to the regions for successful competing proposals are used to support Indian water rights negotiations/litigation and for water studies needed to protect tribal water resources.

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IN AMERICA** 

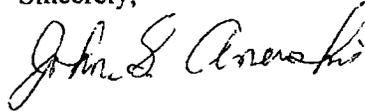
The funding amounts identified in the suballotment documents are suballotted amounts, not necessarily "expended" amounts. After the funds are suballotted to the regions, there is occasionally a request to redistribute some of the funds to respond to changing priorities primarily as a result of the time lag between the submission of proposals to the regions (no later than August of the previous fiscal year) and the awarding of funds (which depends on when congress approves the DOI budget).

It is estimated there are 2-3 suballotment funding documents processed for each of the 12 regions annually. Given the 10-year span specified in the request, there could be 360 suballotment documents that will have to be copied. A minimum of 30 days from the date of this letter will be needed to copy and review the documents.

Regarding your request for a waiver of fees pursuant to 43 C.F.R § 2.19, we concur with the statements in your letter that releasing the requested information will primarily benefit the public interests, as opposed to any pecuniary interest of NARF. The federal government has worked with the tribes and NARF on numerous Indian water rights issues in the past and anticipates continuing to do so in the future.

We apologize for the delay in responding to this request. If you have any questions concerning this response, please contact Frank Fryman (202) 208-7249 or Laura Cloud (202) 208-4542.

Sincerely,



ACTING Deputy Bureau Director, Trust Services

Enclosures



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240



IN REPLY REFER TO:

DEC 7 2010

Division of Water and Power  
FOIA Control No.: FC 08491

Ms. Amy Bowers  
Staff Attorney  
Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302-6296

Mr. Steven Moore  
Senior Staff Attorney  
Native American Rights Fund  
1506 Broadway  
Boulder, Colorado 80302-6296

Dear Ms. Bowers & Mr. Moore:

This is a final response to your Freedom of Information Act request filed with the Bureau of Indian Affairs (BIA) on April 10, 2008, regarding our water program funding. On November 17, 2008, we provided a response to requested item #1 and advised that we would need additional time to be responsive to item #2. With this letter we are providing our response to requested item #2, which is cited as follows:

*Item # 2: For each of fiscal years 1998 through 2008, inclusive, list all Bureau of Indian Affairs' spending on all water projects, including projects associated with tribal water settlements. Please identify each project by name and by amount expended.*

It was determined the documents most responsive to this request are the paper documents suballotting water programs funds to the regions for tribal and BIA funding proposals that received high enough scores in the evaluation process to be awarded some level of funding. The Regional Offices distribute the suballotted funds for winning tribal proposals through the P.I. 93-638 (Self-Determination) process. Tribal funding awards to compact tribes are processed through the Office of Self-Governance. Funds suballotted to the regions for successful competing proposals are used to support Indian water rights negotiations/litigation and for water studies needed to protect tribal water resources.

The funding amounts identified in the suballotment documents are suballotted amounts, not necessarily "expended" amounts. After the funds are suballotted to the regions, there is occasionally a request to redistribute some of the funds to respond to changing priorities. Suballotment documents reflect any approved redistribution.

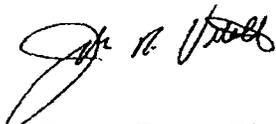
Under separate cover we have provided a copy of the suballotment documents for fiscal years 1998-2008 that transmitted water program funds to the regions and tribes for water rights negotiation/litigation and water management, planning and pre-development projects. Not included were documents suballoting funding for staff salaries and travel, and the vouchers to tribal members that successfully completed the BIA's annual Water Resources Technician Training Program.

Your request for a waiver of fees pursuant to 43 CFR 2.19(b) was granted in our November 17, 2008, letter to you. Therefore, no fees are being charged in the processing of this request.

This concludes our response to your request.

We apologize for the delay in completing our response to this request. If you have any questions concerning this response, please contact Frank Fryman at (202) 208-7249 or Laura Cloud at (202) 208-4542.

Sincerely,

  
Acting Deputy Bureau Director, Trust Services

Enclosures (under separate cover)

Date: May 5, 2008

Subject: Freedom of Information Act (FOIA) Request

From:

(b) (6)

To: Elmer Four Dance, John Long or Whom It May Concern

I am currently in the process of pursuing civil litigation against my former employer The Oglala Sioux Tribe Department of Public Safety (OST/DPS).

I am requesting the following information from your agency via the Freedom of Information Act:

Any and all documentation which outlines terms and conditions of OST/DPS 638 Contract grants (permanent and temporary) that have been in place from November 1, 2007 until this document's date. Any and all documentation which clarifies if the OST/DPS has or has not agreed to the standards set by the United States Department of Labor's, Federal Labor Laws in reference to 638 Contract employees (permanent and temporary) during the above time period.

Furthermore I am requesting copies of all documentation that your agency releases to me be forwarded to:

Ellie Wicks/Staff Assistant/Tribal Liaison  
United States Senator Tim Johnson  
405 E. Omaha  
Rapid City, SD:57701

If you have a questions feel free to contact me in writing or via E-mail provided above. Thank You.

(b) (6)  
May 5, 2008 (b) (6)

RECEIVED

2008 MAY 8 PM 1 11

SEA LAW ENFORCEMENT DISTRICT I

*5-9-08  
Patti,  
pls process  
Thank  
off*



# United States Department of the Interior

**BUREAU OF INDIAN AFFAIRS**  
Office of Justice Services  
District I Office  
115 4<sup>th</sup> Avenue, SE MC-302  
Aberdeen, South Dakota 57401



Reply to:  
Office of Justice Services  
605-226-7347

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
7009 2250 0003 7335 8682

December 13, 2010

**(b) (6)**

Dear Mr. **(b) (6)**:

This responds to your Freedom of Information Act (FOIA) requests dated May 5, 2008 and received by Office of Justice Services, Aberdeen, South Dakota, June 14, 2010. Control Number BIA-2010-00341 has been assigned to this request, please cite this number in any correspondence or communication regarding your request.

You specifically requested a copy of:

“Any and all documentation which outline terms and conditions of OST/DPS 638 Contract grants (permanent and temporary) that have been in place from November 1, 2007 until this document's date. Any and all documentation which clarifies if the OST/DPS has or has not agreed to the standards set by the United States Department of Labor's Federal Labor Laws in reference to 638 Contract employees (permanent and temporary) during the above time period”.

The documents you are requesting were originally issued by:

*Bureau of Indian Affairs  
Self Determination  
115 4<sup>th</sup> Avenue SE MC206A  
Aberdeen, South Dakota 57401*

In view of what you are requesting, the Bureau of Indian Affairs- Self Determination is the office within the Bureau of Indian Affairs which would have any responsive records. Therefore, we have made a referral of your request to that office. You may expect to hear from that office shortly. Although you do not need to contact them now, for your future reference, their contact information is provided above.

If you consider this to be a denial you can appeal to the FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

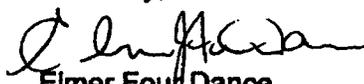
Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error."

Cheryl Sam, Law Enforcement Specialist; Elmer Four Dance, Special Agent in Charge; and Laura Cloud, FOIA Officer, are responsible for making this decision. Teresa M. Garrity, Attorney-Advisor, with the Office of the Solicitor, was consulted in reaching this decision.

This concludes our response within the Department of the Interior. If you have any questions regarding any of the issues discussed in this letter, you may contact Cheryl Sam, Law Enforcement Specialist, Office of Justice Services at (605) 226-7347, by fax (605) 226-7349, or by mail at the address on the first page of this letter.

Sincerely,



Elmer Four Dance  
Special Agent in Charge

**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 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 those 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 may want to send by postal mail instead.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E.  
Aberdeen, South Dakota 57401



IN REPLY REFER TO:  
Self Determination  
FOIA # BIA-2010-00341

JAN 19 2011

(b) (6)

Dear Mr. (b) (6) :

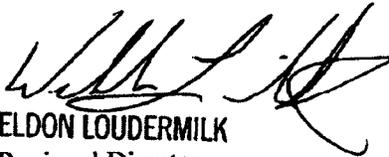
This is in response to your Freedom of Information Act (FOIA) request dated May 5, 2008, and received in this office on December 13, 2010, from the Office of Justice Services. In your request, you are requesting "Any and all documentation which outlines terms and conditions of OST/DPS 638 Contract grants (permanent and temporary) that have been in place from November 1, 2007 until this document's date (May 5, 2008). Any and all documentation which clarifies if the OST/DPS has or has not agreed to the standards set by the United States Department of Labor's Federal Labor Laws in reference to 638 Contract employees (permanent and temporary) during the above time period."

In response to your request, the Great Plains Regional Branch of Self Determination is providing you with a copy of Contract Number CTA06X32006, with the Oglala Sioux Tribe, Department of Public Safety, for Law Enforcement & Detention Services, FY 2008, including Modifications 1-5.

The fee for providing these documents is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2) and 2.18(a).

If you have any questions concerning your request, please contact Yvonne LaRocque, Self Determination Specialist, at (605) 226-7426, or Peggy Geffre, Regional FOIA Coordinator at (605) 226-7343.

Sincerely,

  
WELDON LOUDERMILK  
Regional Director

Enclosures: 111 pages

OCIO  
RECEIVED  
12-15-09

(b) (6)  
December 4, 2009

Veronica Herkshan, OST FOIA Officer  
Office of the Special Trustee for American Indians  
4400 Masthead, N.E.  
Albuquerque, NM 87109

Dear Ms. Herkshan:

I write to inquire about obtaining access to records pertaining to land ownership, land purchase, water rights and irrigation projects on the lands of the Pueblo Indians of New Mexico that are housed at the American Indian Records Repository in Lenexa, Kansas. I have been directed to make a formal FOIA request to you for access to such records.

Ethel Abeita of your office has informed me that records formerly housed in regional Federal Records Centers and records retired from the various Indian Affairs offices within the Department of Interior have been removed from those facilities and are now stored in Lenexa.

I have worked for many years in the records of the Indian Office in the National Archives in Washington, D.C. and in several National Archives Regional offices. In those archives I have been able to research land purchase, land ownership, and irrigation records to approximately the years 1935-1938. After that time there appear to be few, if any, records released to the archives. If post-1935 records have now been deposited at Lenexa, I would be interested in obtaining access to them.

As I understand the situation, the decimal classification system employed by the Indian Office to identify various classes of records, which is the method employed for calling up records at the National Archives, is not useful in identifying records in Lenexa. Thus, I am unable to refine my FOIA request beyond the statement above: land ownership, land purchase, water rights and irrigation projects on the lands of the Pueblo Indians of New Mexico. Ethel has advised me that there are inventories for boxes stored at Lenexa but I am not familiar with the inventory categories. Perhaps that is the place to start.

I will appreciate your assistance in initiating this FOIA request. Please call me at (b) (6) any afternoon if I can assist you in further defining the records I would like to see.

Thank you.

Sincerely yours,

  
Lawrence C. Kelly

OCIO



RECEIVED

05-24-2010

(b) (6)

May 21, 2010

Veronica J. Herkshan  
FOIA Officer  
Office of the Special Trustee for American Indians  
4400 Masthead N.E.  
Albuquerque, New Mexico 87109

Dear Ms. Herkshan:

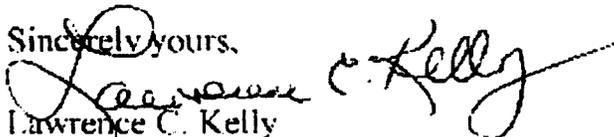
I write to you concerning a letter, dated December 17, 2009, that you sent to me in response to a FOIA request that I submitted on December 15, 2009. In that letter you informed me that my request had been assigned a control number OS-2010-00116.

In that letter you also informed me that your office had determined that the records I sought were maintained by the BIA and that you were, accordingly, forwarding my request "to the BIA for a direct response."

To date I have heard nothing from the BIA and wonder if, perhaps, I have misunderstood the purpose of your letter.

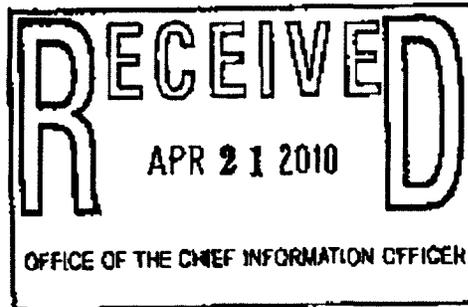
In your letter you included the name of a BIA FOIA-Privacy Act Officer, a Ms. Laura Cloud, in the event that I should "wish to contact the BIA." I presumed that Ms. Cloud would be contacting me but she has not.

The ball has been dropped somewhere along the way. I would appreciate your picking it up, direct my request to the proper person, and copy any correspondence to me at the above address.

Sincerely yours,  
  
Lawrence C. Kelly

cc: Laura Cloud, FOIA-Privacy Act Officer, BIA  
Ethel J. Abeita, Director, Office of Trust Records

---



(b) (6)  
April 18, 2010

Veronica J. Herkshan  
FOIA Officer  
Office of the Special Trustee for American Indians  
4400 Masthead N.E.  
Albuquerque, New Mexico 87109

Dear Ms. Herkshan:

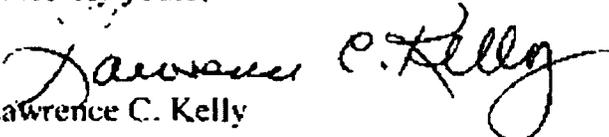
I write to you concerning a letter, dated December 17, 2009, that you sent to me in response to a FOIA request that I submitted to you on December 4, 2009, on the advice of Ethel Abeita, Director, Office of Trust Records. In that letter you informed me that my request had been assigned a control number OS-2010-00116.

You also informed me that your office had determined that the records I sought were maintained by the BIA and that you were, accordingly, forwarding my request "to the BIA for a direct response."

To date I have heard nothing from the BIA and wonder if, perhaps, I have misunderstood the purpose of your letter. In your letter you included the name of a BIA FOIA-Privacy Act Officer, a Ms. Laura Cloud, in the event that I should "wish to contact the BIA." I presumed that Ms. Cloud would be contacting me and so I saw no need to contact her.

Please clarify what has happened to my request.

Sincerely yours,

  
Lawrence C. Kelly



United States Department of the Interior  
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS  
Albuquerque, NM 87109



JUL 22 2010

Lawrence C. Kelly

(b) (6)

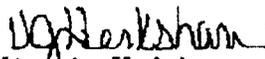
Dear Mr. Kelly:

In an effort to assist the Bureau of Indian Affairs (BIA) to respond to your request, the Office of the Special Trustee for American Indians (OST) submitted a research request to the American Indian Records Repository (AIRR) in Lenexa, KS. The AIRR provided records inventories regarding land ownership, land purchase, water rights and irrigation projects on the lands of the Pueblo Indians of New Mexico that are within the scope of your request.

Please review the attached list of inventories to narrow the scope of your request then return the information to me as soon as possible. I will submit a second research request for the AIRR to retrieve responsive records for potential release in response to your Freedom of Information Act (FOIA) request.

Call me if you any questions at 505-816-1645 or fax at 505-816-1334, or by e-mail at [veronica\\_herkshan@ost.doi.gov](mailto:veronica_herkshan@ost.doi.gov).

Sincerely,

  
Veronica Herkshan  
OST FOIA Officer

Attachments

cc: Laura Cloud, Indian Affairs FOIA Officer  
Ethel Abeita, Director, OTR

4400 Masthead N.E.



United States Department of the Interior  
**BUREAU OF INDIAN AFFAIRS**  
**SOUTHWEST REGION**  
1001 Indian School Road N.W.  
Albuquerque, New Mexico 87104-2303



IN REPLY REFER TO:  
Tribal Government Services  
FOIA # BIA-2010-00391

FEB 25 2011

Mr. Lawrence C. Kelly

(b) (6)

Dear Mr. Kelly:

On December 4, 2009, you sent a letter to Veronica Herksham, OST FOIA Officer, to request records pertaining to land ownership, land purchase, water rights and irrigation projects on the lands of the Pueblo Indians of New Mexico that are housed at the American Indian Records Repository in Lenexa, Kansas, under the authority of the Freedom of Information Act (FOIA). Ms. Herksham received your request on December 15, 2009. She then forwarded the request to the BIA Office in Washington, D.C. The request was then forwarded to the Southwest Region for response.

This office notified Washington, D.C. and the Office of the Special Trustee that you had already been to our office and had retrieved all records located in our facility. What you were requesting is a listing of all records available in the American Indian Records Repository (AIRR) in Lenexa, Kansas, that may be responsive to your request. We contacted you to let you know that you needed to contact Ms. Herksham again to request a listing of documents located in AIRR so that you could determine which records were responsive to your request.

On April 18, 2010, you wrote a letter to Ms. Herksham and stated you were still waiting for Ms. Cloud to contact you. On July 20, 2010, you revised your Freedom of Information Act request after Christopher Banet, Hannah Norton, and Iris Drew talked to you. Your request then was identified as:

"The records that I am interested in obtaining access to are the following: (1) Post-1945 irrigation construction, operation, and maintenance records; (2) Post-1945 land purchase records paid for from Pueblo compensation funds (funds authorized by Congress in 1930s appropriation bills); and (3) for the following Northern Pueblo Indian groups: Taos, San Juan, and Santa Clara Pueblos"

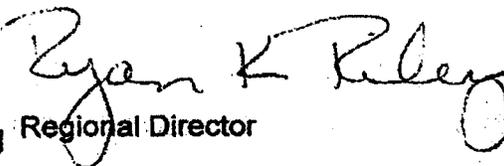
On July 22, 2010, Ms. Herksham provided you with a listing of all records located in AIRR (597 pages), that may be responsive to your revised request and then return the information to her. You did so on September 13, 2010. You then contacted Ms. Herksham and she submitted a request for research on the records requested. By the end of September we received the documents on a disk. It was not until November 16, 2010, that this office was able to review the disk (397 pages) and submit the documents to the Solicitor's Office for final review to determine if they were releasable. We received that notification from the Solicitor on February 14, 2011, with information that all documents can be released to you with no redactions.

Because this office is late in responding to your request, you will not be required to pay for the enclosed disk.

We believe that we have now provided all information available within the American Indian Records Repository (AIRR) and within the Southwest Regional Office.

Should you have further questions regarding this response, please direct your inquiry to Iris A. Drew, of my staff, at telephone number (505) 563-3530.

Sincerely,

  
Acting Regional Director

Enclosure

RECEIVED  
DEC 23 2009  
BIA-OJS-CIU  
PINE RIDGE AGENCY

TO: John Long, Supervisor  
Special Agent Certified/Return Receipt Requested

DATE: December 14, 2009

RE: Fatal Accident 11/7/2009-Fritzgerald Yazzie -Freedom of Information Act Request

Dear Mr. Long ,

This is a formal request for the report concerning the accident in which my son Fitzgerald Yazzie was killed on November 7, 2009, east of Kyle, SD on the Pine Ridge Indian Reservation. In addition to the report I would like copies of all written witness statements and other investigative reports including the autopsy report, and any photographs of the scene or other recordings made by the inspecting officer or others surrounding this accident and resulting death.

In addition, I would appreciate knowing where the vehicle involved is presently located, and ask that you or the owner of the vehicle refrain from disposing or selling the vehicle until I or my agent has had a chance to inspect it.

I am willing to reimburse all copying cost associated with this request.

Sincerely,

(b) (6)



**United States Department of the Interior**  
**Bureau of Indian Affairs Office of Justice Services**  
**Pine Ridge Agency Criminal Investigations Unit**  
111 BIA Main Street, 2<sup>nd</sup> Floor, P.O. Box 1984  
Pine Ridge, SD. 57770  
Telephone: (605) 867-2934 Fax: (605) 867-2930



**FILE COPY**

In reply to: Office of Justice Services  
Pine Ridge Agency CIU

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

October 4, 2010

**(b) (6)**

Dear Ms. **(b) (6)**:

On December 14, 2009, you submitted a Freedom of Information Act (FOIA) request to the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Criminal Investigations Unit, Pine Ridge Agency, request seeking:

“This is a formal request for the report concerning the accident in which my son Fritzgerald Yazzie was killed on November 7, 2009, east of Kyle, SD on the Pine Ridge Indian Reservation. In addition to the report I would like copies of all written witness statements and other investigative reports including the autopsy report, and any photographs of the scene of other recordings made by the inspecting officer or others surrounding this accident and resulting death”.

The BIA, OJS, FOIA Office, Criminal Investigations Unit, Pine Ridge Agency received your request on December 23, 2009. It was assigned FOIA Control Number BIA-02010-00413 for processing. Please cite this number in any correspondence or communication with the Department regarding your request. The BIA, Office of Justice Services, Criminal Investigations Unit, Pine Ridge Agency received your request and will be the FOIA processing office.

With respect to your request:

1. We have classified your request as an “other-use request”. As an “other-use requester,” you are entitled to receive 2 hours of search time and 100 pages of duplication of responsive records without charge, before being asked to pay for document search and reproduction. Additionally, the Department of Interior does not bill requesters for FOIA fees incurred in processing other-use requests when their fees do not exceed \$30.00, after the subtraction of their entitlements, because the cost of collection would be greater than the fee collected. (See 43 C.F.R. §2.18(a)).

~~We have completed the review~~ and are responding to your request. At this time the agency is unable to provide any responsive documents.

Documents have been withheld, pursuant to Exemption 7(A) of the Freedom of Information Act, (5 U.S.C. §552(b)(7)(A)).

Exemption 7(A) of the Freedom of Information Act authorized the withholding of "records or information compiled for law enforcement purposes" if (1) a law enforcement proceeding is pending or prospective, and (2) release of information about it could reasonably be expected to cause some articulable harm. See e.g., NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214 (1978).

In the current matter, there is a pending investigation by the Bureau of Indian Affairs (BIA), Office of Justice Services, Criminal Investigations Unit, Pine Ridge Agency, for the Department of Interior. These records constitute part of the investigative files compiled pursuant to this investigation for law enforcement purposes. Therefore, step 1 of the Exemption 7(A) analysis is clearly met.

Second, this investigation is ongoing, and the Criminal Investigations Unit, Pine Ridge Agency, has determined (and our FOIA Officer concurs) that release of these records during the pendency of this investigation would cause harm to the investigation.

In conclusion, all of the three prongs required under 7(a) of the FOIA have been met: The records in question have been compiled as a part of an ongoing investigation by the Criminal Investigations Unit, Pine Ridge Agency, for the Department of the Interior, the investigation is for law enforcement purposes, and their release could reasonably be expected to interfere with this investigation. They are; therefore withholdable under Exemption 7(A) of the Freedom of Information Act.

In addition to me, the official responsible for this response is Laura Cloud, BIA FOIA Officer. This decision was made in consultation with Office of the Solicitor, 1 Federal Drive, Bishop Henry Whipple Federal Building, Ft. Snelling, MN 55111-4030.

You may appeal this full denial to the FOIA Appeals Officer. The FOIA Appeals Officer must receive you FOIA request no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. EST, Monday through Friday, will be received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street NW, MS 6556  
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with

the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

This concludes our response within the Office of Justice Services, Criminal Investigations Unit, Pine Ridge Agency. We regret the delay and appreciate your patience in this matter. If you have any questions regarding any of the issues discussed in this letter, you may contact Mary Lacota, Law Enforcement Assistant, by phone at (605) 867-2931, by fax (605) 867-2930, or by mail at the address on the first page of this letter.

Sincerely,



John Long  
Supervisory Special Agent

**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 FOIA administrative/image file. We will key the information that you provide to us into our electronic 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 contracted 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, email 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.